

# City Council Regular Meeting Transcript – 10/15/2020

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[10:08:58 AM]

>> Mayor Adler: Today, October 15, 2020, this is Thursday.

>> Mayor, atxn has thought gone live. You are on now. Thank you. They are now on, sir.

>> Mayor Adler: Okay. Thank you. Colleagues, today is Thursday, October 15, 2020. This is Austin city council meeting. This is a meeting being held virtually. We have a quorum present. So we can start our meeting. We have some changes and correction I'm going to read into the record. Item number 2 recommended by the electric utility

[10:09:58 AM]

commission on a vote of 7-0 with commissioner Hadden off the dais and commissioners Funkhouser, stone and Wray absent. Item 27 is not to ratify but rather authorize negotiation and execution of an amendment. Items 31, 44, 45 and 47, recommended by the water and wastewater commission on a 9-0 vote with commissioner turrieta absent. Item 46 recommended by the water wastewater commission on 8-0 vote with commissioner turrieta absent and Michelle Michel recusing. Item 5 adds councilmember alter as sponsor. Item 79 adds as sponsors councilmembers tovo, alter, Ellis, pool and myself. Colleagues, it looks like

[10:10:59 AM]

the consent agenda today is items 1 through 52 and also 69 through 80. 1 through 52 and 69 through 80. With respect to pulled items, we're pulling item number 71. I think we need to -- there was some unanswered questions last time about some of the department of transportation funding items so we need to have that conversation. Also pulled 73, 74 and 75, which are the saves program elements. And I'll talk about that in a moment. And item number 80 I'm also pulling.

[10:12:03 AM]

We have to speak to us today on the items other than zoning and citizens communication speakers, 18 people. So we're going to give each of them three minutes each to be able to speak to us. We'll take a lunch break about noon after we call the citizen communication speakers at noon, and there is one. We'll take a break at 2:00, it's the intent to call the speakers for the zoning cases. I think we have 60-some-odd, most of them on one case. And there may be some discussion about postponing that case. So it doesn't -- so it wouldn't come up today. We can discuss that later. I don't know if that's true.

[10:13:05 AM]

But I just alert that that's a possibility. And there's an executive session today scheduled to discuss item number 80, so consideration of that item would need to follow that executive session. All right, so so far pulled items I have at this point are 71, 73, 74, 75. Colleagues, I would leave item number 76 on the consent but with the amendment that moves the meeting in that last week in January from Tuesday, Thursday, to Monday, Wednesday. Anybody have any objection to that amendment? Yes, councilmember alter.

>> Alter: I don't have an objection. I was just concerned about budget hearings and whether we had a sufficient number of budget hearings. We had talked in the past of having on Saturday and I know there's -- I believe

[10:14:06 AM]

there's one hearing set and then there's like the day that we have to hear the tax rate which is meant [indiscernible]. I don't know that that has to be resolved to pass at this minute. This could be something we take up in January with the new council, but I do think it's important that we have budget hearings on -- at times when people can come and just having them during the week during the day does not offer that opportunity.

>> Thank you, councilmember. That was something that was discussed and we have a minimum -- the ones that were required and then as you pointed out, we are definitely going to be having conversation

about additional hearings that the council and community might be looking for. We can do that early in the

[indiscernible]

>> Alter: That's fine, as far as we're planning to do that early in the year, then I have no objection to moving forward on consent with mayor Adler's

[10:15:07 AM]

commitment. And thank you.

>> Mayor Adler: My amendment is incorporated. That will remain on the consent agenda. I also had an amendment to item number 72, the business preservation fund, so that could help defray some of the administrative costs of the saves resolution. Let me go ahead and pull 72 because I don't see Kathy here. So we'll pull 72 as well.

>> Tovo: Mayor, I'm here. For some reason -- let's see. I need a little more time to look over your amendment and then I have language changes as well. At the appropriate time I was going to pull 72 so I'm glad you have done it.

>> Mayor Adler: We're pulling 71, 72, 73, 74, 75 and 80. Does anybody have anything they want to do before we call the 18 speakers that have signed up? Yes, councilmember harper-madison.

>> Harper-madison: This may or may not be the place to ask the question, but

[10:16:09 AM]

during work session I made reference to it but I didn't follow up by way of asking explicitly for it, but I would like to have an executive session for item number 21. I'm curious professional is that something we can still do or do I need to request a postponement for that item so that we can appropriately post an executive session for the item?

>> Mayor Adler: No, you can ask for an executive session on any item that is otherwise posted on our agenda. So we'll pull 21 and we'll consider that after executive session, and we'll note 21 is something that we'll discuss when we go into executive session.

>> Harper-madison: Thank you very much.

>> Mayor Adler: If council would make that change to the script, I would appreciate that and then send that to me. Thanks. Manager?

>> Before we move on --

>> Mayor Adler: I'm sorry?

>> Just remember to read late backup into the record before we move on.

[10:17:09 AM]

>> Mayor Adler: Okay. We'll go ahead and do that. Late backup in items 3, 6, 18, 21, 28, 49, 58, 60, 62, 63, 66, 69, 70, 71, 73, 74, 75, 76, and 77. We also have late backup in housing and finance corporation item number 1, the minutes. Hopefully we'll remember to do that when we get to that meeting. If I forget, if someone would try to remember, that would be great. Okay? Colleagues, consent agenda again items 1 through 52, 69-80. Pulled items 21, 71, 72, 73, 74, 75 and 80. Further discussion before we go to speakers? Councilmember Ellis.

>> Ellis: Afar as the calendar -- as far as the

[10:18:11 AM]

calendar item, I forget which number, I think it's 76.

>> Mayor Adler: That's correct.

>> Ellis: I was wondering if there was a way we could tweak some of those meetings after budget because I know budget is very intense and then having back to-to back meetings after that can be difficult in planning. Instead of August 30th work session and September 2nd meeting to do a Monday, September 13th, work session and Wednesday, September 15th meeting. Similar to the way you suggested in January or February, whichever your amendment identified. Just to avoid those back-to-back meetings right after budget.

>> Mayor Adler: So you would be proposing meetings on the 13th, 15th, as opposed to what?

>> Ellis: Instead of 8-30 and 9-2. To do the 13th and 15th of September.

[10:19:11 AM]

>> Mayor Adler: Okay. Councilmember alter?

>> Alter: This year rash rash and yom kippur Paul in those weeks in September, but when I was locking at it rosh hashana and yom kippur were part of the reason we couldn't do every other week and I believe there was another conflict one of the other weeks. So I don't have the calendar for that so I can't check on that so I would hesitate without being able to check that.

>> Mayor Adler: Let's put number 76. Everybody can take a look at those dates and we'll bring it back up later. You are on mute.

>> Sorry, these new buttons are weird. I'm happy to take another look and find something that might be more workable for that particular situation.

[10:20:15 AM]

>> Mayor Adler: Are we ready to hear from speakers? Clerk, are you ready to call the 18 speakers?

>> Yes, we're ready, mayor.

>> Mayor Adler: Okay, if you would call the speakers. I'm going to be doing some stuff to my physical space so I'm going to remove my camera for the moment, but I will be listening to the discussion. Go ahead and call --

>> Tovo: Are you going to be putting up holiday decorations?

[Laughter] I guess we'll see when you come back.

>> Mayor Adler: You'll see. Go ahead and call the speakers. Thank you.

>> For all the speakers in queue, if you have yet to press zero, do so at this time. The first speaker is Joan altabelli.

>> Hello, my name is Dr. Joan altabelli. I'm the vice president for licensed child care at the

[10:21:18 AM]

ymca. We have 40 after-school centers that operate in public and charter schools in the greater ten area. Every member of this council represents an Austin area that has elementary schools in their council districts. A percentage of your constituents are parents who work full-time jobs and are not able to stop work in the middle of the day to pick up their children after school at 3:00 P.M. They require child care to make sure their children have safe and enriching activities until they are able to pick them up at 6:30 P.M. We are grateful for the proposed funding designated in agenda item 73 for a qualifying child care center serving infants or five-year-olds only. We would respectfully suggest a separate set of funds be specifically designated for school-aged children whose programming is part time but equally as important as full-time care for children five and under. Parents are unable to work full time to support their

[10:22:20 AM]

families. In most cases if they do not have care for their children 5-12 years old the alternative latchkey children and possibly staying with grandparents. A recent large study at Yale researched the covid pro

cautions in Derrick centers and proven the process to be effective in minimizing the spread of the virus in our setting. Those of us who have been providing this service since March 2020 through the current date and need financial support to save our organizations and businesses. Please consider supporting the school-aged children as well that are in the city and thank you for your a yes vote on the under five child care funding. In non-covid-19 times, we had extended our ymca branch served 4,000-plus school aged children in licensed

[10:23:20 AM]

care and we have been devastatingly affected by financially just trying to provide services at affordable cost to parents. With expensive covid precautions in place. There are many other providers in the city that also serve after-schoolers and school-age children that have been financially impacted by the pandemic on various fronts. Thank you and please consider a separate pot of funding for after-school, school-aged child care in your funding grant. Thank you.

>> Carlos Leon.

>> Carlos León, first and foremost, [speaking in Spanish] Speaking against item 79. Your resolution blatantly contradicts itself. You claim Ruth Bader Ginsburg's jurisprudence had moral purpose. But she believed access to abortion was essential to each person's autonomy to

[10:24:22 AM]

determine their life's course. That's upside down and insane. Ginsburg's premeditated supreme court vote for *roe v. Wade* was immoral towards destroying the world because each and every abortion murdered a person before he or she could be born denying that person's right to life. The most important god given right. Each aborted human being had no choice, no autonomy. Though the holocaust allegedly killed six million Jews, Ginsburg's plans facilitated the general side of 60 million American lives since 1973. Though you claim her life's work focused on reducing discrimination. About 20 million of those abortions have been black, disproportionately ending black people before birth. In a 2009 "New York Times" magazine article, she said, quote, frankly I had thought at the time *Roe* was decided there was concern

[10:25:22 AM]

about population growth and particularly growth in populations that we don't want to have too many of, end quote. Sounds like many black lives never mattered to Ginsburg saying don't, present tense, instead of didn't, past tense. 36 years later and using passive voice was decided to distance herself ex~post~facto from her active role deciding *roe v. Wade* to not be held accountable for her pre

productive violence against the most innocent black humanity who never saw the light of day. Who is the we she was referring to who still don't want too many of womb. Was she referring to elite it yeah genic kill plans to use abortion against non-elites from the start. Yet you want uphold and protect the right to abortion that Ginsburg helped create. It should never have existed because it's wrong.

[10:26:24 AM]

Neither she nor you are god. God is god. All that murdered human life deserved the chance to survive outside the womb. Therefore instead of honor her life -- clearing the way for acb to join the supreme court and right wrong by overturning roe V. Wade which cannot happen soon enough. In Jesus' name I pray. Thank you, lord. God bless constitutional law and truth. Above all.

[Speaking in foreign language] , God's word, trump 2020.

>> Colton Pharrell.

>> Hello. Thank you for letting me speak. My name is Colton Pharrell for planned parenthood Texas votes and here to speak in

[10:27:26 AM]

support of the resolution honoring justice Ginsburg. He was devastated to hear of her death. She was not only a giant in constitutional law, she inspired me to become the community advocate I am today. Her tireless efforts for equality and justice served as constant source of inspiration for me. Her support of womens evacuee ought and reproductive rights and in recent years her firely defense gave courage and hope. Justice Ruth Bader Ginsburg was a fierce fighter information gender quality, lgbtq people and health care for all. Her seat is the people's seat and their voices must be heard. Everything is at stake. This vacancy cannot and should not be filled before the 2021 inauguration. She was a champion for equal rights and she committed her life to protecting right, freedom and health of people across the country.

[10:28:29 AM]

This supreme court appointment is about just fist for people who need sexual and reproductive health care. Justice for the more than 200,000 who have died from covid-19. Justice for breonna Taylor. Justice for the people and families who are reeling from the economic crisis. Justice Ginsburg's legacy is a legacy of justice for all. I'm calling on the senate to not consider any nominee to replace her until after inauguration. This rush, blatantly partisan process is an insult to the legacy of justice Ginsburg. The dignity of the highest court and democracy. Again, there should be no confirmation until after

inauguration. I would like to thank mayor pro tem Garza and councilmembers harper-madison and Flannigan for their leadership on this resolution.

>> Pool: Mayor?

[10:29:30 AM]

Mayor? Mayor?

>> Mayor Adler: Yes, sorry, it took a while to unmute.

>> Pool: I wanted to just acknowledge that I think the entire dais is now sponsoring this item and I think we're all really proud of the work that the notorious rbg did. Mayor pro tem, can you show us that mug? There we go. Thanks to my colleagues for bringing this resolution and I'm happy to be an official co-sponsor of it.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: Yes, I want to second that. I would like to show us all as co-sponsors of this one. This is something that is near and dear to our hearts and --

[buzzer sounding] Will be co-sponsoring.

>> Mayor Adler: I was going to say I'm looking at this and we already added

[10:30:30 AM]

everybody. We added everybody but you, I think. So the record should reflect that everybody is added as a co-sponsor to item number 73. Okay.

>> Lauren gold.

>> Hello, councilmembers and mayor Adler. Thank you for that. Just then for supporting that resolution for notorious rbg. But I am calling for a different reason. I'm a native austinite. I've been working in this town as a full-time professional musician for 16 years. Before the pandemic I was performing five to seven nights a week in Austin and I derive 100% of my income from live music performance. As of today I haven't played a public gig for nearly seven months. You can imagine the sense of

[10:31:30 AM]

urge urgency I feel when saving our culture. My story is one of many. I don't have to convince you this culture is -- you can hear live music any style of the week, enjoy delicious meals at any number of our

great restaurants, take in the beauty of nature in the midst of an urban setting. These are the reasons people flock to our city. The pandemic has taken problems that needed addressing before and magnified them exponentially. Although we're grateful for the saves resolution, we need a plan that doesn't just staunch the wound but will sustain our industry long term. The visitors fund proposed in item 80 could provide the sustained support our industry so desperately needs. It's a smart plan and makes use of a percentage of the hotel occupancy tax fueled

[10:32:30 AM]

by the vital arts and music community. Those funds should be reinversed in the industry that built them in the first place. This would be an excellent step for a vibrant post pandemic Austin that would continue to draw visitors and keep our economy flourishing for years to come. I took the liberty of creating a petition to garner support for this issue and let me refresh and check to make sure I have the updated number. And with just a quick scrappy social media campaign, it generated 202 signatures in less than 36 hours. You all will find a link to this petition in your in box so you can check back and see how many signatures were added since my last count. As you can see, there's a good deal of community support for this measure. The 5 million set aside for venues and legacy -- will not be nearly enough to keep our endangered industry from

[10:33:31 AM]

evaporating. It will just slow the process. The seed funding proposed in item 80 would not just be akin to putting a band Dade on this deep wound but help these businesses heal and become stronger over time. Please vote yes on number 80.

[Buzzer sounding] To ensure that Austin, Texas doesn't become any town usa. Thank you very much.

>> [Indiscernible].

>> Good morning. I am here in support of the vision plan for John Trevino park at Morris and branch, item number 23. And I want to thank you for your wholehearted support of the park. I can't believe we are on the verge of development. John Trevino was my uncle. This park is a tribute to

[10:34:31 AM]

his life-long record of public service. This park will be enjoyed by many but especially those who have limited access to recreational facilities. So we have a good fortune of %-@having worked with Charles Mabry, parks manager and David, ggn principal. We found them and their staffs easy to work with. They they created a plan that -- embraces the natural beauty of the park. 320 acres is a big piece of property.

However, about a third of it is prone to flooding. And I bring your attention to what is being called adventure play. This is so named because objections to having a bmx skate facility on the premises. Having a large block of concrete runs contrary to the park's plan to maintain its natural beauty. I ask you instead to consider basketball courts, tennis courts, or a field

[10:35:32 AM]

for baseball or soccer, or to appeal to those unable to afford expensive year as opposed to leaving it open for a future bmx skating facility. Thanks again. I am so looking forward to have the Gates to John Trevino park open for everyone to enjoy and I can hardly wait for that time. Thank you so much for your support of this park, for the resolution for justice Ginsburg and the healthy streets program.

>> John pointer.

>> Hello, councilmembers. My name is John pointer, 11-time Austin music award winner, international touring artist and potentially endangered species. As this was mentioned, I didn't know about the petition, that's one of the challenges of social media.

[10:36:33 AM]

But I would gladly add my name to that list so whatever the number was, 220, we'll call it 221 now. I'm speaking obviously in support of item 80 and would encourage you to vote yes on it. We've been -- our venues have been on the Virginia verge of crisis for a while because as the live music capital of the world, you all know we haven't put a whole lot of capital into the live music and that's a problem that you have the opportunity to solve right now in one way from the city's side with this visitor information center move. I'm in full support of that. Obviously we've lost Threadgill's, lost shady grove. We are looking at losing a lot more. So as the other speaker mentioned, you know, we can't just staunch the

[10:37:34 AM]

bleeding. When you think specifically about Threadgill's, there are thousands of artists who come through Austin who make their living traveling the world. As cultural ambassadors of the city and we all started in places like Threadgill's. The reason Austin musicians are known the world over is that Austin is like a great gym for working out. We build our strength here because we have to play well enough to pull people in from cedar park or Belton or Elgin or strap to come -- bastrop and struggle against parking and still feel like they got more than anticipated. When we land anywhere else in the world, we take that strength with us and in a place like New York, for instance, there are 10,000 people within a block that flock to the show because we've learned to pull people from miles away. Without the venues for us to build that skill set, Austin stands to lose an essential

[10:38:37 AM]

incubation system and so I think item 80 is a great step for getting the city involved. So I appreciate all the co-sponsors and I would encourage all the rest of you to consider jumping on that as well, but at least voting yes. Thank you so much for all your help.

>> Katie Kim.

>> Hey, I'm Katie Kim, long term resident of Austin. I'm speaking in favor of item 80, the resolution to establish visitor information funds to support local iconic venues. Thank you to councilmembers kitchen, pool, tovo and also for bringing this resolution to council. I and others encourage city council previously to use hotel tax revenue to support the people that create Austin's culture that is attractive to residences. This shows council is

[10:39:37 AM]

listening to thank you. This resolution is a move in the right direction and showing that council is thinking creatively to support the creative economy of Austin that attracts visitors to Austin. Please approve this resolution and take this initiative further by canceling the convention center expansion altogether. The hotel tax revenue needs to be invested in the people, places and programs that make Austin unique. Before the pandemic, I would go dancing at the places list understand the resolution. Such as white horse, continental club and broken spoke. I would meet people from out of town and it was obvious they enjoyed experiencing the local music sing. Listening to musicians, watching dancers and dancing with locals. Those places are much more memorable than the halls of the center. As I mentioned before, Austin does not need

[indiscernible] please continue the approach of creatively thinking about how to support Austin's culture within the bounds of the Texas tax code by redistricting hotel tax revenue from expansion of

[10:40:40 AM]

the [inaudible] Building to the vibrant places in Austin. Thank you.

>> Stephanie Trevino.

>> Hello, Stephanie Trevino, I'm the granddaughter of the late John Trevino, Jr. I'm calling to speak in favor of agenda item number 23, the John Trevino master park plan. Over the past year my family and I have advocated for a master plan that would encompass the community's wants and needs as well as honoring the legacy of my grandfather. For those who do not know my grandfather personally, he was

all about family first. During his passing he left me with a few tasks. One of these was not only to ensure the park was developed, but to make sure it is something that his grandchildren's children would be able to enjoy. He also wanted it to be something that everyone could gather, enjoy nature and go fishing as he did

[10:41:40 AM]

when he was growing up. It is my family's hope that the city manager, councilmembers, mayor and parks and recreation department continues to work with the Trevino family to continue and make sure that the park is developed into something great. On behalf of the entire Trevino family, we would like to thank everyone who has helped over the years to make this dream a reality. Especially our president John who was not able to be with us today. In honor of what would have been my grandfather's 82nd birthday this Sunday, we ask that you pass and approve the master park plan. Thank you for your time.

>> Adam Orman.

>> Hello and thank you as always for making the time to hear from us. Good work Austin spoke as a

[10:42:40 AM]

group yesterday so you will only be hearing from me today representing the over 40 businesses who had input on this week's items. On the caregivers, aid caregivers program and eat initiative, 77 and 78, please vote yes on both of these items. They have created at least 20 jobs per restaurant that are servicing and that is -- that will end up being approximately nine restaurants depending on the scale of the -- of the programs week to week. 180 jobs created from just these two food access programs alone. They fed Austin's most in need communities and provided support for local farms. Thank you for previous support and please extend the caregivers program to seven meals a week and thank you for beginning the eat initiative and awarding it to local businesses. On items 75 and 80, we hope that you will prioritize

[10:43:41 AM]

historical bars, restaurants and venues that have not received prior aid and minority owned. We can locate establishments outside of downtown as visitors often now stay in large numbers far north, south, east and west. These small steps are lifelines for independent operators. They are not the tremendous short-term assistance that they need until the federal government steps in, so for now we need to target and help where we can and make those dollars go as far as they can until we can locate more resources at the local level. And finally, thank you -- I guess it's every councilmember now, for introducing item 80. There are few Jewish American heroes who are as open about the connection

between their faith, service and role in society as justice Ginsburg and I think you for recognizing her unique place in our history. Have good days.

[10:44:45 AM]

>> Charles rokel.

>> Mayor Adler: The Ginsburg resolution is actually item 79.

>> Can you hear me?

>> Yes, go ahead.

>> I'm sorry, can you hear me? Sorry. Good morning. I'm Charles rokel, thank you for the opportunity to speak and service during these extremely difficult times. I called to speak in favor of item 23, the vision plan for John Trevino, Jr. Metropolitan park. Charles Mabry, David Milda and their respective teams desk the highest praise for their work in listening to the community and creating a vision plan that makes the most of this uniquely beautiful site. I'm enthusiastically supportive of the vision plan and the proposed phases for developing the park. The plan includes precisely the kinds of features for families and community Mr. Trevino consistently and emphatically requested. I was happy to see the vision plan eliminate the skate and bike facility that had appeared in earlier

[10:45:47 AM]

versions. The skate and bike facility was not compatible with the natural beauty and family orientation of the site and such a facility would have consumed unnecessarily part of the limited space in the ravine area that lies above the park's floodplain. A unique feature of the plan I especially like is a community walk. The one-mile loop can provide opportunity to present information about John Trevino so future generations will understand his extraordinary importance in our city's history. Before I conclude, I do want to bring to your attention the unsung hero I know of this venture. On his death bed he turned to his niece and said the park is inner 82 hands. It was ermllinda to who worked with councilmember Alvarez to have the

[inaudible] Named in honor. It was ermalinda that worked to find sources for the

[10:46:48 AM]

master plan and it was she who worked tirelessly to have development of Trevino park included in a successful bond election of November 2018. Trevino's confidence was placed in the right hands. I urge you to approve the park's vision plan. If you do in the foreseeable future, austinities can begin enjoying

the unique beauty and splendor named in honor of a special man. In doing so, they will be unaware of the enormous gratitude they owe to Eralinda. Thank you for your service to our city.

>> Drucilla --

>> Mayor Adler: Councilmember Tovo.

>> Tovo: I just wanted to thank the previous speaker for recognizing the role of

[10:47:49 AM]

Mr. Trevino's niece. That was beautifully said and thank you for making us more aware of the important role she played, aware of how important her stewardship of this project has been. %

>> Mayor Adler: Thank you. Speaker, I apologize. Go ahead.

>> That's okay. Thank you. Good morning, like I said, Drucilla and I'm a policy strategy and I am calling to support item 79, the resolution honoring Justice Ruth Bader Ginsburg. I first want to say thank you to the overwhelming support from council on this item and for creating the space to honor Justice Ginsburg and her legacy. We appreciate it. Justice Ginsburg was a hero for me personally and so many others and has left the country and city changed. Our mission is to protect and expand civil liberties for every person and there's really no better example of the pursuit of that mission

[10:48:49 AM]

than in the life of Ruth Bader Ginsburg. You know, she began her career at Harvard law school as a young mother and one of only nine women in her class and grew to become the architect of a legal strategy to eradicate gender discrimination in the law and the United States and founding the Women's Right Project at the ACLU project along the way. It's not an overstatement to say the world as we know it now would be very different without Ruth Bader Ginsburg in it. For me personally as a fighter for reproductive rights in Texas she's been a star and never shied away from how important abortion access is and declaring the legal fight for abortion access isn't about some generalized notion of privacy but is rather centered on a woman's autonomy to determine her life's course and enjoy equal citizenship stature in our country. While the link between equality and access to basic health care may seem obvious to some. Justice Ginsburg's knack for

[10:49:49 AM]

getting straight to the heart of the matter I believe made that point clear for many more. In closing, I leave you with a quote of hers that has become a real mantra of mine that real change, enduring change

happens one step at a time. And today I ask that the city of Austin take that next step and pass this resolution to honor her legacy through action. I thank you for your support.

>> Patsy Harnage.

>> Hi, good morning mayor Adler, mayor pro tem and all city councilmembers. My name is Patsy Harnage, former director of bright beginnings in north Austin. I've been in business in Austin for 16 years. I want to thank you all from the bottom of my heart for creating a child care relief grant with the saves resolution. Please support item 73 to

[10:50:51 AM]

launch this fund. This is important to me and my program and the north Austin community. Bright beginnings is a four star prs child development center, also United Way -- aid pre-k partner located in north Austin, situated by rundberg and Rutland. We also provide -- we also provide childcare for workforce solutions, Salvation Army, ACC, bridge ymca program, crime victims, and our school demographics consist of 65% black, 30% hispanic and 5% white. We've been open during this whole covid episode taking care of children during these difficult times, but remain committed to providing a friendly environment that nurtures the whole child. Our organization takes pride in providing high quality childcare that focuses on challenging and stimulating the intellect of a lower

[10:51:54 AM]

socioeconomic children of north Austin. We recognize early childhood settings as a child's first environment of relationships outside of the home. We are committed to creating an atmosphere where children experience warm, loving relationships, hopefully for many years to come. Thank you.

>> Mayor, that concludes all of the speakers.

>> Pool: Mayor?

>> You are on mute.

>> Mayor Adler: Councilmember pool.

>> Pool: Do you need a motion to approve the consent agenda?

>> Mayor Adler: I do need a motion to approve the consent agenda.

>> Pool: I would be happy to do that.

>> Mayor Adler: Councilmember pool moves to approve the consent agenda he, which is items 1 through 52, 69 through 80. With the exception of the pulled items which are 21,

[10:52:55 AM]

71, 72, 73, 74, 75, 76, and 80. Is there any discussion on the pulled agenda -- on the consent agenda?  
Councilmember Flannigan.

>> Flannigan: I want to make a note of item 35. It's another -- note of item 35. It's another contract that we talked about in prior council meetings where we want to try and design our contracting process to allow for smaller vendors and more diverse vendors to participate as prime contractors. You know, I've been talking to the hispanic contractors association and a few other folks. I think we're fine with this moving forward now, but I want to encourage my colleagues to join with me in an effort to continue our focus on that. We did some good work, councilmember tovo and I and a few others did good work on insourcing versus outsourcing and I think there's additional work to be done on assuring our contracting processes afford

[10:53:56 AM]

enough opportunity for smaller vendors.

>> Mayor Adler: Okay. Thank you. Any further conversation on the consent agenda? Hearing none -- yes, councilmember alter.

>> Alter: Thank you. I just wanted to acknowledge all the work that went into items 19 and 20, which are purchasing conservation easements for 560.5 acres in the Barton springs recharge zone. This funding comes from the bonds that were approved in 2018 and is an important step for us to preserve our water quality for many years to come. So I want to thank the staff who were involved in the nature conservancy for continuing to find ways for us to leverage these funds to make really important differences for our air quality.

-- Water quality. Thank you.

>> Mayor Adler: Thank you. Councilmember tovo.

>> Tovo: Mayor, thanks. I have a couple questions that I'm not going to ask

[10:54:57 AM]

here today, but I am interested in connecting with our staff on programs such as 29, I think our youth employment program is a really important program and one we do in collaboration with Travis county. We're posted to approve the interlocal agreement, but it's important that we continue to plan for if future. I'm not clear what happened to those programs this summer and whether -- clearly we didn't have the kind of in-person opportunities for youth that we typically do. I just want to put that out there

that I hope staff can -- perhaps it's appropriate to let all of the council know what happened to some of these programs that really rely on in-person contact, whether there was savings in those programs as a result of more limited activities, and if so how can we potentially look for using that savings this year to provide opportunities for our youth maybe in advance of next summer as well. So just putting a spotlight

[10:55:57 AM]

on that issue and a request that staff either provide my office with that information or potentially the whole council if there's broader interest in that.

>> We can certainly work on that, councilmember.

>> Mayor Adler: Okay. Further discussion on the consent agenda? Go ahead. Kathy.

>> Tovo: Mayor, I also wanted to ask a quick question of our code department as it relates to 50. I had sort of raised this question on Tuesday but didn't ask it directly and then didn't ask it in the Q and a. I need to ask it of our director. Can you please help us understand the hours of our code officers currently?

>> Councilmember, it's going to take one minute for our interim director to get moved over.

[10:57:23 AM]

>> Mayor, while we pull over the speaker or the staff member, we do have another speaker who was trying to get --

>> Mayor Adler: Okay. While we're pulling that person over, why don't you recognize that speaker to speak.

>> Okay. Never mind.

>> Good morning, mayor, councilmembers. To answer the question, director for -- interim director for code department. The Austin code, we

[indiscernible] The short rental -- they usually work -- thank again for weekend. Recently the covid 19 response, the --

[indiscernible].

[10:58:24 AM]

>> You are on mute.

>> Mayor Adler: Kathy, you are on mute.

>> Tovo: I'll follow up with your department or ask my staff to because we have gotten back in answer to some multiple information that suggests the officers are unavailable at beyond 5:00 in some cases. You know, often we have -- unfortunately we have code violations taking place after hours or on the weekend especially if we don't have stuff during that period of time. One of the reasons that we have increasing -- we have continued to increase the funding to code is to provide officers during those gaps during the evening hours and over the weekend. And it would concern me if the coverage is not -- is not as we anticipated. So thank you for that information.

>> Thank you.

>> Tovo: We'll continue to follow up on that.

>> Mayor Adler: Mayor pro tem.

[10:59:27 AM]

>> Garza: I wasn't sure if councilmember harper-madison was going to say a few words about the rbg. And I was going to let it go too, but I learned from her to take up space and so I just do. I don't have any prepared so I'm just wanted to say a couple of quick things about that resolution. First he I want to thank councilmember Casar because he actually -- he talked to councilmember harper-madison and I about it and deferred to us in leading on it. So I want to thank him for doing that. And we talked about how we knew with the female majority council who we would pick and we decided we would do the message board post we knew everybody would want to be a part of that. She has been such an inspiration for women and, you know, as an attorney, I was in law school when

[11:00:28 AM]

president Obama appointed Sonya Sotomayor to the supreme court and is one of only three Latinas in that law school at that time, it was incredibly inspiring and I know that our Ruth Bader Ginsburg also inspired thousands of female attorneys in a time when there were not women in that profession. We as councilmembers have worn all white to honor women. We, led by councilmember pool, all bought jewelry. I ran to put on my dissent jewelry little necklace here and I also voted on Tuesday with my dissent necklace on. And we also got together to watch the documentary, all the female councilmembers. So lots of great memories for my colleagues on this dais. She's been an inspiration for women. I know will continue to be

[11:01:30 AM]

an inspiration for women entering the legal field and thank you, councilmember harper-madison, for leaning on this and councilmember Casar for deferring to us on this.

>> Mayor Adler: Okay. Yes, councilmember alter.

>> Alter: Thank you. I appreciate the honoring of Ruth Bader Ginsburg and just want to, you know, echo Mr. Orman and just saying how much she means not just as a woman but also as a woman of jewish faith in leading in all the ways that she did. On a totally different note, I wanted to say I'm going to allow 60, 61 to move forward. I'm still weighing for the writeup Tuesday from Mr. Van eenoo. I he know he was working on that. By the time we resolve 73,

[11:02:30 AM]

74, 75 we'll have that. I think it's important we have clarity on the funds going into safe stop and where they are coming from. And I think we got that clarity on Tuesday, but given other confusion that has been experienced at council meetings, I want to make sure we have it in writing and we are all on the same page of that. So I look forward to having that before we finalize the end of the day on our votes. So that we still have an opportunity to revisit if we need to. I don't anticipate we will, but I do want that in writing.

>> Mayor Adler: I'm sorry.

>> Alter: On Tuesday I had asked him to walk through and clarify all the pockets of money, where the money was coming from for the saves resolution with respect to the 15 million and then where the 3.7 million, how that differed and where that was going into.

>> Mayor Adler: Right.

>> Alter: And, you know, we walked through that on

[11:03:31 AM]

the dais and it was helpful, but I had asked for that to be in writing so there would not be ambiguity. That is not yet ready. I understand the reasons why it's not ready, I'm just flagging that I anticipate getting that by the end of the day and I want to have that before we close out sort of fully voting for the day. That impacts 6, 70 and 71 and I'm content to let them go forward on consent, I'm making sure it's clear to the city manager I'm expecting to have that clarity by the end of the day.

>> Mayor Adler: Got it.

>> And we are working on that, councilmember.

>> Alter: I know you are, just in case something came up, I wanted to let folks know.

>> Mayor Adler: Clerk, do we still have somebody on the phone waiting to speak?

>> No, sir.

>> Mayor Adler: I'm sorry?

>> No.

>> Mayor Adler: Okay. Thank you. Councilmember Ellis.

>> Ellis: For item 76, it looks like there's not going to be a workable way to

[11:04:33 AM]

change those late August, early September dates, so I'm fine to put that back on consent.

>> Mayor Adler: Okay. Any objection? 76 will stay on the consent agenda with my amendment incorporated. Further discussion on the consent agenda? Let's take a vote. Those in favor of the consent agenda please raise your hand.

>> I've been trying to get your attention.

>> Mayor Adler: I'm sorry.

>> Harper-madison: This is councilmember harper-madison. You still can't see me?

>> Mayor Adler: Now I can.

>> Harper-madison: I actually would like to speak to the rbg resolution as well. Thank you, mayor, for catching my attention. I was distracted. There was a constituent who had questions about another agenda item so I was briefly distracted. I almost forgot to put my dissent collar earrings on. I appreciate everything that everybody said thus far, but

[11:05:33 AM]

my own sort of take on the resolution, I would say when I was born this nation had yet to have a female justice on the supreme court. It was 1977. Ruth Bader Ginsburg was already arguing against gender discrimination in front of that court and on behalf of the ACLU. She fought against in a variety of forms. As we honor her work, I had the fantastic opportunity when they saw me crying, my girls couldn't quite understand why I would be so sad about a person that I had never met. And frankly I wasn't doing my job because they had never heard of her. What we did was immediately sit down and watch a documentary about her and then subsequently watch on the basis of sex, which is cinematic

representation of her. And then my 10-year-old told me she understood why I was crying and why this person was so important even though I had never met her.

[11:06:34 AM]

I appreciate I have the opportunity to introduce my daughters to her in a round about sort of way. As we honor her and her work with this resolution today, I wanted to take a moment to share some of my favorite rbg quotes. Ones that I embrace and represent values of city of Austin. She said when speaking about her work, it's not womens liberation, it is womens and mens liberation. And I'd like very much for people to really sort of let that resonate and think about what it means. She understood legal and cultural barriers were no protect or supporting either gender. A culture division does not support any group. Separate can never be truly equal. He's snot the first or the last to highlight that reality. Fight for the things that you care about. But do it in a way that will lead others to join you. Justice Ginsburg's friendship with justice Scalia obviously is famous

[11:07:35 AM]

for its warmth despite the profoundly different views of the two justices. I hope we can all work together in such harmony. I know it's not always possible but it's a dream that I have. Understanding that our shared goal is to improve all of our communities and our way of life. Rbg set examples for all of us and they are all very admirable. At the time, though, they were uncomfortable for her, her family, her friends, but she understood her work would not be complete within her life time. It's not and I think we are all here today to refine the laws that are based on her work. We have freedoms and flexibility thanks to her tireless effort and we have her guidance through her words. She knew she was building a path forward for all of us even when she dissented. Which brings knee to the third and final quote. So that's a dissenter's hope

[11:08:35 AM]

that they are writing not for today but for tomorrow. So my hope is that we can work together, strengthen our communities together, knowing that even if we don't win today, we are laying the ground work for future generations to be victorious. And again, with that I would like to thank all of my colleagues as co-sponsors and so happy that we're moving this forward on consent in honor of justice Ginsburg and her legacy.

>> Mayor Adler: Thank you.

>> Harper-madison: Thank you.

>> Mayor Adler: Colleagues? We're still on the consent agenda. Let's take a vote. Those in favor please raise your hand. Those opposed? It is unanimous, it passes. All right, guys, we have 21 and 80 which we cannot take up until after executive session.

[11:09:36 AM]

That leaves us 71, 72, 73, 74 and 75. We also have for non-consent that we could take up now the housing matters. And I would propose we do that now so our housing staff can leave us at 11:09.

>> Tovo: May I suggest we take up the non-consent items and dispense with that, could we break for five or ten minutes? We've gotten this morning, you have amendments, councilmember Ellis has posted amendments and we've gotten an amendment from director spillar and Rosie truelove all of which relates to the next body of items. The 72, the saves item. So I think we might -- I would be more efficient if I had time to read the three member those that have just come in and the two sets of amendments and get a better

[11:10:38 AM]

sense of -- just having a little time to do that without all of us trying to observe all of that new info on the dais might be more efficient.

>> Mayor Adler: I was thinking that might make sense. I want to real quickly high level address items 74 and 75 before we take a break just to be able to set out kind of my intention at this point because I'll be recommending postponing 74 and 75. So I want to speak to that. Let's do that, but not act on those right away until everybody has a chance to catch up.

>> Tovo: That sounds go to me.

>> Mayor Adler: Let's go ahead and let the housing folks go. I'm going to recess the city council meeting here at 11:11 here on October 15, 2020. And I am going to convene the Austin housing finance corporation meeting here in the city of Austin. Today is October 15, 2020. It is 11:11.

[11:11:38 AM]

We have a quorum of the board of directors and we have one item of changes and correction which I'm going to read into the record. Item 1 has the minutes proposed from 9-17-20. September 17th. With that said, do you want to take us through our agenda this morning?

>> Yes, mayor. Rosie true love, thank you for racing the backup on sum 1, approval of minutes from the September 17 meeting. Item 2 allows Austin housing finance corporation to submit an application to the

Texas bond review board for allocation of private activity bonds in 37 million in the development of the Rebecca also known as the tower. This is second phase of redevelopment of rbj and follows the \$50 million

[11:12:39 AM]

private activity bond allocation for the lady bird, also known as the wrap, issued in 2017. I offer both items on consent.

>> Mayor Adler: Thank you. Is there a motion to approve the consent agenda? Mayor pro tem Garza makes that motion. Director Renteria seconds that. Is there any discussion on the consent agenda? Councilmember Renteria.

>> Renteria: Yes, Rosie. That money is going to. That money is going to rehab the town for --

>> Yes. How many units do we have there?

>> I am looking through my back up. The I have Jayme on the phone and he may also have that information readily available.

>> Yes. I just thought they had about 200 -- close to 250.

[11:13:40 AM]

I didn't realize they had less than -- those units.

>> Yes, sir N is Jayme with housing and planning department. I honestly can't tell you exactly how many units they have right now. I know they will have up to 277 units in the new development. And just looking at the pictures, it is going to be quite an impressive rehabilitation to upgrade to current design and construction standards.

>> And the units that are designated for market rate, they are going to be the ones that are going to be in the penthouse thereupon on top or do you know exactly what they have planned for that?

>> Got noticeably the affordable units is called floating, so it would be whatever is available.

>> As long as they can hit the number of units that they dedicated us to so it could be the first floor or the top F

[11:14:50 AM]

floor.

>> Yes. Because I have been up there to the top and it has a beautiful view of all over the place. And I just don't want to see it where it just is nothing but a lot of wealthy people are just living thereupon on on the at the market rate area and the rest of the people -- so I would encourage that they be, they scatter those units around. I expect if we are going to be financing a part of that. So that is my recommendation.

>> Councilmember, we will ask the developer prepare a summary of what has happened already at the site and what is anticipated for this next phase, and we will send that out to mayor and council.

>> Thank you. >>

>> Mayor.

>> Mayor?

>> I will just go ahead and ask the question.

>> Mayor Adler: I keep on muting --

>> He raises a good point. Director Truelove, is there

[11:15:50 AM]

anything within -- within our current agreement that would require the developer make sure that the housing is mixed throughout, those with the best view are it is among the affordable? I know you said you would ask the developer for an update but that may not necessarily guide that process in the way that I think councilmember's comments are --

>> I am not sure this particular is for the activity bonds, so it is not city of Austin or Austin housing finance dollars so we can look at how that may play out as part of what our agreement, if we are doing any gap financing for this particular development.

>> But it is a good question and I will address it with staff. >>

>> They will need -- to be able to afford the bonds. So I mean, but for the council's

[11:16:52 AM]

approval they would be limited in their ability to -- they would be -- [indiscernible] To see private activity bonds.

>> I guess I would invite my colleague to make that some level of direction to that, at least as -- if he is inclined to do so.

>> At least a strong encouragement, maybe adding some direction to staff that they convey to -- convey to the developer our strong interest in seeing that some of those units at the top with the best views include some affordable units.

>> Let me just note that the units dedicated in both the tower and the -- the Rebecca and labor as they are termed, max

[11:17:53 AM]

out at 60 percent median family income. So it is a mixture of 30 percent, 50 percent and 60 percent. The market rate development is outside of these two constructions.

>> So that all, in fact, Jayme, all of the units that are scattered throughout the tall tower are considered affordable?

>> Yes.

>> Thank you for that.

>> Thanks for that clarity. That's very helpful.

>> Okay.

>> Mayor Adler: Thank you. Colleagues, there has been a motion and a second to approve the consent agenda here in the corporation meeting. Let's take a vote. All those in favor please raise your right hand. Those opposed. It is unanimous on the dais consent agenda. Rosie is that all --

>> Mayor, this is Jeanette.

>> Councilmember Casar is not on the gene so could we confirm -- oh, there he is.

>> Mayor Adler: Unanimous all of the directors and that's all

[11:18:54 AM]

our business so we are going adjourn the da housing finance corporation meeting at 11:18. We are going to reconvene the city council meeting here at 11:18. It is October 15, 2020, the meeting is continuing virtually. So the only items we have left to take up are 80 and 21, which will be taken up following executive session. We can -- we also have pulled items .. 71, 72, 73, 74, 75 and those are the other pulled it items. So it is 11:19. What we can probably do, I think, if the attorneys were available to do this, we could probably just real briefly discuss, get everybody up to

[11:19:55 AM]

speed, items 71, 72, 73, 74, 75, if people want to we can then go into executive session, come back out for noon citizen communication speaker, that way we might be able to take care of executive session rather than having to break for it this afternoon.

>> We are ready, mayor.

>> Mayor Adler: Okay. That sounds good. Councilmember harper-madison.

>> Councilmember alter can correct me if I am wrong but I have it listed as seven none on consent.

>> Mayor Adler: No.

>> He is said we can put 71 back on the consent agenda.

>> Mayor Adler: 76 went back gone consent agenda.

>> 71 concerns some of the transportation department items, including the memo that came out that was --

>> Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would like what

[11:20:57 AM]

you laid out in general. I am not sure, why don't we just go into executive session now. I am not understanding if we -- the matter of what we are going to do on -- 72 --

>> Mayor Adler: Let me do that and if other people want to address it they can or cannot. I want to address colleagues 74, 75 before we take a break. And read things. I am going to be recommending that we postpone 74 and 75, which are the project layout that came from staff with respect to those two funds consistent with, I think, the conversation that we had three weeks ago, because I am not sure that, as it is laid out it actually Donald Trump does what it was we intended it to do. So I am going to recommend we give direction by postponing those items and direction hopefully that would actually let staff and the community start moving now in that

[11:21:58 AM]

direction. The purpose of both of these items is to provide real long-term sustainability, the intent is more than just to help businesses survive the next four or five months so to effect, as I say the program

needs to get real expertise, legal and accounting to the eligible applicants, the final relief could very well vary from eligible account applicants to another, based on their particular circumstances and needs.

>> We know we can't help everyone who is hurting and needs assistance but we can help some people and provide help that will ensure actual long-term sustainability. Many of the people in these areas are having difficulty, difficulty even before we went into the pandemic 0 we need to make sure we use the opportunity of the cash infusion now or resources to hopefully end up with these businesses that are able to help in a better position than they were as we

[11:23:04 AM]

finish the pandemic. I also recognize that -- so the goal here is to provide some help and provide help that would ensure long-term sustainability. It may need to use some subject determinations and the staff is Leary of being put in that position. We discussed doing a lot 0 -- a lottery with objective criteria, but I am not sure that actually enables us to really tailor our resources to those situations where we can actually provide a real long-term sustainability. As we discussed that task may more properly belong to an economic development corporation and we had talked about gearing that up so it can actually help fashion some of the resolutions that might both help and provide that long-term sustainability. So we want to maximize the purposes asset out in that

[11:24:05 AM]

unanimously approved resolution a couple of weeks ago so I will propose we postpone these two items with direction to staff to come back with a different program guidelines and we are working on such kind of wording right now and hopefully I wanted to speak now so that people could start thinking about that in the meantime a at this point, at a high level, the direction that I think will be recommended to talking to the stakeholders and to some of the staff would be to reaffirm the purposes set out by the council in the prioress Lucian, both programs, that is music and legacy, would invite applicants that make the case that they meet the stated purpose of criteria, staff would be asked to take another look at the stated purpose and criteria for applicants contained in the resolution. I am not sure that potential applicant pool is as great as they indicated in the answer that staff provided. But anyhow, eligible applicants,

[11:25:07 AM]

then, would receive a capped amount of legal or accounting and/or accounting assistance. Actually give these folks expertise that they might not have otherwise had available to them. Staff could begin right now creating a pool of local attorneys or accountants that could advise eligible applicants, both on how

they might survive and better ensure long-term sustainability as well as what plan the applicant would then present to the city for its alternate grant or other funding or support or program. Maybe each of them would get a voucher for 10 or 20 hours -- cpa counsel and assistance, unlike the help we are giving to tenants in the tenants assistance federal we have but it is a little bit different. The kind of counsel and assistance they would receive might involve not limitation helping them negotiate a new and

[11:26:10 AM]

longer term or more favorable term, exploring the properties and cons of reorganization, bankruptcy. In a music con serve van situate or his store money, buying or establishing new ownership of a location, in other words, it could be lots of different things that could be specifically tailored to actually achieve the long-term result and take advantage of the leverage that they would have right now if they actually had capital to bring to the table by virtual of a grant from the fund. It would also provide, perhaps, some eligible applicants might not need anymore assistance than that time with the accountants and the cpa, that may provide for them what they need in order to be able to both survive in a situation where evictions have been stopped or otherwise, so some of them might just need that. Staff would also have the

[11:27:11 AM]

ability to buy temporary and emergency assistance to, to an otherwise eligible applicant that won't survive long enough to actually participate in the application process. In other words, something to tied them over so they can participate. It may well be the attorney or cpa advice may be able to mitigate such an emergency and buy the time to participate in the process, but if not some allowance that would make sure we didn't lose anybody in the meantime. This would also allow the staff to delegate to an economic development corporation who chose to do so the final selection of which plans or application plans are supported by the fund and in what ways. The live music venue fund and legacy fund would be real similar, save and except the applicant that are able to apply for them. I just wanted to lay all of that out, because it is different than what the account that the staff laid out initially, and I

[11:28:11 AM]

think that something like this, we would ask to staff to come back and would more meet the goals and things that we had laid out. Councilmember kitchen.

>> This is certainly worth a conversation, so I appreciate you bringing it up. There are two points that we can talk about it more, but just two points that I will want to discuss when we get into those items, because I understand you are just trying to lay them out right now. One point is that I think what we are

doing, I think what you are suggesting is putting together two different purposes, which may be okay, but I don't think you can do the two different purposes at the level of funding that we are talking about, because I hear two different purposes, one of them is a bridge to help them survive. The second one is more of longer term sustainability. Now I understand that that is not -- it is not black and white in every instance and it can

[11:29:13 AM]

bleed over, but I don't think \$4.5 million or \$5 million is, you know -- whatever it is minus the administration \$5 million is to nonsignificant for Lon long-term sustainability for any, any real number of our legacy businesses. So I like the approach that you are taking. I think it is important to be more to really be more thoughtful and customized to what an individual city needs and I think that takes us much further than just giving them, you know, 40 or \$60,000, which I don't think is enough either. So I want to talk about it further when we get to the point where you are ready to talk about those items. I wouldn't be opposed to postponing, except for the fact that I am not sure what that means in terms of how long it takes to get it up and going, so we should talk about that.

[11:30:14 AM]

Because I think -- I really think we have got to address both needs, one being the immediate bridge idea, and that takes some money and that takes right away. Longer term sustainability takes money and it will take longer. So anyway, we can talk about that. Those are the two things that at I want to talk about when we get to those items.

>> Mayor Adler: Okay. Kathie.

>> Tovo: Mayor, thank you, I think that is a very thoughtful plan and I appreciate you laying it out now so we can kind of think about it over the next little while, but councilmember kitchen raises the timing question and that's the part that I want to better understand as I ponder it near the next hour or so. I think I heard you say that for venues needing assistance -- how does that happen if we tonight, if we postpone some of the program guidelines, would you just talk through that, please,

[11:31:16 AM]

like what -- yes, talk through that, please. I like the idea of helping them create more sustainable solutions with that additional

-- which I think as you have outlined the accounting and the legal expertise really does, but I don't want to lose businesses in the meantime and I know you expressed that concern and had a solution for it. I just didn't follow --

>> I think -- and to that end I think the hope is to get people that expertise as quick as we can and the staff to facilitate that by going out to some firms and getting them to agree to take these clients and then issue vouchers for 10, 15, 20 hours that they can then fill in access. And I think that may be all of, that may be all of them, that may be all some of them need. I am concerned about giving substantial short-term or immediate just tideover support because I think it is it can be counterproductive to the goal of providing long-term sustainability.

[11:32:16 AM]

If we give a particular tenant four months rent, for example to tide them over for the next four months and they tide over for the next four months they may well have lost a lot of the bargaining leverage that they would otherwise have to actually negotiate a longer term lease. Or a lease with better terms or something else. And I want them to be able to have the greatest amount of leverage that a sophisticated market participant would have if they had access to the kinds of expertise that we are talking about giving them access to now. So it is not, as we originally set this up several weeks ago, it wasn't just to tie people over during the pandemic but to actually use this opportunity so they have long-term sustainability on the back end and I think those are related but to the question specifically that you asked if somebody raises their hand and says, I can't -- I don't have

[11:33:16 AM]

time to wait for you to run your process, I am going to die in three weeks. I need help now. So we are giving the staff the ability to, one, let's get them their attorney and their cpa real fast because it may not be they are actually going to die in three weeks if they had greater expertise but if that expertise does not provide them, then, yes, I want the staff to have the discretion to say, we are going to help you sustain long enough to be able to get into this process to see whether or not there is a program that can help you.

>> Thank you, mayor which agenda item do you feel -- which agenda item do you feel gives the staff the discretion to be able to provide that short term help while waiting for the longer --

>> I think we work that into the language on item 74 and 75, which is the one where we are asking them to come back with different program option it is for those two programs, but

[11:34:20 AM]

postpone it with direction and that's one of the directions we give, we want you to be able to build into your program this discretion to be able to make sure nobody dies while they are waiting to participate this this process. And I think we can do that by way of direction.

>> So I have to -- again I am a little flummoxed be at this timing issues here, knowing we are not meeting again until the 29th so one of the things I will think about at we reflect on it is whether, and maybe you can give us a little sense of how long you think it would take to tweak those documents so that they build in that discretion and offer that if we think the 29th -- if it is going to keep the program from really moving forward if we wait until the 29th then I would suggest we have a conversation going on about Mondays different meetings, as I understood, the intent was to have a housing committee meeting meet with the public safety to talk about -- public health committee, knowing

[11:35:20 AM]

homelessness is a public health issue and there are conversations about having those joint meetings, as I understand that may not be the plan, but one option there would be to have a special meeting. So if we can solve that, have that special called meeting then we could potentially take this up on Monday, if it is really just a matter of posting language and things like that that weren't ready for today. If it is longer more -- that the staff is going to, do then that is likely not enough time, but I guess my main -- I want that more of a thoughtful, sustainable approach but also don't want to lose those venues and I know for some of them it really is, I mean a couple of weeks plus the additional time to get attorneys on board and it could really add up to we delay that untenable. That is kind of what I am thinking through and if you could help talk me through what that timetable looks like that would be really helpful.

>> Mayor Adler: Let me also talk to the city attorney during the break because I think we can give that specific direction and authorization to expend funds to

[11:36:22 AM]

that end and purpose in the direction we give today.

>> Tovo: So why would we postpone it exactly?

>> Mayor Adler: Because the other things that are in that does not lay out the program that we want. The programs that they have proposed to us are 40 to 60,000, ultimately awarded by a lottery toe right.

>> Mayor Adler: To have the legal assistance, it doesn't have the earlier stuff. It is just not the more tailored approach.

>> Tovo: And we don't have time really here on the dais to cast that -- I guess my question would be whether we would have time to recast it for Monday.

>> Mayor Adler: And we could certainly consider that, I know we just all started to try to do that yesterday and really it is staff that has to design the program, not us. We have to be really clear about what our intent is and you are authorized to ensure nobody dies in the meantime while we are figuring this out but don't have people give up unknowingly leverage that they might

[11:37:23 AM]

otherwise have for a longer term solution. Let's get them the expertise as quickly as we can so they don't

-- they maximize their position.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Alison.

>> Alter: So again I am trying to understand the timing part with the concern that we have our immediate short-term, our medium determine and our long-term issues, which think we all care about. I am wondering, though, what direction, I don't know if you already thought about this, is we are also setting up a business preservation fund which nothing stops us from doing everything you just said in terms of the accounting and the president help under that fund, and moving forward with that piece of it today if we can get language right under the business preservation punned for that to move forward, I think that is already slightly built into it. And we could provide that

[11:38:26 AM]

direction, you know, up to a certain amount of the money or something like that so that they could immediately begin moving forward with that piece and not have to wait to administer it and blah, blah, blah, blah, that would at least potentially get us moving forward, because as I am understanding the business preservation fund it is very much intended for the safe functions as well and so I don't know exactly how that would work, because I just heard your idea for right now, but maybe that is something we could work out a way forward that would give them sufficient direction and some funding that is clear and I think it is in line with what we have been talking about.

>> Mayor Adler: I think it is a really good idea. After talking to Kathie, I have suggested an amendment that is in the package that has been

[11:39:27 AM]

handed out to everybody, but it doesn't go as complete as what you just described, so I think if we worked on that a little bit I think yours is a good idea and it would be my hope that the administration and the professional fees would come from the account that Kathie is creating so it doesn't impact the corpus in those accounts, in the savings accounts.

>> I think, if I may.

>> Mayor Adler: Yes. Ann and then Kathie.

>> Mayor as we move forward with talking about these three I would like to suggest, I think this is what you suggested, I am not sure. Is that we go into executive session next. I think we need take up 80, part of talking about all of these, you know -- -- because they are related. 80 is focused on an idea that you know, one idea, that relates to this really focused on the long-term sustainability,

[11:40:27 AM]

whereas we had been talking about the saves as the immediate bridge, but maybe we can solve for both. I just think, maybe solve for both in some way but we need to talk about them together. I don't think we should separate them.

>> Mayor Adler: And we are going to go into executive session and we will discuss both 21 and 80 so we will discuss 80 in executive session before we actually start trying to figure out what we do with the others.

>> Kitchen: Okay.

>> Mayor Adler: With respect to 74 and 75, the intent there was also in the resolution that we passed three weeks ago, also addressed long-term sustainability as one of the criteria for our investments, so they are all kind of intermixed and intermerged. Kathie, you were next if you wanted to and then Alison. Toe I was just going to offer a one line observation that councilmember alter is describing as an option I think is very consistent with your amendment and takes advantage of

[11:41:27 AM]

that flexibility of our not having earlier described how we want to use the business preservation fund so I think that really might get us there.

>> Mayor Adler: Okay.

>> Tovo: -- Which I think would be a help.

>> Mayor Adler: Alison?

>> Alter: I just want to maybe suggest that if we can knock out the -- in the discussion that we might want to do that. I think there is -- there may be just, from what I am hearing we need to address the labor piece of to the childcare one, and we might want to allow them some flexibility to include some of the after school programming as part of it, if they deem it is appropriate, but other than that, I think childcare one from what I am hearing is -- it just anybody quicker.

>> Mayor Adler: Yes. And at this point I am not sure we really have time to go into

[11:42:29 AM]

executive session before we are back out here at noon. Since it is 11:42 right now so probably with the citizen communication speaker and executive session and take our break and then come back at 2:00.

>> Mayor, I did want to let you know we didn't do the public hearings for 54, 55, 56 and 57.

>> Mayor Adler: Okay. So we can also do those. Thank you for reminding me about that.

>> And could you let me know what we are supposed to be reading for -- 74, 75 so we have some clarity.

>> Mayor Adler: So the statement I just gave to you I am going to post to the message board so that you can see what I just said. We started taking a stab at what the staff had given us on 74, 75, with the conversations. We have a red Lynn draft of that that I will also post.

[11:43:31 AM]

I am not sure -- I don't think it really does what we want to accomplish in terms of writing a program because there wasn't enough time to do that but you can see some -- I will throw that element out there for foam take a look at as well. It may help with the direction that we give. There are other memos, Alison, with respect to the items that we are doing, that relate to the transportation department that probably would be important for people to read,.

>> Is there one -- before, after the October 9th 1 or just the October 9th 1?

>> Mayor Adler: There is one that came out on great streets yesterday, I think.

>> That is from housing and planning, not from --

>> Mayor Adler: Kathie, were there other things that --

>> I am trying to figure out if there is a housing and plan and a memo other than the October 9th 1. Okay.

>> Mayor Adler: Am not aware of one.

>> We also got, if I may, we also got a memo this morning

[11:44:34 AM]

from -- about the convention center and then we got an attorney-client memo which -- about hotel occupancy tax that is relevant to the conversation, possibly one other --

>> Mayor Adler: Okay.

>> -- That covers most of the amendments. And then I think you proposed -- councilmember Ellis proposed one to the childcare --

>> Mayor Adler: Councilmember Ellis.

>> Ellis: On that note we are continuing to update and work on the language so there will be more information coming as we work with staff to make sure that language acts the way that we are intending for it to act when it is done. So I just wanted to alert that.

>> Mayor Adler: This is the childcare amendment?

>> Ellis: Uh-huh.

>> Mayor Adler: So we are not going Hane that one before lunch because we are still working on an amendment but we will get back to that. Colleagues what I would -- yes, councilmember alter.

>> Alter: And it looks like I just submitted that information.

[11:45:36 AM]

I haven't reviewed it yet but the information about how the financing works -- in our in-box.

>> Mayor Adler: Okay. Colleagues, let's take care of the public hearing items. We can get those off the agenda. We have three items that were set for items set for public hearing. They are all affordable housing items, items 54, 55, 56 and 57, we have already called for and given the public the opportunity to be able to speak. Is there a motion to approve items 54, 55, 56 and 57 and to close the public hearings? Councilmember pool makes the motion S there a second? Councilmember Renteria seconds. Any discussion? Those in favor please raise your hand. Those opposed. It is unanimous on the dais except I can't see -- so it is

[11:46:40 AM]

unanimous on the dais with councilmember Casar off the da dais. It is 11:46, colleagues you just want to stand here in recess for a second and then at noon we will hear from the speaker, citizen

communication. My sense is that probably there are some documents that people would want to read before we get into executive session. If we got things from our attorneys so maybe the best thing for us to do would be to come back at, say, 1:30, and start in executive session and kind of see where we are at that point. Or 1:15 let's give ourselves an hour when the public communication session is over. So it is 1147 -- councilmember pool.

>> So 1:30, right, not 1:15? I do have to step away I can be back at 1:30 but 1:15 may be

[11:47:41 AM]

rough for me.

>> Mayor Adler: We will start back up at 1:30.

>> Executive session as one with 30.

>> Mayor Adler: Yes but we still have citizen communication at noon.

>> One speaker. For those that are here. But otherwise we will convene at 1:30 in executive session. And I will read the executive session script before I recess after the citizen communication speaker speaks. Okay. If there is going to be a move to postpone one of the zoning cases we need to elevate that, otherwise we are -- we will have a lot of people coming to speak. Anything else, colleagues before we come back at noon for citizen communications? Seeing none, at 11:48 we are

[11:48:41 AM]

going to recess the city council meeting until noon. We will take citizen communication speaker and then go into recess for executive session. See you all at noon. Be is.

[ Recess ]

[11:49:44 AM]

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[12:01:19 PM]

hello, colleagues. We have a quorum present, it is 12:01 so we are going to reconvene here on October 15, 2020, city council meeting. We are going to take citizen communication, I understand we have one speaker; is that right?

>> Yes, mayor. We have one speaker.

>> Mayor Adler: Okay. Let's go ahead and recognize that speaker.

>> Ethan Smith.

>> Hello, good afternoon. So I wanted to speak on a topic having to do with strategies and methodologies of getting equity and I spoke a couple of weeks ago about the creative worker grant so this is actually a different one. And this is something that I am studying at UT for an honors

[12:02:19 PM]

thesis undergrad. But I have been looking at how you can make housing decisions and I have been looking so I looked at west campus and how has uno, you know, come into play over the past 20 years. And one thing I think is important for council to be aware of is that the statistics of how many units have been created, how many affordable units have been created they do not include or reference in any way how many affordable units were lost by redeveloping. So if you build a new building there was an old, you know, depreciated apartment complex two or three stories and those were not -- they didn't neat definition of affordable housing but they were cheaper to live in on a dollar amount and interestingly neither the city of Austin nor UT has kept market

[12:03:21 PM]

info what are the prices, how many units exist on the uno district, so the only people that have that information are going to be the developers. So any time you enter into one of these negotiations there is a pretty significant difference in who has the information on how much money something snowb or how many units, and all of the hemming and hawing that takes place. So one thing that I am looking to right now that I think is also interesting is can you provide equity by this method of a neighborhood overlay? Does it work the way we think it works? And I have provided for council a couple studies about real estate trusts that look into housing and kind of this idea when you all passed the outer west campus

I thought well this will be good, you know, it will be more capacity and they got a better deal, you know. The median family income level

[12:04:21 PM]

that is required or the number of units require different -- the city got a better deal. But you still have don't have the market info so why would the developers be willing to do this? And I think it is because they get more market share and that is what supports the floor of the basic costs of the entire area and that is how they are kind of protecting investment and I bet you know more about real estate than he but I think that is something to consider and councilmember tovo, I will ask you a question, why doesn't UT build more housing and I think I have a better understanding of that which I will provide at a later time. Thanks.

>> Mayor Adler: Great. Thank you. I think those are all of the speakers we have signed up for citizen communication. So at 12:05 we are going to

[12:05:21 PM]

recess our meeting to go into executive session. We will meet at 1:30, but the city council will now, as of -- we will work our way over and have lunch but work our way to 1:30 to be in executive session to take up two items pursuant to section 551072 the council will discuss president and legal matters related to item 21, which is the acquisition of a certain property, and pursuant to 551071, and pursuant to 551071 of the government code we will discuss legal matters related to item number 80, which is establishing a visitor information center fund. If there are no objections we will meet in executive session at 1:30. The goal is to get back out as

[12:06:22 PM]

close as we can to 2:00 o'clock for zoning speakers. With that, colleagues, we are in recess.

[ Recess ]

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[Music]

[2:05:05 PM]

>> Mayor Adler: We have a quorum. We are out of closed session. In closed session we discussed real estate matters related to item 21 and legal items related to 80 and 21. We're not finished with those discussion so we'll finish executive session later to complete discussion there. But we have come out in order to be able to listen to the the public speakers and to handle the consent agenda with respect to zoning. Jerry, do you want to take us through the consent and then we'll take the speakers. Is Jerry with us?

[2:06:07 PM]

>> We are moving him over, mayor.

>> Mayor Adler: Thank you.

>> Hi, mayor, this is Jerry rusthoven.

>> Mayor Adler: Do the consent real fast and then we'll do the speakers.

>> The first item I have is item number 58, c14-2018- 0141. My understanding is there are some speakers -- councilmember kitchen would like to have this case be approved on second reading only with the notation that her request is that the case come back for third reading until the commercial plan review issues that are laid out in some backup posted yesterday are addressed. I can offer that case for consent approval on second reading only. My understanding items 59 and 60, the pecan springs cases, are discussion.

[2:07:11 PM]

Item 61 has been withdrawn by the applicant. Item 62, the training kitchen. I understand councilmember Flannigan would like to pull this case. Is that correct?

>> Flannigan: Yes.

>> Item 63, c14 on 2020- 2020-0085. This was recommended for approval by staff and planning commission. I was going to offer for consent on first reading, but we have speakers. So case pulled. Item 64, c14-20-0065, consent on all three readings. Item 64, c14-2020-0063.

[2:08:17 PM]

Pulled. Item 66 is pulled. Item 67, npa-2020-0019, .01. Postponed until November 29. Same with 68.

>> Mayor Adler: Any discussion before speakers? Councilmember Casar.

>> Casar: Mayor, I think we are discussing indefinite postponement of item 66. I was seeing if we could put that on consent and I'm happy to talk to it, but I think councilmember harper-madison -- but the reason being with a valid petition, I think you would need significant community support and don't want to keep bringing this back. And so want to just put it indefinitely off until and unless there was that support, community support for it to come back on to

[2:09:17 PM]

the agenda.

>> Mayor Adler: Okay. So looking in that case that 66 will be postponed indefinitely. Councilmember harper-madison?

>> Harper-madison: I think my colleague and I are definitely thinking along the same lines. I had the opportunity to spend my lunch hour talking about the case. But I wonder if my colleague would be willing to as opposed to indefinite consider a two-week postponement.

>> Casar: In my view, it may take longer than those two weeks for there to be the clear information shared among community members for things to work out. Also I believe that there's a decent chance that with the P, unfortunately that just houses without any affordability protections could be built, but I don't think that it is -- I

[2:10:20 PM]

couldn't support us just bringing this back in two weeks and people's energy going to coming and testifying here. I want people's energy to be to go and meet with their neighbors and meet with the applicants and with habitat for humanity to come up with something that people could support. So I would only want to bring this back to the agenda given, you know, the serious issues people are talking about. I think a lot of them based on something other than the actual project in front of us. I would rather us bring -- an indefinite postponement would make it so if there isn't real support or agreement we wouldn't be back here in two weeks with dozens of people continue to go take time ought from their workday if we postpone it again. I would make it indefinite and deal with it if people come together around a plan that makes sense to them.

>> Harper-madison: I can appreciate that perspective and so ultimately I'll will be supportive. I did think it might be

[2:11:21 PM]

possible for us to have the opportunity to within the course of that two weeks especially because people have already dedicated so much time to the conversation, I thought it might just be possible for us to have some more thorough and comprehensive conversations both with the applicant and more importantly with the community. I will support indefinite.

>> Renteria: Mayor?

>> Mayor Adler: Yes, councilmember Renteria.

>> Renteria: Yeah, I would too because, you know, we have a real opportunity of being able to have 17 units that are deeply affordable, and basically the emails are starting to change a little bit now that I've been getting. At the beginning everybody was against it, but now that they are finding out that various affordability involved with this and habitat was going to build these homes for a deep, affordable housing ownership

[2:12:22 PM]

opportunity. So I would hate to see it go down and lose today, so I'm willing to indefinitely postpone it and I think once the community seeings what is being offered that they will agree it's a great opportunity for that.

>> Mayor Adler: Okay. Ready to hear from speakers on the consent agenda?

>> Just for any speakers talking -- that we would -- I guess we wouldn't take -- mayor, when would speakers speak on this? Because I don't know if everybody understands what we're seeing it's off the agenda until or until we see significant support. The big risk everybody should know it's currently entitled for zero percent affordability abatement and if something doesn't get work out, we'll get zero percent affordability instead of 50% or more.

[2:13:23 PM]

>> Mayor Adler: That is correct. And we have to give people an opportunity to be able to speak, but it wouldn't appear necessary for people to speak or to speak on the merits if they didn't want to since the action being taken today is going to be to postpone this case indefinitely. Councilmember harper-madison.

>> Harper-madison: Thank you very much. I appreciate you recognizing me. I would just like to echo my colleague's sentiment there. You know, during the course of these conversations that I was able to have, there are a couple things I was able to ascertain. Number one, advocacy can go wrong. Let's just say that there were some very important, like, personalized emails that people took the time and the effort to draft for my attention. That I didn't see and would not have seen had they not sent an additional email

to tell me to look for the original email. And without discouraging people from being involved in the process, what I would

[2:14:26 PM]

say is this is where advocacy goes wrong. If you are specifically addressed to me with your specific and explicit concerns and considerations get buried under 142 emails that are just a draft email that people copied and pasted, that's a problem. And so my hope is that moving forward if we're talking about productivity, that we really sort of shift, recalibrate what advocacy on these zoning cases looks like so that we can actually see your emails. I want very much to have the opportunity to personally respond to people's questions, concerns, considerations, but I can't do it if your email gets buried in hundreds of draft or form emails. It's problematic and I would just like to put that out there for the general public, the people listening. I'd also like to say that in consideration around postponement and having this

[2:15:27 PM]

wonderful opportunity to connect with multiple members of the community during the course of our lunch break, I did not eat food, but I did get to talk to people and really hear their questions and concerns and considerations and have them tell me specifically what their name is so I could find their email that was buried under all the other emails. I feel like a postponement would offer us the opportunity for more voices to be heard. I also feel like a postponement would offer us the opportunity to address what my colleague just pointed out. And that's something based in reality. The reality is, you know, I was taken to task by way of using the number 800,000. People are saying, you know, the comps in the area are valued at blah. And, you know, the per square foot is valued at X. I didn't pull that number out of thin air. I pulled that number out of an anecdote tall experience, one with a house directly

[2:16:28 PM]

across the street from my house and taking a look at what's happening in d1. That number, you know, the house that was 350 four years ago is 798 now. That number is not make-believe. That number is a eventuality. What we're talking about is five blocks that get separated with two units per lot, that's ten. The ten units, there's no baked in ain orderrability between 60 and 80% mfi. That's a big deal. And the fact that we are postponing this, my hope is that we don't lose it. My hope is that everybody comes to the table and is -- are, rather, willing and open to good faith negotiations to where we don't lose the opportunity to add -- out of 33 units lose 17 units as between 60 and 80% affordable.

[2:17:29 PM]

I know that this conversation about affordability, it's nuanced. I think there are things that get lost. I brought up during the work session, and I'm not the only one, my family is not the only one, I would like for my family to be able to live in an area that is growing and developpen and has units available at 60 to 80% mfi. I am the middle. And we count too. There are considerations around affordability that run the gamut in terms of the spectrum. I want to make certain everybody [inaudible] The ain orderrability. And I hope during the course of these conversations with community members and, you know, real deliberate negotiations with the developers that we don't lose this opportunity to get

[2:18:31 PM]

to 17 units of affordable housing. I look forward to the evolution of the conversation.

>> Pool: Mayor, you are muted.

>> Mayor Adler: Thank you. Councilmember pool.

>> Pool: I just wanted to note we have made a motion to postpone it so I think we should probably not discuss it at this point. Thanks.

>> Mayor Adler: And I hear that. I was giving people the allowance to be able to do that because I think people are going to speak about the postponement and some of the councilmembers wanted the ability to as speakers were getting ready to speak to know where we were headed and what they were thinking. Councilmember tovo. You are muted. No.

[2:19:31 PM]

It's that squeaky kind of fast voice. I think Kathy may have gone out to come back in. Let's give her a second. Clerk, how many people do we have signed up to speak?

>> There are 57. I'm sorry, 43 in the queue. Many of them are on item 66.

>> Mayor Adler: Thank you. Could be some of them decide not to speak given what we're doing here today.

[2:20:32 PM]

I don't want to start, I don't know if Kathy wanted to say something before we start or ...

>> [Indiscernible]

>> Mayor Adler: We can hear you, Kathy, in that same sped-up voice. Do you want me to go ahead and start the speakers? Yes, okay.

>> Harper-madison: Mayor Adler, would it be appropriate for Kathy to have the opportunity to either text or call one of us to be able to present what it is that she's hoping -- oh, she's calling in now. Never mind.

>> Mayor Adler: And I asked if she wanted us to start and she gave me the thumbs up. I'm going to abide by that. Let's go ahead and -- still shaking her head yes. Let's call the speakers.

>> John thorn.

[2:21:32 PM]

Thompson.

>> Yes, hello. My name is John thorn Thompson. I'm speaking to item 58. I am a resident across the street from the property in question at 1902 inverness boulevard. I would like to start by withdrawing my opposition to the plan that has been forwarded. I want to -- when I signed up I didn't have all that documentation on hand, but after review I think it is a satisfactory path forward. I would like to express my frustration with this whole process. My family and I just this year finished a very similar renovation to what is happening across the street including a small addition to our house. And the amount of effort and time and frankly money that it took to work everything

[2:22:34 PM]

through the system properly was substantial. From generating all the appropriate documentation to providing clarification to the permitting department and having the work performed to the standard that the city has set and having the inspections performed to verify all that represented a substantial investment and quite a bit of frustration, frankly, at the end of it. And to see that now we're having to really ride herd on this property across the street, to make sure they are held to the same standards that we were is very frustrating. I understand that this is probably not the appropriate forum to work through that frustration, and I understand that there is a committee on housing and similar affairs that I'm

[2:23:36 PM]

happy to speak to to help maybe resolve this kind of thing in the future. I would like to make sure that my frustration is noted and is out there. But with regards to the path forward, I think this is satisfactory, the letter laid out by the commercial services department I think should adequately make sure that the property is constructed to the appropriate standards. And hopefully will bring an improvement to our neighborhood. Thank you to everyone for your time.

>> Emily jolly.

>> Good afternoon. My name is Emily jolly. And I live at 217 lesson

[2:24:37 PM]

lane, speaking on item 63. I live directly next door to the proposed development and I oppose the current rezoning proposal to the extent it would allow the developer to build 17 new homes next door to me. I've lived a lesson lane for nearly nine years and seen changes with Austin as grown and property ownership costs has skyrocketed. One thing constant is the constrained nature of this particular dead-end street from a traffic flow and congestion standpoint. Adding 17 new properties, more than double the number of occupied homes that exist on lesson lane will severely exacerbate these issues. Many times I've had to call APD for cars blocking my driveway. Every day I deal with cars clogging the street where it ends and on any given day I've counted as many as 300 cars pulling into my driveway to turn around.

[2:25:39 PM]

It's not merely an inconvenience, it's an issue of safety. This single street is simply not appropriate for development at this size. I also want to address comments the developer and their represent itself have made when we asked for more information. They repeatedly claimed this rezoning probably will allow them to build more affordable homes, but burdening this small lot with 17 half million dollar homes will do nothing to solve Austin's affordability crisis. And I find it extremely disingenuous for them to suggest packing in these condos priced at \$500,000 or higher will help address that issue. I'veed ask for more information about the trees they plan to remove, but despite promises they haven't sent me anything. I don't oppose development, but I expect people to be honest, follow the rules and be good neighbors. This developer's track record is not re assuring.

[2:26:40 PM]

Since they got the property they cleared it which means I'm constantly hearing heavy trucks and bobcats backing up loading and unloading materials often before 7:00 A.M. Please consider the impact and the

burden of this rezoning proposal to the residents here and limit the number of homes they are allowed to construct. I appreciate your consideration.

>> Doug Connally.

>> Mayor Adler: I would ask people as people are speaking, I just want to point out again that item 66, the motion is going to be to postpone indefinitely. If you choose to speak on that, please speak to the question of the postponement. Go ahead, please. Thank you.

>> My name is Doug Connally and I serve as president of Travis county mud 4, and I'm

[2:27:41 PM]

speaking in opposition of the rezoning for the peer property. This district operates two water treatment plants serving a total of seven utility districts in Barton creek. The district also provides wholesale water services to two unaffiliated districts. The raw water intake is within 500 feet of the peer property. Tceq regulations prohibit operation of a public boat dock within 1,000 feet of a raw water intake. The docks at the pier have not been operational for about 15 years. Changing the zoning to commercial recreational to allow the existing dock to be renovated and for boat dock operations to commence as a primary use could cause the tceq to rule that the district's intake is in violation of the tceq

[2:28:42 PM]

regulations. Our district cannot take any risk of having to discontinue the use of the raw water intake in its current location. As such, we are opposed to this rezoning. Thank you.

>> Megan meisenbach.

>> Hi, thank you, council. I was going to speak on 66, but I'll reserve my comments. Thank you.

>> Jessica Ramirez.

>> I was going to be speaking on the Kemp street rezoning, but I guess it's my understanding that this is getting postponed. I will mention that I hope

[2:29:42 PM]

that it being postponed, that there will be an outlet and opportunity for community members to express themselves because this is truly important to all the hispanic, black and indigenous people who live and reside in that east Austin area. This is something that should be considered when providing affordable housing, which is a very loose term because people cannot afford half a million dollar houses or condos

in this area. Especially during covid-19 when a lot of people who are looking for houses and homes are out of jobs. We need more accessibility and the facade affordable housing is for all people in Austin when we know gentrification continues to be on the rise and the people who have lived here in Austin over the years are

[2:30:44 PM]

getting squished out because they cannot afford property taxes. So I hope that this postponement is an accessibility to listen to community members and hear whether or not we're saying because you are in a place of power to listen to the city of Austin as a member of the board and we only have our voices and you guys have our votes. Please do what's right for the community of Austin and the Kemp street rezoning issue that I know is getting postponed, however, it's very important to the community who live there. Please do the right thing. Thank you.

>> Susana Almanza.

>> Yes.

>> Mayor Adler: Thank you, she -- I just want everybody to know that if this item postponed indefinitely were to come back, then absolutely would be post understand a way that would give the community notice and the opportunity to speak.

[2:31:45 PM]

Go ahead, speaker.

>> Yes, we have a video we want to show. I sent it to the city clerk. This is Susana Almanza. Montopolis neighborhood association.

>> The item is being postponed. And therefore --

>> It doesn't matter. My three minutes, I want to show the video for my three minutes.

>> Mayor Adler: Go ahead and let her show the video, please.

[Singing]

>> This is Kemp street.

>> I like this house. Nice area.

[2:32:46 PM]

>> It's quiet. You can walk the neighborhood here and not feel like you are in danger.

>> I guess the word is pleasant. It's very pleasant to walk up and down the street.

>> You get to know your neighbors. We're lucky we have each other because right now is when we need all the help.

>> There's a lot of people besides me that have been living here, but at the same time when I was born their parents were here.

>> My husband, this was his parents' house, and my neighbors next door used to belong to the grandparents.

>> It's been 80, 85 years. That's how long this home has been here.

>> This is the lot at 508 Kemp, which is developer would like to develop 33 condos on here. But I can't imagine 30-something units in a neighborhood that so far only has 20-something houses. 99% were black and brown people.

>> We've been here since

[2:33:48 PM]

1953. You know, because we like where we are. We are good here. We appreciate it if you would just leave it like it is and don't try to incorporate any more raising of taxes or any more traffic or could be more crime, who knows. I don't know. But we like it just like it is.

>> It's hard for me to pay the taxes and everything is going up so high that we can't stay here. There's a the look of people around here that complain about the same thing.

>> You know, you go to city hall, you listen to their conversations, you go to their meetings and everybody is talking about affordability and building affordable housing, but when you talk to neighbors, you know, the reality is that that affordable housing is not affordable to them.

>> I know that once those condos come in, the taxes are even going to be higher.

>> Somebody in our neighborhood that's being displaced, you know, like our neighbor across the street, she would not be able to get one of these

[2:34:49 PM]

condos because the range is between 60% to 80%. That's what they consider affordable. Our neighbor across the street wouldn't be able to get unwith of those units.

>> They call it affordability unlocked. To us there's no affordability here.

>> They are going to want to get rid of the people that can't afford it, that's been here a long time and took care of the community. People that worked to take care of the community.

>> Maybe it would work in another neighborhood that's way more expensive if somebody were to build condos there and have some at 60% mfi, that would definitely help over there. But here where the mfi is

--

[buzzer sounding]

-- 40%, it would definitely not help.

>> Mayor Adler: Thank you very much. Next speaker. By the way, as posted, the zoning, the time in zoning is two minutes a speaker. Councilmember harper-madison.

[2:35:49 PM]

>> Harper-madison: Mayor, I just wanted to be clear about procedure. Councilmember pool expressed concern about us having dialogue about the case. I thought we hadn't voted on it yet, I thought we could continue to have the discussion until we vote to postpone it, but if I'm wrong, correct me. I may have something to say about the speaker's commentary.

>> Mayor Adler: There will be opportunity to speak after the speakers.

>> Harper-madison: Thank you.

>> Peter semonite.

>> Hi, how are you? Thank you, councilmembers, this is Peter semonite. I'm one of the neighbors in montopolis who opposes this upzoning item 66. I appreciate you guys have postponed things. I really appreciate you doing the right thing and encouraging developers to

[2:36:50 PM]

work with the community. That's something that's been missing here. So far we've been pretty much kept in the dark. I live down the street from this project and oppose these measures and I would like to talk about the value of community. This neighborhood is a very special place. It's one of the last areas in Austin where generations of austinites live together as a community. A lot of my neighbors grew up on this street in houses that belong to their grandparents. And some of the streets are named after the families still here today. And they've been here since this was dirt roads and before it was annexed by the city. I don't think there's anywhere else in Austin that's still true. It's a really beautiful thing and something we should all strive to look after and care for. There's little cottages with porches and a long straight street where there's no cross streets. So it's really great for walking and talking to neighbors. That's another beautiful

[2:37:50 PM]

community benefit that exists here that you can't put a price tag on. Across the street from where I live, there's a really special resident, Ms. Annie, who recently celebrated her 105th birthday. She told us she doesn't want to leave. What's evident to us is she is able to stay here in her home that she's lived in since the '40s because she has to support and provide care. A lot of neighbors are essential workers, some are disabled San seniors, and they are the experts on displacement that you should be listening to. They understand better than anyone else how it works and when the pressure of prizing taxes meets the price point that makes them have no choice but look elsewhere.

[Buzzer sounding] A lot of people here have inherited land with sticky title situations and are under a lot of pressure to sell from speculative

[2:38:53 PM]

realtors. When speculative realtors -- what would you expect to happen? Thank you very much.

>> Mayor Adler: Thank you.

>> Jonathan Davidson.

>> Hi, I would like to thank particularly Greg Casar Anna Tashia harper-madison regarding last-minute acknowledgment of some of the voices in the montopolis neighborhood, and I hope that we do have a very open conversation between developers and between the residents of the neighborhood about what may or may not happen in some of these lots. I oppose all rezoning of lots, but when affordable housing is involved, I think that there's always a conversation. I think that every little bit that we push back on this, more and more affordability kept coming out of it and we don't feel like it ever came to enough affordability and feel like

[2:39:54 PM]

if we work harder on both sides, we can get it more affordable housing, more and more affordable, below 50% mfi perhaps. I would just like to thank everyone on the council for just considering this in the nuanced way that it is. And I believe that we can -- maybe this lot isn't actually buildable in that way because of specific conditions on the lot, but there's other places that conversations can have. And I think this was a great start for a two-way, not a one-way conversation. So thank you very much and I look forward to more communication in the future. Thank U -- thank you.

>> Mayor Adler: Thank you.

>> Phillip Sheldon. Mr. Sheldon, please unmute.

[2:41:08 PM]

Cynthia Vasquez.

>> Hi. My name is Cynthia and though I appreciate the new consideration on item 66, I'm not going to change a word on what I was going to say. This has happened too many times and there's a lack of trust. So my name is Cynthia, I'm a native east austinite known to gentrifiers as a unicorn, but I can say I'm an east Austin oldy. To attempt to convince our east Austin community and resident experts that this land development in question on Kemp street in the montopolis community is needed. I've seen and heard most of you on the dais take a strong public position in Austin equity positions and evacuate for people of color, however, I don't see that strong energy in the affordable housing sector. There is a complete disregard for families who

[2:42:10 PM]

have done the work you have not. Keep that solidarity with us. When was the last time you worried about where your family would live or wonder if your mom was really happy about dying in a house instead of the home where she cared for her kids most of her life. Why am I here again with east side neighbors arguing about all the damage and displacement this upzoning will cause. Before the pandemic I was present in several meetings when I listened to three of you, including you, mayor, tell some of us land development and upzoning and \$400,000 condos will not affect our property taxes. Stop saying that. Stop saying that when we are living proof, walking breathen and showing up at city council meetings every time to show you otherwise. We've gone from homeowners to renters to couch surfers. Inequity and racism are dehuman nighing, one and the name. Up zoning montopolis while hiding under the guise is

[2:43:13 PM]

affordability is dehuman icing. In hindsight -- bus bus -- I thought up with focused on equitable outcomes. When a big contributor like the dg group have their eye on dismantling --

>> Speaker, your time is up. Shawn Abbott.

>> Good afternoon, mayor and councilmembers. Shawn Abbott from Armbrust and brown. I serve as general council for water improvement district number 2 and here to discuss 65 related to the rezoning of the pier property. Supplies water to the rob Roy division. The source, districts without water intakes are located approximately 800 feet from both docks at the pier. As you will hear, the

[2:44:13 PM]

district soldier from water district 20 has generated a report that concludes the possibility exists for a situation that could contaminate the district's water supply. He will speak with more specificity relating to why benzene in drinking water is dangerous and when conditions near the pier provide for possible contamination. We've worked with representatives of the applicant regarding the future use of the property. Generally speaking we reached accord on everything except the sale of gasoline. From my perspective, this is a health and safety issue. While the district engineer cannot provide a specific cattle related to probability of catastrophic event, he has. While compounds are concerned, it's not possible to test for contamination in drinking water in realtime. If a spill occurred that was not immediately reported, the district's drinking water could be contaminated. We appreciate your time.

[2:45:14 PM]

Thank you.

>> Eric Dillman.

>> Kathy was trying to say something. We're good to keep going.

>> Go ahead, Mr. Dillman. Thank you very much. So thank you very much. I'm a resident on Kemp street. I realize that the motion was postponed. So I want to just kind of maybe just speak to councilwoman harper-madison and councilmember Casar who brought this up. I want to respect your desire for affordability. Councilwoman harper-madison, you mentioned the 17 affordable units and how, you know, this could be -- we could be in danger of losing that. I think affordability is an

[2:46:14 PM]

important discussion that everybody in the community is having. I just -- I provided some images for you. We talked about it a couple weeks ago. It's page 64 of the staff report. That's images of what happens to the soil over here when you clear cut it on the slope that exists. And I'm just really curious about what mechanisms the city has in place to determine what kind of environmental damage is going to be caused when you subdivide these lots. This right now is one lot and a lot is serving as a buffer, it's soaking up rain water. And if you built all that impervious cover over a lot like 508 -- all that is going to come back over a landfill which is harboring toxic chemicals back there. Has the city done a study on the viability of that

[2:47:16 PM]

landfill cap and what happens if that leaches out into the park? I want you to [inaudible] Guerrero park in 2015, there's a pedestrian bridge that got washed away. If you were to wander down there today it's still washed away. The soil in this neighborhood is all sand and highly erosive. So before you even have --

[buzzer sounding]

-- Conversations about subdivisions, you really need to study what effect this is going to have. Thank you.

>> Maralli thorn Thompson.

>> Mayor Adler: One moment, please. Councilmember harper-madison.

>> Harper-madison: Thank you for recognizing me, mayor. I wanted to speak to the last caller's concerns, questions. Yes, those are some of the

[2:48:16 PM]

things that I think have an opportunity to really have a more comprehensive conversation with our environmental department would help with. I was hoping that, you know, at the very least today what we could accomplish was having our environmental officers be able to speak to some of these environment concerns. Specifically around impervious cover, watershed issues, flooding issues. So it's not lost on me what you all's concerns and considerations are. And so I just wanted to make sure to point that out. And before -- procedurally, how would this work. If we wanted to have the opportunity for the general public to hear from the people who otherwise would have had an opportunity to present during the course of our deliberation, how do we do that prior to the vote where, like, councilmember pool pointed out, when we do vote on the postponement, it probably is not appropriate that we continue to have the conversation, but prior to,

[2:49:16 PM]

without us deliberating because we are considering the postponement, would it be possible and/or appropriate to have the people that I otherwise would have asked to answer questions and concerns be able to offer that information as a point of consideration for people that have during the course of the postponement for whatever duration that lasts? That was a question.

>> Mayor, were you going to answer.

>> Mayor Adler: I'm sorry, I had gotten something from my staff. I didn't hear the question.

>> Harper-madison: The question was is it appropriate prior to us taking the vote where we are able to continue to have a conversation about the item because it is not officially postponed, what I was hoping to have happen during the course of the deliberation

[2:50:17 PM]

was having some of those environmental concerns be addressed, some of the watershed issues be addressed. The impervious cover issues be addressed. So while we are considering a postponement of the item, I think it would be helpful to have those presentations from staffers for the general public and the -- you know, the community to be able to mull over some of the items that might just assuage some of their fears and/address concerns. Is that still a probability given postponement is on the table but we have not taken the vote to postpone yet?

>> Mayor Adler: I think it is allowable. I know there's a lot of work to be done today. Maybe we can do it in not as complete a matter as we might have had. We would be deciding those merits. But as we postponed the matter, I think it is within your bounds as a councilmember to send the message to the community or information to the community that you would like them to have while the matter is

[2:51:18 PM]

postponed.

>> Harper-madison: I would like very much to do that. I also appreciate the caller 'S recognition around intent around affordability and some of the other callers pointed out the relevant reality of the fact that ain order built is relative, you know, it depends who you are talking to and what their income looks like. Some of these questions I would like very much in the interim, while we, you know, have this time away from the case, I would like for them to at least have the information they otherwise would have had that we could have extracted from our very knowledgeable staff to really think through while they are thinking through what it is they are going to ask for as a community both from us as a council and the developers. I think it would be helpful for all parties.

>> Mayor Adler: I understand. Thank you. Let's continue with the speakers.

[2:52:19 PM]

>> Marilla thorn Thompson.

>> Good afternoon. I'm speaking on agenda item 58. ; Torn Thompson and I live across the street from the property in question. I do not necessarily oppose the rezoning, but I would bring it to city council's

attention marquee investments and Mr. Kostein appear to be operating -- I've lived across the street for 12 years and I've seen an unpermitted addition go up and just I don't know last month I saw a concrete truck pull up and pour under an anonymous existent. We've had to expend so much

[2:53:20 PM]

energy trying to make sure this property across the street will be safe. Thank you, that's all my time.

>> Robert Ferguson.

>> Good afternoon, mayor and council. This is Robert Ferguson with Murphy engineering company. We're engaged as district engineer for Travis county and tc mud 4. I'm addressing the rezoning request item 65 submitted into the property owner what is common known as pier to rezone a portion of the property for commercial retail uses to allow both docks, slips, marinas and associated activity that as we understand includes gasoline sales. The issue at hand is that our clients owned and water raw water intake as part of the public water systems less than 1,000 feet from the proposed boat docks. Construction of the boat docks would violate rules of the tceq. The intake is approximately

[2:54:22 PM]

800-foot downstream on the same side of the lake as the proposed slips and the up take approximately 400 feet on the same side of the lake. These locations were both approved by the then-regulatory agencies being the Texas department of health and predeceaser to tceq. In review of the potential redevelopment both now and in recent years, the staff of the tceq has more than once expressed they reserve the right to pursue enforcement of their rules requiring the 1,000-foot area. The tceq has stated should such a development be built, then the water districts would be in violation of the tceq rules and they could pursue enforcement action against the district requiring the intakes to be relocated. Current policies focus on protecting one party supplies beginning the the source water and intaste.

[2:55:22 PM]

Around 2005 the pier restaurant operation ceased. Granting of this request was provided for the redevelopment of the site for use that could increase gasoline sales, contamination of the public water supply, the raw water intake.

[Buzzer sounding] If the tceq pursues enforcement, the district required to relook at -- preliminary analysis has --

>> Speaker, your time has expired.

>> Mayor Adler: Thank you. Thank you very much for participating today.

>> Ann Lewis.

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: Constructed. It's my understanding at least one was constructed after the pier was in place

[2:56:23 PM]

and that it relied on a waiver. If you have information about that, that would be useful to know.

>> Mayor Adler: The first part of your comment was cut off, Kathy.

>> Tovo: Okay. My question was for the speaker and I was asking about the date of the intake, the date of construction on the intake facilities.

>> Mayor Adler: Is the speaker still with us?

>> He is not.

>> Tovo: Okay. Thanks.

>> If I might refer to the Q and a for number 65, I think there's an answer in there.

>> Tovo: Thank you.

>> Mayor Adler: Next speaker.

>> Ann Lewis.

>> I'm sorry to --.

[2:57:26 PM]

>> Ms. Lewis, please be sure to unmute.

>> Not working.

>> You are on now.

>> Mayor Adler: We can hear you.

>> Ms. Lewis, you keep muting yourself. Try it one more time.

>> Hello?

>> Go ahead.

>> Mayor Adler: Yes, we can hear you.

>> Oh, good. I'm so glad to be speaking against the so-called villas proposed within 500 feet of my house. I wonder if there's room for me in the city anymore. I wrote speaking that pretty much expressed what the neighbor next door state about traffic and water and impervious cover and codes and privacy, want to come to my house and want to see me

[2:58:28 PM]

dance naked? That's what it's like with windows directly into my backyard. It would be good if you did come down and sigh what it's like with the constant noise while I try to teach students on line and the sun blocks garden up and down the street. I thought you were supposed to represent me. I hope that you read what I read to the planning commission, the result was I got two long messages and a pack of schematics trying to sell me to the strange idea this particular developer had anything in mind for the public good. The people in my neighborhood you elected to represent, we fought for represent education, working class chicano African-Americans will not longer be here. I won't be here in ten years, my children won't be here. My loved neighbors are already ... And gravel yards. I doubt the white gentry will want representatives more civilized than they are. There will be no one left to

[2:59:28 PM]

elect you. And the saddest part is you could do something. You could create labor codes so it wouldn't be so cheap to hire people to work without even hand sanitizing stations next to their toilets. You could insist on housing for people with disabilities and locations and not have this part of any development including south Austin. You could insist that they provide parks and green spaces, sidewalks any time they put up the so-called villas. There's a lot you could do. And the first step is not accepting this on the first reading and not changing the zoning on this. Thank you very much. I'm done.

>> Mayor Adler: Thank you.

>> Sue Gabriel.

[3:00:37 PM]

Sue, be sure to unmute. Eric Hollis. >>

>> Good afternoon, council. I manage the circle acres nature preserve. We are opposing the rezoning request and believe it would be a set of precedent of montopolis and set gentrification in an extremely vulnerable community. While I appreciate the sin tear desire to find an amicable solution and find

meaningful affordable options for residents, don't think this development of this scale in a vulnerable neighborhood will result in equitable outcome for the community already here. I think their voices should ring loudest here and frankly they have not. The neighborhood unanimously opposed this project. Furthermore, a large condo community here will put a great burden on us and forever scar the space we have helped to create for the entire community.

[3:01:38 PM]

We have worked here for 15 years to recover this land from some of the most reckless, unconscionable environmental crimes one can imagine. We've created a space of hope and radical demonstration of what is possible when a community comes together to fix things for each other and our shared environment. I keep hearing what are the alternatives. Councilmember, we can do better here. I know watershed production was beginning to explore options to purchase the back part of the property before it went under contract in order to ensure the canopy's protection. I know pard is interested in using our preserve as a bridge between the montopolis school across the street and Guerrero park. I know the owners have expressed it and remain in their homes if the deal fails. This could happen with city support and still the land more appropriate for subdivision to support low income housing in line with the economic reality. The city does not have to make the false choice of either the 17 plus 16 high end condos or something worse. We have a tight knit community to wants to do right by the current owners. We love them. They're a wonderful couple

[3:02:38 PM]

and pillars of this community. My question to you is why not. This community will be better served and this government still owes montopolis recompence for the religious negligence perpetrated in the past. We can do better and we must. Thank you.

>> Mayor Adler: Thank you. Harper-madison there are multiple people I've had conversations with. If you're comfortable in sharing it please send me an email. Thank you.

>> Thank you. Angela, please unmute.

>> Can you hear me.

>> Yes, go ahead.

[3:03:39 PM]

>> Are you able to hear me?

>> Yes.

>> This is Angela Garza and I'm here as a citizen and thank you for bringing this to our attention because we have a similar situation in my home and what we are open to is understanding --

[indiscernible] Of reasonable affordable housing on the ground. To city council woman Natasha harper-madison's point, we don't want to lose -- and councilmember Renteria, we don't want to lose an opportunity

[indiscernible] Or have an opportunity where we lose this opportunity and we have zero affordable housing at all. But at the same point what I'm trying to understand is

[indiscernible]. But I'm trying to understand what is the middle --

[garbled audio].

[3:04:41 PM]

What is going to be sustainable so we don't get zero out of it at all. And that's not what we're trying to learn because I understand the affordability and we really need that, at the same time we don't want

[indiscernible].

[Ta garbled audio]. We're not getting a lot of community input. There's such a

[indiscernible]. We expect that of the developers as well. So you can see that we're open to understanding how to be able to vote correctly or support correctly a real viable option. Thank you.

[3:05:46 PM]

>> Pool: Mayor, could we let Ms. Garza know it was hard to hear her now to get the sense of what she was saying because it was Dar R. Garbled. Maybe she could send us her thoughts in an email?

>> Mayor Adler: That would be good to do. We got it at a high level, but we did miss portions of it and that would be a good thing to do if she wishes. Thank you. Next speaker.

>> Can you hear me.

>> Yes, go ahead.

>> Hello. I want to address this anyway, the postponement,

[3:06:46 PM]

because inc. It should be happening while the postponement is going on. The interests in -- just a second, please. The issues surrounding this request are multi-faceted and explained in a letter sent to you recently by ecology action. City planning staff recommended against this zoning upgrade. The important issue is the interference in the lives of 91% black indigenous and people of color who live in this long established community oriented neighborhood of small well kept homes and whose income range is 20 to 40% lower than the 60 to 80 percent range associated with the promised affordable housing. Displacement is sure to happen. In the past several months the city council began taking steps to decrease

[3:07:51 PM]

racism in Austin will not help to decrease racism in Austin. It will continue gentrification that is historically racist. Please respect the issues of the people who live in the Kemp street community. Work diligently to develop a plan using input from the residents, planning staff and community activists to protect the neighborhood and the people that live there. Thank you.

>> Rebecca she willer. Rebecca, please unmute.

[3:08:57 PM]

Daniel Yanez.

>> Can you hear me okay?

>> Yes. Go ahead.

>> Thank you very much. I'm not speaking to the postponement, I was speaking against item 66. I ask you all to support the valid petition and support this zoning case at Kemp. In the same way that the Austin housing finance corporation dealt with the Tillery Gardner cases that exposed unconscious systemic racism in the public sector, this Kemp case is a case of systemic racism in the private sector. I ask you not to enable unconscious systemic racism by zoning in the private sector. This systemically racist zoning that created east Austin in the first place. And I ask you to stand with us to turn the tide of systemic racism in Austin and oppose this zoning case to montopolis and I especially appeal to my councilmembers of color. I do not see you supporting

[3:09:59 PM]

the anti-racism movement as aggressively as I wish you would and here's where the rubber meets the road because it is in zoning that racism happens, not just the killing of our black and brown children by cops,

but this is zoning by economic and political muscle that is enabled by an unconscious system that perpetuate the status quo. I would ask all of you on the council to help us move away from our racism legacy. Thank you very much.

>> Annie Gunn.

>> Thank you, councilmembers. I'm here to oppose the zoning change at 508 Kemp. I hope this let's the community actually be heard and not a chance to let the wind leave our sails. I live on Kemp street with my partner and one-year-old. I grew up in the montopolis area and this is my chosen

[3:11:00 PM]

community. It's not dramatic to say that everything my neighbors and I love about montopolis and Kemp street is threatened by a progress like this. This diverse population is beautiful, the intersection a green and urban spaces are beautiful. We have respect for each other and for the land, and by sending this --

[indiscernible] This project you're turning a blind eye to the project. 33 condos in the heart of a residential street will topple this beautiful balance and impact the lives of our neighbors. These are people who we love and care for and they should be cared and protected. I want to say one thing about the numbers that keep being repeated.

[Indiscernible]. I believe it was a couple of weeks ago that the prices would be set at 80% mfi, not 60 to 80 percent, but just 80 percent. Can you ask her about that detail if you would like. 60 to 80 percent mfi is the income eligibility range to apply. So the average montopolis resident who makes less than three percent mfi cannot even apply. This is a really important detail that needs to be added to the conversation.

[3:12:01 PM]

This project has zero community buy-in. I think you've heard that from all of us. You've been told our neighbors are misinformed or confused and I assure you we are under no illusions of what is happening. Many have witnessed the changes all around them for decades and how could they not be the most informed party of the people in this conversation. We would like for you to stop insulting the community by saying you know better what happens. This just throws gasoline on the fire and upzoning will triple that land's value and that's what it's all about no matter how you package it or green wash it or spin it. It sets a clear precedent for the developer literally next door and down the street around and the corner.

[Indiscernible] Is like 20 houses so adding 33 units here will more than double our population overnight.

[Buzzer].

[3:13:02 PM]

>> Mayor Adler: Thank you for participating.

>> Greegree son.

>> I'm speaking on behalf of the piers rezoning request. I've served on the board of directors at Travis county water control and improvement district number 20 for almost 15 years. And was elected president of the board in 2019. Our district has been providing drinking water since the mid 1980s to the Rob Roy subdivision. The district has 375 water connections. To put a human element to that number it means that over 300 families and a number of districts depend on our district for a drinking water. The district also has emergency interconnects to share water with five other districts and thousands of additional customers in

[indiscernible]. Lake Austin is a source of drinking water for our

[3:14:02 PM]

neighborhood and we operate our raw water intake right across from Emma Long Metropolitan Park. We're extremely concerned about gasoline sales occurring in close proximity to our raw water intake. You've heard from the district engineer reviewing the health risks associated with gasoline contaminating a freshwater supply and the potential for contamination if gasoline sales were to resume at the pier. To reiterate, the report states that the sale of gasoline at the pier increases the potential for benzene contamination in the district's water supply and to the extent a spill were to occur, residents consuming the district's drinking water could be subjected to significant health risks. While it's true that the pier was in operation for a period of time after the raw water intake was installed, the fact that a gasoline spill was not documented at that time is not predictive

[3:15:03 PM]

as to whether or not such a spill will occur in the future. We do not want the sale of gasoline to resume at the pier. Thank you for your consideration.

>> Ashley Levitch.

>> Hi. How guys today? Hi Mayor Adler and City Council. First I want to thank you for taking time to hear our opposition on the development of 66 at Kemp Street. We do appreciate the postponement, however, we still respectfully ask you for you to hear us, not what you believe is best for our community, but what the allegiance of us who have shown up today and throughout the months are telling you what is best for our multi-cultural community. We are looking to preserve the community that we love and despite conversations

[3:16:03 PM]

about affordability these proposed condos are not affordable for the proposal in our neighborhood who predominantly live closer to the poverty line. They do not qualify at the 60 or even 80%. We currently feel like these discussions are boxes checked because of the need for affordable housing in Austin and we are looking for more meaningful solutions for our community. In addition to the 33 condos proposed for 508 Kemp we are worried that it will increase traffic to a small two lane street, it will create overflow parking concerns, potential litter, increased vandalism, not to mention the increase in property taxes that people have expressed concerns over and over again. We already have reduced parking, especially in consideration of all of the construction of houses on this street. It is a small street, it's charming, it's children skateboarding and riding bikes up and down the street. And to be frank with you there are very few places left in a city like this

[3:17:04 PM]

where children have the opportunity to grow up like that, much like many of us grew up in a place where it was safe enough to ride your bike. In addition, the rezoning and further reduction of natural land impacts our neighborhood. It's something that drew many of us to the area. Circle acres have become a healthy outlet for our neighbors in the form of hiking, exploration, a place of learning and wonder for children in the montopolis area. This land will be clear --

[buzzer]. We believe the environmental impact outweighs the importance of developing condos.

>> Mayor Adler: Thanks for participating.

>> I'm vice-president of

[indiscernible] And the first homeowner of the lake

[3:18:06 PM]

downstream of the pier. I may not like it, but I sure don't want to drink it. Gasoline and water don't mix and a marina use upstream of our water intake is the same as a gas station floating over the water. Don't let the applicant distract you with poor little old pier and a hamburger. Let's focus on the city's own documents. In 1976 the city adopted the lake Austin growth management plan. Page 49 of the plan denotes that the pool of the lake and any area within the lake's floodplain should be labeled as a conservation zone. Mapping in the plan shows where the pier is located to be a conservation zone. Per the growth management plan there is to be no commercial activities allowed in a conservation zone and

I quote from the plan, no activity should be permitted which would adversely affect the natural physical, chemical or

[3:19:10 PM]

biological characteristics in the zone. These are the city's own marching orders per the water plan. The critical water quality zone is exactly what it is. The pier has been closed and not used since 2005. The resurrection of the use was 15 years ago and is now considered non-conforming for its current zoning and they are asking for proper zoning in order to continue. The docks have been left to rot to the elements. Please oppose gasoline sales and align with the Austin growth management plan and maybe I won't have to drink it. I sure appreciate your time today. Thank you T.

>> Mayor Adler: Thank you.

>> Mark Zupan.

>> Hi, I'm mark Zupan. I'm the civil engineer on lesson lane, I think it's

[3:20:11 PM]

agenda item 63. So the existing zoning as it speaks is sf-3. With sf-3 we can subdivide that into nine lots. Putting two units per lot on the property W this with the proposed zoning of sf-6 we are proposing one driveway and laying out the houses in a manner that are conducive and better looking not only -- not only that, but with the way it's laid out, there's an eight inch water line and 10-inch that are not connected. As of right now it would stay that way if we were to keep it as sf-6 -- with sf-3, pardon me. With sf-6 we will connect those two water lines,

[3:21:11 PM]

increasing and making the water system better. There's been some -- there's been conversation about the impervious cover and it polluting and so forth. With any subdivision you have to put in a detention pond, water quality pond. We will be doing this and we will be returning the flow rates to a flow rate less than what the existing flow rate was coming off of this land. There will be sidewalks on lesson -- there will be sidewalks on the frontage of our property on lesson. There will be sidewalks on the frontage of brenya. And Kreps. I think that speaks to the horizontal improvements that -- that the zoning

[3:22:14 PM]

[indiscernible] Better.

>> Mayor Adler: Thank you very much. Thank you for participating with us.

>> Noah alleas.

>> Hello, can you hear me?

>> Yes, go ahead.

>> So first of all, I would like to thank all my neighbors. I am -- I'm speaking on item 66, 508 Kemp street. I want to thank my neighbors, the ones that could be here. I know some of us took the day off to speak on this and we have done a lot of work the past month to make sure the city council listens to us on what we want and need in our neighborhood. What we want is we need housing affordable to our neighbors and we do not need these luxury condos and the affordable housing at 80% mfi.

[3:23:19 PM]

So -- I hope with this postponement we can get to where the community is heard and where the city council can actually back up the community and support us in what we need and want in our neighborhood, rather than support a developer who is trying to build luxury condos and trying to get away with it by offering some affordable housing that's not affordable for our neighborhood. Like Eric said earlier, there are means things that the city council can do to show their support for the neighborhood, for the community. If we can build low income housing there, protecting part of it -- the most environmentally sensitive part of it, which I believe watershed had talked about purchasing. I believe the council,

[3:24:19 PM]

especially our city councilmember is philogynous that in supporting us, knowing what we want and listening to us, I know they say that we are going to get-million-dollar houses, but actually -- [buzzer]. We wanted the city council to back us up on this and get some real affordable housing here.

>> Kathleen trisna.

>> Hello? Can you hear me?

>> Yes, go ahead, please. Kathleen, we can hear you.

[3:25:25 PM]

>> Can you hear me now.

>> Yes.

>> Okay. Yes, I am a resident of the Rob Roy on the Lake subdivision water quality district 20 and I'm expressing my opposition to the rezoning of that pier property because of the gasoline sales that would likely happen. As some other people have said, the proximity to the boat docks to our water intake, if there were an incident it would lead to contamination of our drinking water and the drinking water apparently of quite a few people. So I would like you to vote no on the zoning and prohibit the gasoline sales in that location. Thank you very much.

>> Gregory Dayton.

>> Good afternoon, city council, mayor Adler. I appreciate the time to

[3:26:29 PM]

Speak on agenda item 58 on Inverness Boulevard. I want to thank the various people who have been working on this over the last number of weeks, Wendy Rhoades especially and Ann Kitchen's office with Ken Craig and development services, code enforcement. I appreciate that I've been heard and that we have a plan going forward from the -- from all the powers that have gotten together on this. There are some things that I would like to discuss further and I assume a different form is probably a better place, perhaps with the housing and planning committee because there have been things that have been difficult with this process, but I feel comfortable with where we stand right now and we just want this property that is right next to mine, right next door. I live next door. We want the property to be a positive addition to the neighborhood and we feel like this plan in place, at least I do, will ruin a good

[3:27:29 PM]

road. I appreciate your time. Thanks. That's it for me.

>> Which I was Watson.

-- Chivas Watson. Mr. Watson, please unmute. Bethany Carson.

>> Good afternoon. My name is Bethany Carson, a resident of district 4. And I called in today to oppose item 66, the Kemp Street rezoning. The council really must stop greenlighting developments that will further displacement and thank you for the postponement, but given the conversations that we've been having around reimagining safety, a bring

[3:28:29 PM]

like this that would displace a long-standing 91% by poc mutually supportive community should not have come up for first reading. This community lives with the legacy of the 1928 master plan and the use of their land as a caustic waste dump. The city owes reparations to this community, not trade-offs for housing and it still displaces current neighborhood residents. As others have pointed out, this is what systemic racism looks like. The city needs to be proactively working with the community to prevent high cost development instead of paternalistically negotiating compromises with developers they universally oppose. As ccu has written, the city has a list of anti-displacement options developed by UT in the uprooted report in addition to the proposals put forward by the montopolis community that are consistent with the uprooted report. In fact, the report recommends [indiscernible] With dedicated funding and oversight infrastructure. We have bond money. Why not use it for assist

[3:29:30 PM]

vulnerable communities to implement their own anti-displacement measures instead of assisting gentrifying development? The report also suggests for neighborhoods such as montopolis that vulnerable -- that vulnerable or in the early stages of gentrifying that the city should support the acquisition of as much land as possible in strategic areas of the neighborhood. This land thinking allows the city, community groups and residents more capacity to mitigate displacement when change does come. This is why communities of color have called for a city strike fund that would allow the city to acquire properties in vulnerable communities. What's been done with the money collected with the Austin housing conservancy fund? I hope that after hearing from residents and community members today you will revisit these options that the city has already had --

[buzzer].

[3:30:35 PM]

>> Nadia Barbo.

>> My name is Nadia. Thank you for the opportunity to speak on item 59 and 60. The numbers near 3500 pecan springs have sent dozens, maybe even hundreds of hours planning, responding, researching and cooperating with the applicant and city staff members. We have reached an agreement to support the zoning change with the conditional overlay attached to the agenda today, which didn't include all of the items the neighbors feel was needed for the property, but we found a compromise. We have not, however, come to an agreement on the restrictive covenant so I would say we're pretty worried about this and hope it would be resolved soon. I want to thank especially several of the councilmembers for their responsiveness in this process. I wanted to take a couple of minutes as we've been

[3:31:36 PM]

talking as neighbors over the last month. There's a couple of points that are not dissimilar to the other points that have been raised with the other speakers, but I want to echo from our perspective it feels that our current plan in Austin is maximum density by default. Regardless of the conditions on the property. I would propose that we think about development the other way. What if we started with appropriate unit count on a property based on the conditions of the property, like how many units could physically be drawn on to a property per acre and then subtract for environmental conditions, subtract for current safety, subtract for current footing or add for the first property in the area to be redeveloped or rezoned. I feel like there's a way

[3:32:36 PM]

that we could do this that doesn't feel like it's being done currently. And the process in general again as other people have said feels like it really sadly needs updating. The process is not apparent or -- [buzzer]. Thank you for your time.

>> Greg crumb.

>> My name is Greg with Armbrust and brown. I represent Travis county utility district number four and this is on item number 65. I'm going to endeavor to not retread what others have already discussed. A couple of items. The pier property, my understanding, was in existence when the Travis county mud four intake was permitted. The department of health looked at various locations

[3:33:38 PM]

for the intake at that time and back then a number of issues, and granted them a variance to locate that intake within 400 feet of the pier property. Of course, that was back in the '80s. Since the '80s the science has changed on how you evaluate the [indiscernible] Of your drinking water and David Wallace will discuss that in more detail later. It's not just the benzene getting into the intake. It's the by-products that are create when had chlorine acts with benzene and other gasoline products that can create carcinogenics in the water. Our main concern is good water quality and public health and safety. We started the when a representative of the

[3:34:38 PM]

applicant attended a board meeting of Travis county mud 4 in August and at that meeting they asserted that they wanted to rezone for the dock facility but asserted there would be no gas service. As we progressed through this and worked through restrictive covenants, unfortunately that position changed. And in my view with the restrictive covenants that have been negotiated, if we can agree that there won't be gas service on the property, I -- [buzzer]. I think we can resolve this matter. And that's all I have unless there's any questions.

>> [Calling name].

>> Hi. Good afternoon. Everyone on council.

[3:35:43 PM]

It's a complex situation so there's a lot I would like to say, but I'm going to cut it short. And I hope what I have to say can be constructive and helpful to this conversation moving forward. First of all, I want to acknowledge that people who have heard of montopolis have been struggling and now that developers are looking at this property in the neighborhood, this is the first time we're seeing the city start to pay attention. I want to say that people in the montopolis neighborhood are constantly harassed by speculators and that harassment really makes these conversations all the more difficult and all the more toxic because it is a constant invasion. I'm support -- I support this and that we should have an ordinance.

[3:36:44 PM]

Somehow providing harassment for homeowners who don't want to sell, I think they should be fined. We should curb the aggressive realtor attack. So I want to first say those things. I also think that some of the framing around this conversation has become very misleading. Misleading in a way that doesn't actually help illuminate things although it is hopeful because I hear the tone of people participating in the call is very different from the tone of some [indiscernible] In the montopolis neighborhood who chose the name calling and verbal attacks and

[indiscernible] Analogies and all that as ways to forward their own agenda for the community. I want to propose that anti-displacement in montopolis is -- [buzzer]. Thank you for your time.

[3:37:45 PM]

>> David malish.

>> Mayor and council, I'm here to address item 65 of the agenda. I'm a registered professional engineer and represent Travis

[indiscernible] As a district engineer and I have since its creation in 1983, nearly 40 years ago. Shortly after creation we designed and constructed public drinking water facilities which with the concurrence of the Texas department of health including a raw water intake approximately 800 feet downstream are from the operating pier restaurant facilities. The harmful effects of the hydrocarbons at that time were not fully understood or appreciated until almost a decade later when the water treatment plant operators were required to routinely monitor or indicate

[indiscernible] Of such compounds referred to as disinfection by-products. Although the pier restaurant and marina facility ceased operations in the early 2000s, the current operator is seeking to allow for the planned reinstallation of the gasoline refueling station over the lake in close proximity to the

[3:38:45 PM]

district's raw water intake structure, significantly increasing the possibility for contamination of the district's water supply. Benzene is one of approximately 15 toxic products in gasoline is found as a pollutant in drinking water supplies. It requires several days to obtain results and whereas drinking water is processed in the plant in a few hours and make it prior to detect prior to distribution for consumption. The state lawyer has given municipalities authority to protect yours and their watershed and drinking water supplies through the zoning and site permitting process. The district do not have these powers and must rely on cities and counties for the same protection. In an effort to ensure protection of my client's drinking water supply as well as their health and safety it is requested the city council deny the zoning request that will otherwise jeopardize the integrity of our drinking water source. Finally I have the privilege of serving on the city's water and wastewater commission in the '70s and

[3:39:46 PM]

'80s and I think that they would allow it upstream of

[buzzer]. We're asking for the same consideration. Thank you.

>> Zenobia Joseph. Zenobia Joseph, please unmute. Joshua Mcveigh.

>> Hey. First I want to say I appreciate your dedication to an affordable Austin. I also acknowledge that item

[3:40:46 PM]

66 is postponed, but I'd like to give a little information and ask a couple of questions to help guide our collective deliberation over the next few weeks. As an architect I can tell you that building on a former dump can be very tricky and without environmental surveys and without a property purchase seems a little premature to me. The implications of this decision go beyond 508 to the entire neighborhood. Specifically to councilmember Casar I want to clarify some information U received in your last meeting on this about impervious cover. For single-family housing 3, the impervious maximum is 30% of the lot size and sf-6 is actually 55%. So when you are asking if there was a difference between the two Zones there is, although when the person was explaining it, the impervious cover is calculated in the same way,

[3:41:47 PM]

there's just different totals. Building condos up to 55% either on 508 or around the neighborhood would have a major impact on water. A couple of questions for y'all. One is when redeveloping existing condos into either larger condos or condos that have affordable unit requirements be more efficient than rezoning neighborhoods with existing families. And to that note my question is rezoning 508 a certainty because it seems like our two options that have been presented are rezone it with some affordable units or rezone it with no affordable

[3:42:47 PM]

units -- [buzzer]. That's it. Thanks so much.

>> Rachel manning. Please unmute.

>> The host would like you to unmute your microphone. You can press star 6 to unmute.

>> Rachel, please unmute. Carol Gunn.

[3:43:48 PM]

>>

>> Thank you, councilmembers. Peter Sheldon and I -- I'm sorry.

[Indiscernible] Would like to use our time for a video.

[Background noise]. Hello, can you hear me?

>> Yes, we're setting up the video.

>> Thank you.

>> So we're in our plant nursery at circle acres nature preserve so we're actually standing on the remnants of the grove landfill, which was a solid waste municipal dump back in the '60s. After the landfill was camped in 1970 people justined to use it as a landfill and it was being dumped on for about 30 years

[3:44:48 PM]

on on top of the landfill so there was a huge amount of waste that was dumped here. Mostly from the cliffs above us. We had a 600-foot wall of trash where we took out over 100 tons of roofs, metal, parts, tires, you name it, it was a huge undertaking. I started back in 2005 and when we began I thought there was no way we would get anywhere on this project, but with literally thousand of volunteers it's been converted to this amazing sanctuary. We operate circle acres free and open to the public. Part of the original mission behind converting this from a brown field to a green space is making is accessible to everybody in community. They come here and enjoy and participate in the recovery of this land. We have a trail network that connects the montopolis community to Guerrero park. We do bird parks, tree id,

[3:45:49 PM]

workshops and by next summer we will have our environmental education classroom to connect the local elementary school kids with the park and to learn about nature and how they can be participants in helping this land recover. So the area behind me is the 508 Kemp property. It's got this valley Levine that cuts diagonally across the properties.

[Buzzer].

>> Chivas Watson?

>> Mayor Adler: Were there two people who were donating time.

>> They didn't make arrangements. The others never called in.

[3:46:51 PM]

>> Mayor Adler: Okay. Next speaker.

>> Chivas Watson.

>> Can you hear me?

>> Yes, go ahead.

>> I'm a resident of district 1. I've lived in Montopolis. I don't care what you said about postponement. We going to keep standing for the people and for community. Due to your decision, Steve, in past years, I've almost considered a career in realty, but see the intersectionality between home ownership and land acquisition is intent and you all seem to not care. Today we heard you praise RBG and stand for history, but guess what the families and the homes in the Montopolis community represent Austin's black and Latino history. Single-family units must remain because we cannot continue to afford tax increases or rezoning during or after this pandemic.

[3:47:51 PM]

As our colleague said, if this rezoning happens, it's over. We've already allowed insane levels of development. We're not going to not allow individual real estate speculators to go after our single-family homes. Leslie, Ann, please abstain on this one. Like you had in August, Greg, Jimmy, stand like the people you have recently and the rest of you, we know you might dissent from this majority opinion because you have your earrings and your swag on today, but please, vote against item 66 even if it comes back as another item. Vote against it, stand against it, do not allow the rezoning of 508 Kemp street. This is for developers idea of beautification. We've seen enough. You saw the video. The brother said we just like the community the way it is! If that's not Austin enough for you, all of you need to

[3:48:51 PM]

resign immediately. Because you don't remember the Austin that I grew up in. We want Austin to say how it is in some communities. And go back to how it was in others. That's my time. Thank you.

>> Zenobia Joseph.

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. Mayor, can I ask a technical questions?

>> Yes.

>> I would like Mr. Guernsey to just clarify if the property has only 18 dwellings or if there's affordable housing? Affordable condos?

>> I don't think there's so much a question, but you can go ahead and speak to this issue.

>> Okay. Well, the question is because you heard from the previous speaker around 3:33 P.M. And they didn't

[3:49:52 PM]

have a restrictive covenant so my position on the item was neutral based on the previous testimony that I've given, but if the affordable units are not included, I want the clerk to change my position to against because they were working through the process with the developer. So if he can't answer the question and based on what I'm seeing, it says 18 dwelling units, then I would just ask the clerk to change my position. And from a technical perspective, mayor, I do need to point out to you that the first six speakers had three minutes up to Susana Almanza's video and then you changed it to two minutes. And so as a matter of record I just want you to recognize that house bill 2840 specifies that a governmental body shall allow each member to address the body before or during the body's consideration. So today you ask twice this morning if there were any speakers on the line and I appreciated that. The clerk's office called me back this afternoon. Your process is inconsistent and I would ask you to put

[3:50:52 PM]

this on the agenda so that we can discuss it publicly. Around I would also recognize that you can limit the time, but we are permitted to speak. As it relates specifically to 3500 pecan springs, I just want to call to your attention that without the two affordable condos specifically across from the new David chapel location where they purchased 17 acres, black people will be able to go to church, but they won't be able to live in the neighborhood.

[Buzzer]. So while Natasha harper-madison, our councilmember, mentioned earlier, I hope we don't lose affordability. I would just call to your attention that the smart housing guide is outdated. It's 2008. So I would ask councilmember tovo if you would take a look at that, that would be helpful. It does not appear that council is committed to affordable housing. That guide is 12 years old and it specifies \$125,000 for a condo for someone who

[3:51:52 PM]

makes 80% area median family income.

>> Mayor Adler: Thank you.

>> I would ask you, mayor, to recognize keeping Austin white is not right. Thank you for taking my comments.

>> Mayor Adler: Thank you. We had posted the two minute limit for the speakers for zoning. And I apologize if we didn't coordinate for several speakers, but we're giving people time as we had posted. Please go ahead with the next speaker.

>> Chris ring.

>> It was on the message board last night that we had posted.

>> Hello.

>> I guess I'm here. Chris ring, I'm speaking on 59 and 60, that's the zoning change at 3500 pecan springs road, and today I shouldn't be speaking at all, and if I was, I should be supporting it. We had a really -- it looked

[3:52:53 PM]

like we had a solid agreement and we may. I'm not sure exactly what happened, but we have a condition -- early on all along we've had agreement and common ground with thrower design on a bunch of terms and they got split between the co and the rc, and somehow in the last few days the restrictive covenant that it contains 15 items that are all agreed upon, the neighbors have signed and notarized their copy and it was sent to thrower design Monday, and it's crickets. We don't have it. So today I'm forced to oppose it, oppose the Flum change in the zoning change.

[3:53:55 PM]

I don't know what happened. But we're supposed to have a signed restrictive covenant today -- yesterday, Monday. It's been going on for weeks, and it's just disappeared. They're not returning calls. So I would have to ask that you vote against it today. Or whatever solution there is. I don't know. This is not my -- this is not what I do.

[Buzzer]. I know we had an agreement. They asked us to sign it and we did. Thanks.

>> Elizabeth gubela.

>> Hi. I'm speaking on item 66. I'm glad that the rezoning proposal has been postponed. I think it's still important

[3:54:55 PM]

to talk about displacement in Austin because the land development decision's being made in Austin even with good intentions are resulting in very high levels of African-American displacement. I watched a presentation by UT professor Dr. Edward tang who explained that African-American displacement is happening faster in Austin than any other city in the country. Dr. Tang used maps and graphs to show how we are the only city in the nation that has grown at the rate we've grown and had a decrease not only in our percentage of African-American residents, but also the actual number of African-American residents. In my own neighborhood at Windsor park over the 35 years I've lived here, the African-American population has decreased from over 40% to less than 50%. I know some are arguing that these

new up zoned developments will provide housing that previously displaced families can return to. I'd like to see statistics

[3:55:57 PM]

on how much previously displaced families have been able to return to the city for so-called affordable housing. My guess is that it's very few. Displacement is a result of systemic racism, whether conscious or unconscious, and should be looked at carefully on all upzoning cases. So we can reverse the rate of displacement and begin to repair some of the harm we've already caused. Thank you.

>> Emma chevalier.

>> Hi. I'm just calling as a -- I'm one of Kathie Kathie's district members. And I'm calling to support the community of montopolis and just ask city council to work with the community there and collaborate on community led initiatives and that this is an opportunity to create --

[3:56:57 PM]

co-create a collaborative future for that community rather than the council and developers telling people what's best for them. I'll yield the rest of my time. Thank you.

>> Harper-madison: Mayor, my hand is raised. Do you mind if I ask a question?

>> Mayor Adler: Councilmember harper-madison, go ahead.

>> Mayor Adler: So not this last speaker, but the speaker before made reference to a professor who talked about the migration of African-Americans from Austin. She said Edward tang. His name is Eric tang, just in case people are looking to finding the information that he's produced. It's Eric tang. But the caller before that, he had some questions about an agreement that he thought was signed and agreed upon. Was that the pecan springs

[3:57:58 PM]

item? Can somebody clarify that for me? So to answer his question, there was an agreement that was signed and agreed upon, but the agreement was nullified by way of changes that were made after the agreement. So that's what happened there, just for your information.

>> Thank you. Next speaker.

>> Victoria Guerrero.

>> Hello. Good afternoon, mayor and council. Thank you for your time today. My name is Victoria Guerrero, I'm calling in opposition to item 66, the upzoning at Kemp street. I understand the item is postponed, but I want to ask that council listen to the residents of temporary street. I'm a displaced resident of district three now living in district 2. I fully understand the city needs low income housing, but we can't do this at the price of low income individuals losing their generational home. 60 to 80% of mfi for residents in this area is

[3:59:00 PM]

not affordable and their representatives should know this and fight for better for them. I really -- I just don't understand why we keep having the same conversation, the same fight over and over. Any way you cut this, this type of development, this type of upzoning results in communities being torn apart. This is systemic racism in action. Council has declared racism a public health crisis, but for some reason you refuse to view your actions through a lens of anti-racism. I don't understand why developers are given a seat at the table and citizens are told, not asked, but told what is best for them as though they're children K as a public significant it's your duty to be the citizens' voice. If council wants to combat racism, then we need to walk the walk and be anti-racist. We all know how the story will end.

[4:00:02 PM]

Milies of generations are pushed out. To put it simply, affluent white people will move in and black and brown people will be pushed out. That is what will happen when this type of upzoning is allowed. Every single time you know how the story ends. You need to listen to your constituents and be their voice and their advocates. Thank you.

>> Mayor, that concludes all of the speakers that called in.

>> Mayor Adler: Okay. Thank you. All right. We'll get to Jerry here in a second. Councilmember Casar, did you want to say something?

>> I just wanted to make some comments on the Kemp case before we voted on consent. I don't know if you have other things you're bringing up there.

>> Mayor Adler: I was going to ask Jerry to let us know what's on consent again.

>> Casar: That's fine.

>> Mayor Adler: I think there were some things, Jerry, that had some speakers that spoke that can still stay on consent.

>> Sure, mayor, I'll go

[4:01:03 PM]

ahead and recreed the agenda and if a city councilmember wants to pull an item they can let me know. So item number 58 is case c-14-2018-014141, I can offer this on consent approval on second reading only. Again, councilmember kitchen would like me to note that she would like to see the case not come back for third reading until the issues that are pointed out by commercial plan review are addressed. Those issues are in a document that was uploaded to the backup yesterday. Items 59 and 60 are the pecan springs case. I think that we should pull those if discussion so we can clarify what the motion is going to be. Item number 61, case c-14-2019-0159, this case has been withdrawn by the applicant. No action is required. Item number 62, case c-14-2020-0084, this is the case known as the training kitchen. I can offer this for consent approval on first reading. Councilmember kitchen has requested that the item pass again on first reading only with gr-mu-co for the entire

[4:02:04 PM]

tract. I do have to point out that the zoning and platting recommending gr-mu-co for the portion already -- yes, G.O. And g.o.-mu for the portion that's zoned sf-3. This motion would be for gr-mu-co on the entire tract and the neighbors support that request. Item number 63 is case c-14-2020-0085. We did have some speakers on this item, but I can offer it for consent approval on all three readings unless somebody would like it pulled. Item number 64, case c-14-2020-0065, I can offer this for consent approval on all three readings. Item number 65 is case c-14-2020-0063, this is the pier case. Would any councilmember like this to be pulled? Councilmember alter does?

>> Mayor Adler: What we're going to do is you keep running through them and at the end I'll ask for councilmember pulled items.

>> Sounds good.

[4:03:05 PM]

Item 66 is the Kemp zoning case. We'll wait on that one. Item number 67 is npa-2020-19.01. This is a staff postponement request to October 29th. Related case is item 28, this also has a staff postponement request to October 29th.

>> Mayor Adler: So I understand, on the consent agenda, item number 66 is being postponed indefinitely.

>> Okay.

>> Mayor Adler: What's being pulled so far is 59 and 60. I think those were the only ones that we've pulled so far. We're going to pull the pier property, item number 65. I think I saw councilmember harper-madison and councilmember tovo --

>> Harper-madison: I just have a question. There was something that ran through too fast for me to catch, Jerry. I wanted to get clarification. It was prior to 66, prior to the boat dock. I raised my hand and it

[4:04:05 PM]

looked like I was wanting to pull the boat dock, but it was the one prior to. You said we could approve on all three readings

>> That was item 63. The villas.

>> Mayor Adler: So that I understand, Jerry, everything is on consent. 66 is on consent as a indefinite postponement. What's been pulled so far is 59 and 60. And then I think if I saw Kathie pulling 65. Does council members want to pull any other items on the consent agenda?

>> Mayor, I had raised my hand for 65 too, which is in my district.

>> Mayor Adler: Council member alter also pulled 65. Anything other than 59, 60, and 65 that we want to pull? Okay. I'm going to give people a chance to speak on the consent agenda, but before I do is there

[4:05:05 PM]

a motion to approve the consent agenda? Council member kitchen makes the motion. Council member harper-madison seconds. Discussion now on the consent agenda, which is the consent agenda is 58 through 68. What's pulled right now are 59, 60, and 65.

>> Mayor, I'm told atxn might be down. Can we get av to confirm that.

>> We haven't heard anything about that. It looks fine. So if atxn has any issues, they need to get in contact with us.

>> I'm hearing that from my staff too that they lost contact.

>> Renteria: I can see it. I listen internal.

>> Mayor Adler: Council member Renteria can see it. Mayor pro tem speaking on the consent agenda.

[4:06:13 PM]

>> Garza: I wasn't going to speak on Kemp but after hearing some of the speakers, and frankly I wish I could have done this before, possibly the speakers are gone now and when they were on the line. I wanted to give -- I'm sorry this might go a little long and I'll try and keep it as short as possible. This is very similar to a case that happened in my district recently. This came to us -- and let me back up a little. Ten units can be built on this property right now with no -- we don't have a choice. It is zoned a certain way right now, so one of the speakers said, you know, you have a choice here, why don't you just pick the choice to do nothing? We actually don't have that choice. It is zoned a way right now that

[4:07:15 PM]

allows ten units. I'm not going to speak to what the applicant, I don't know why but they came and asked we want to build more. We want more market rate, all market, nothing affordable. All market. I think the range was 350 to 550. Just trying to be transparent here because I know a lot of people don't see what happens behind the scenes. When these cases come up, the applicant reaches out to council office and tells us this is what we're looking to do in this area. I can only speak to the meeting I had, and my assumption was similar to other council members, but I don't know. Immediately said I cannot support market rate condos in this part of Austin that is getting heavily gentrified, even at 350. 350's a lot. All these speakers have voiced 350 is not affordable for so many in our city right now.

[4:08:15 PM]

My assumption is they had that conversation ten times and realized there's no way. There's no way council is going to support this level of this upzoning at this level. There's all this back and forth that happens. Obviously, we're not allowed to require anything. It's against the law for us to say I'll only support it if you do this. We can't do that, right. They can do ten now and it looks like they can do ten \$800,000 homes. It's scary that this could be indefinitely postponed and instead they can decide -- I just have to repeat it. They need no approval from council to build ten units that could probably sell for \$80,000. That is the truth of what could happen if we indefinitely postpone this and they decide not to go forward with this.

[4:09:17 PM]

So it's not a question of whether we can build something or not, they can. They can build something right now. For me it was a question of can they build something that is all market rate at \$800,000 or can they build something that requires a level of affordability. So many times we are given choices on this dais that are incredibly difficult. I was going to go with a choice because that is a choice. We can build \$800,000 homes right now without any approval from council. We don't anything from you. We got the zoning already, or we can build affordable units. I would have preferred to pick affordable units,

but we're not going to be able to -- but this is going to be indefinitely postponed because it does not appear there is the support from council to be able to do that. We can't require units at a certain price. We cannot. We cannot say you can get the zoning and you have to offer those houses at \$200,000. It is against state law. I promise you.

[4:10:17 PM]

If I could do that, if we had that power, there would not be a development in east Austin that would not require that every house be \$50,000 or 60. We can't do it and it's incredibly frustrating and it's hard to accept but it is against state law for us to do that. We can't control rent. We can't control it. It's called rent control. It is against state law. Lastly, one of the speakers talked about predatory lending. I'm sorry, predatory soliciting, asking people constantly, I'll buy your home, I'll buy your home. That's why we do the families not flippers initiative. And in fact part of the families not flippers initiative was seeking to educate homeowners to seek an actual, you know, a realtor to know what the real value of their home was because these people prey on families and low ball them and families

[4:11:17 PM]

that bought their house, you know, 20 years ago for significantly less think it's a good deal but their home is actually worth more. And so it was an educational effort that the city has been working on to make sure families know their rights. But part of that was also going through our state legislature. And I in fact talked to two of our state legislators and asked will you sponsor a bill that puts some kind of prohibition on this kind of predatory asking people to sell their homes constantly. I have gotten text messages every day in the mail. There was a little bit of interest. Nobody wanted to carry that bill. I will ask again in this next session for one of our local state legislators to carry this bill that prohibits that kind of predatory asking to buy people's homes because it is really hurting people. But I had to say that. It's so hard because people are being misled and when people try

[4:12:20 PM]

to give facts -- and I will speak to council member Casar's office has simply tried to give facts and they are attacked in the most awful way for facts. I want to say thank you to the speakers who called and said thank you for wanting to continue to have this conversation in a transparent and honest way. And I have to say again when council members try to put out facts to explain this incredibly difficult process and the difficult choices we have to make and the realities of if we do nothing, if we do nothing today and this project they can still build, they can still build ten units that can be sold at \$800,000 and we have no control over that. So I would love for this to be

[4:13:22 PM]

able to make a choice instead of ten units at \$800,000, it is affordable units. But it doesn't look like we're there, but I hope we can get to a place where we respect truth and facts, especially in this political climate. Here in Austin, Texas we should be able to have a respect for truth and facts.

>> Mayor Adler: Thank you. My understanding is at this point I think we may not be broadcasting on atxn and I just want to make sure from council that there's no problem with us proceeding, if that's true.

>> Renteria: Mayor, I can hear you on TV right now. I just put the sound on and it's coming loud and clear.

>> At a minimum, we wanted to

[4:14:24 PM]

make sure we were back online before any votes were taken. Certainly the conversation can proceed but we want to get that confirmation from atxn before we get the vote.

>> Mayor Adler: All right. Further discussion?

>> Mayor Adler?

>> Mayor Adler: Yes. Now that you said the thing about atxn it might change the nature of my request, but I wanted to continue with my previous request to get some information from the relevant departments about the Kemp case. I would also like to -- I hate that atxn was not broadcasting because mayor pro tem was the embodiment a lot of us were thinking and feeling and ask our colleagues what will it take for you to get behind this thing given the reality of the situation. So thank you very much for so eloquently stating what I think is a point of frustration for many of us. But --

>> Mayor Adler: And we are broadcasting to some people.

[4:15:29 PM]

>> Harper-madison: I would like to ask, obviously after my colleagues have the opportunity to voice their questions or concerns, but is this the appropriate time to get the information? I just want to make sure we don't miss that opportunity.

>> Mayor Adler: What staff members are you going to want to have?

>> Pard, the real estate department. I want to speak to the applicant. Everybody. Everybody that I would ask questions of if we were continuing to deliberate this as though it wasn't being postponed.

>> Mayor Adler: Okay.

>> Harper-madison: I have questions for all parties involved. Environmental questions for our environmental officer. There were questions raised about the ecological sensitivity of the area about impervious cover and the watershed and the adjacent preserve that's pard.

>> Mayor Adler: I understand. I understand.

>> Thank you.

>> Mayor Adler: This is a postponement issue, colleagues. As a dais you can decide the

[4:16:31 PM]

nature of the conversation you want to have. I'm going to let this happen because it appears as part of what's happening here is this for how it might come back, but certainly this is something that's controlled, that's why I'm going to handle it absent intervention. Before we get to the staff comments, I want to give our council members a chance that were raising their hands to be able to say something. Council member pool then council member Ellis.

>> Pool: I think we need to tap into the [inaudible] Who is repping the owners on this and perhaps what we do is postpone for two weeks, which I think is what one of the suggestions was in the first place. The indefinite postponement can also mean bring it back in two weeks. Either way if there is still the opportunity for the parties to come together and nobody has taken that off the table.

[4:17:33 PM]

So I don't think doing it today in this setting is a good idea to allow a little bit of space between today and potentially two weeks. We have a lot of other work in front of us today that is also going to take a lot of effort. And so I would urge that we step back, allow this to rest for two weeks and take it up then but we need to check in with Ms. Bojo and the parties she's representing to make sure that that is okay with her as well. So can we please do that? And here from Ms. Bojo, please.

>> If that was a question, that's not what I would like to have happen.

>> Mayor Adler: I've already

[4:18:33 PM]

said what I was going to do in terms of letting people ask questions and make comments to a degree that somebody wants to make a motion to cutoff, we can entertain that and take a vote on that. I think the question that council member pool is asking is the applicant okay coming back in two weeks. It was a question that she had for the applicant. I don't know if the applicant is with us. I know that there are other people that have questions for the applicant too, so if the applicant could also stand by to be able to answer that question, that would be helpful. A lot of people have raised their hands. I wanted to let people get a chance to speak before we start asking questions of anybody. So other people that want to speak now on the dais. I think I said council member Ellis I think was next.

>> Ellis: Thank you, mayor. I had my hand up because I was still getting notices that the internet feed was down, I think, on atxn, so it may be a matter of where you're watching. There may be some people who

[4:19:34 PM]

missed a fantastic speech by the mayor pro tem. So if you didn't catch that, make yourself a note to go back and look when it is posted later. I think it is working but there are some people having to refresh a lot right now to make sure it continues working.

>> Mayor Adler: Okay. Thank you. Any other comments from the dais at this time? Council member tovo.

>> Tovo: Just a reminder, when we get to the staff part, I started to ask questions before but none of you could understand what I was saying. But I do have questions for the staff as well and I had the same question for Leah bojo that council member pool raised about the timetable, and I have concerns about the indefinite limit.

>> Mayor Adler: We're going to pull item 66 out of consent agenda. So what is not in the consent agenda right now is 59, 60, 65,

[4:20:34 PM]

66. The other items are on the consent agenda. Discussion on the consent agenda. Council member alter.

>> Alter: I was just wondering if council member tovo would be okay if we put 65 back on consent for first reading. If she could speak to that. Otherwise, I'll wait until we pull it.

>> Mayor, I'm being told that --

[multiple voices] To speak as well.

>> Mayor Adler: Hang on a second. We pulled 66 at this point.

>> So I was asking whether council member tovo --

>> Mayor Adler: And the question, Kathie, was whether or not you would --

>> Tovo: Whether I could put it back if it was first reading. That's fine. Thanks. I couldn't respond quickly enough because I was still making some comments about Kemp but you had gone on to the next item. I'll leave them for now. I'll be fine handling it on first reading. I have quite a few questions so

[4:21:35 PM]

we can handle it at another council meeting or another work session. We always have work sessions to talk about zoning too. Perhaps that would be a good decision for the pier as well.

>> Mayor Adler: Does anybody have an objection to 65 going back on consent for first reading only? Hearing none, pier goes back on consent agenda for the first reading only. Colleagues, if you could mute your -- if you're not talking, please go ahead and mute. Further discussion on the consent agenda. Council member alter.

>> Alter: Thank you. For item 65 I want to thank everyone who came and spoke with us today. I too want to learn more about the environmental impacts and want you to know I'm taking your concerns very seriously. The initial queries that we had with staff indicate -- and you can read them in the q&a, that

[4:22:37 PM]

the zoning does not allow gas stations without allow additional public processes vetting and assessments and votes. So I just want to make sure that that's the initial part that we've heard. We postponed this at the last meeting, so I'm going to be comfortable with putting this forward on first reading at this time. I'm not comfortable doing second or third reading granting final approval, because I still have outstanding questions and I want to assure those who did come who have concerns, the environmental concerns, that we will be working to address that, rather than go through all of that back and forth on the dais. I think we should move forward with first reading and then we can take it up in the interim. And early next week we will be following up with each, if you have written to us, to provide additional information on what we have heard, hear your additional perspectives, answer or find questions that we need

[4:23:37 PM]

to run the tracks with with staff. If you e-mailed us, you will hear from us. If you haven't e-mailed us, feel free to do so or your neighbors can update you. So hopefully this will just move forward on first reading and we can continue the conversation and make sure we get all of the issues addressed.

>> Mayor Adler: Okay. Again, we're speaking on the consent agenda, which is all items except 59, 60, and 66 . Any further discussion on the consent agenda? It's been moved and seconded. Council member tovo, do you have a comment?

>> Tovo: On the pier item on 65 --

>> Mayor Adler: I'm sorry, what?

>> Tovo: I would like the record to reflect my abstention on 65. I would like to have some conversation around that before.

>> Mayor Adler: Okay. The abstention on 65 is noted. Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed. It's unanimous on the dais.

[4:24:38 PM]

The consent agenda passes. We have 59 and 60 and we have 66. Let's do 59 and 60 first.

>> Okay. Mayor. Item no. 59 is npa20190015.02. The related case is item 60, the case does have a valid petition. Both of these cases are offered for third reading. I would like to note that the second reading, which occurred on September 17, the ordinance is prepared. It's in the back up to include a limitation of 18 units, as well as some site development regulations. And I also needed to note if the case is approved on third reading the applicant is requesting that under part D of the ordinance, the ten-foot vegetative buffer be modified to an eight-foot vegetative buffer.

>> Mayor Adler: So what is the motion in front of the council? What's question

[4:25:54 PM]

is really about [lapse in audio] Because there are similarities between cases and my wires were a little bit crossed. But my understanding is that the 18 limitation is actually fewer dwelling units than would be buildable under sf-3. You could do 18 duplexes under sf-3 and this would limit it to 18 dwelling units. Am I doing the math right on that, Jerry, roughly?

>> That is what I believe also, council member, but I think it would be best to hear from the applicant because the city staff has not of course laid out a duplex plan. We only react to the request.

>> Flannigan: Maybe we should hear from the applicant, mayor.

>> Mayor Adler: Okay. Is the applicant here? On 59 and 60?

[4:27:00 PM]

>> Mayor, Ron thrower is on, if he wants to unmute his line, he should be able to speak.

>> Mayor Adler: Council member harper-madison, did you have something?

>> Harper-madison: I think it would be important during the course of this conversation if Mr. Thrower would speak to the original proposal, I think that would be helpful for the people watching.

>> Council, can you hear me? Ron thrower.

>> Mayor Adler: Yes, we can hear you.

>> Thank you. To answer your question, council member harper-madison, the original request, the original agreement back in June that we had with the neighborhood was to include 25 units of which two would be affordable housing units. And if I may at this time also answer council member Flannigan's question about the practicality of development on the property under existing zoning, there is existing floodplain on the property and the subdivision of the property

[4:28:01 PM]

could yield nine or ten lots which would be 18 or 20 units, maybe. That may even be a little bit of a stretch. Yes, it is pretty much equal to the request of 18 units that is on the ordinance.

>> Mayor Adler: Ron, you're the applicant. Do you want to address the council on this issue?

>> Council, I'm going to turn it over to Victoria. If you would like to see a presentation, we do think that there's been enough dialogue with the council offices about this case. And if y'all want to see it, we're more than willing to do it.

>> Mayor Adler: I think that gets up back up to the dais.

>> Mayor, I want to make a motion.

>> Mayor Adler: Yes, council member Flannigan.

>> Flannigan: I move to approve the case with the 25-unit limit.

[4:29:02 PM]

>> Mayor Adler: The motion is to approve what we approved on the second reading with a 25 unit limit.

>> Does that include, council member, the change in the vegetative buffer from ten to eight feet?

>> Flannigan: Yeah.

>> Thank you.

>> Mayor Adler: Okay. There's been a motion. Is there a second to this? Council member harper-madison seconds. Council member Flannigan, you can speak first to it if you want to.

>> Flannigan: Yeah, I think, you know, but for the change in the unicap, this is a down zoning. And if we're talking about an ability to get a couple of units and the difference between 18 and 25 gets you a couple of affordable units, I mean, that is precisely the type of thing that we want to do without having to expend any taxpayer money in order to get them.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Council member kitchen.

>> Kitchen: Just a

[4:30:03 PM]

clarification on the motion -- or it might be a question for Mr. Thrower. When we say cap of 25 on it, are we talking about with the affordable units, which I think is two, is that right? Do I have this right?

>> Council member, this is Jerry rusthoven. The council cannot require affordable housing as a part of this development due to state law.

>> Kitchen: It's a question for Mr. Thrower. I would just like to understand what he's thinking.

>> Yes, council member kitchen. Ron thrower here. The original request in June was for 25 units of which two would be affordable housing. Voluntary affordable housing.

>> Kitchen: So is that the continued thinking on it then, Mr. Thrower?

>> It absolutely is. The client is firmly committed to do that.

>> Mayor Adler: Council member tovo.

[4:31:07 PM]

>> Tovo: I need some clarification from Mr. Rusthoven. I know this has gone on for quite a long time and the negotiations have gone on for a long time. It was my understanding that the neighborhood had come to an agreement. Sorry. But this is not what they agreed on. I mean, they had -- so I guess I don't know if the question is for Mr. Rusthoven or Victoria, who has been negotiating with the neighborhood. They had come to an agreement that we're now changing here on the dais. Can I ask that question of Victoria for the applicant, please?

>> Can y'all hear me?

>> Mayor Adler: Yes, go ahead.

>> This is Victoria with design. I apologize. I was trying to get on earlier

[4:32:07 PM]

and something wasn't working. Council member tovo, that is correct. Through many series of negotiations with the neighborhood we ultimately ended up with agreeing to 18 units with none of those units being affordable. And we are still agreeable to that. I believe council member Flannigan has made a motion for the original agreement that was set back in June with the neighborhood. But, yes, we did come to an agreement with the neighborhood for 18 units.

>> Tovo: So you've been negotiating with the neighborhood since June. You came to an agreement for 18 and you are still supportive of, on behalf of your client, you are still supportive of that agreement as it stands with the neighborhood of 18 units?

>> Yes. We will support that agreement, absolutely. If council does wish to go with

[4:33:10 PM]

the 25 units where two of those can be affordable, we are also okay with that as well.

>> Tovo: Thanks for that clarity.

>> Mayor Adler: Council, further discussion. Council member harper-madison.

>> Harper-madison: Thank you, mayor Adler. I wanted to be clear, we're not adjusting the arrangement or the agreement from the dais. That happened before it came back to us. The way it was explained to me, and maybe Victoria can clarify for me is that there was an agreement and the agreement was extended to the neighborhood and then somebody somewhere in that proverbial day in the neighborhood changed the agreement, which nullified the agreement. It wasn't council that changed the agreement, it was the members of the community that changed the agreement by adding some additional provision that wasn't in the agreed-upon

[4:34:12 PM]

legally-binding document, which made the document null and void. And so you can correct me if I'm wrong, but that was my understanding of how that transpired.

>> That is correct, council member harper-madison. We did have an agreement for 18 units and there was a private restricted covenant that we had come to an agreement for. We sent that document to the

neighborhood to be executed and we also sent the same document to our client to be executed, or the landowner. And when the neighborhood signed their agreement and sent it to us, we found that they had modified the restricted covenant to the degree that we could not support it. We are still in support of the agreement of 18 units but we cannot move forward in support of the restrictive covenant as they have modified it, and that's kind of where we sit.

>> Harper-madison: Thank you. I appreciate that clarification.

>> Mayor, may I clarify my

[4:35:14 PM]

point, please?

>> Mayor Adler: Yes.

>> Tovo: I'm sorry. I'm not talking about the agreement as in the restrictive covenant, and my staff has been working with Victoria and with the neighborhood as well, and so I was familiar with that back and forth with the restrictive covenant. By agreement I was talking about the agreement that the applicant's representative had come to with the neighborhood for 18 units. And I know I asked Victoria to clarify that a few minutes ago, and she has, but that is -- it is still the applicant and the applicant's representative's intent that they would move forward with 18, as that was the agreement, with a little a, that they came to with the neighborhood, and they still stand by that agreement. The modification, as I understand it, was made over the setback, so that's not an issue here. What I'm really talking about is the fact that we have a

[4:36:14 PM]

neighborhood association that has been negotiating in good faith and an applicant's representative that have been negotiating with good faith. They came to an agreement at 18 units that's here today is being proposed to be different. That's where I came into this prepared to support this. It's been going on a long time. There's been a lot of good faith on all sides and a lot of good work. And I came into this prepared to support it but we're being asked with council member Flannigan's motion to support something that was not reflective of the agreement that was struck between the neighbors and the applicant.

>> Harper-madison: Thank you for the clarification.

>> May I make it clear that we just want to be on the record of saying if the council would like affordable housing with this project and they're willing to make a motion for 25 units with

[4:37:15 PM]

two of those affordable, we are agreeable to that, but we are also agreeable with keeping our agreement that we had with the neighborhood for 18 units. Just wanted to make that clear.

>> Mayor Adler: Council member Flannigan.

>> Flannigan: You know, I think we're just faced with a choice as a council. We can either zone this property for 18 units with no affordability requirement or we can zone it for 25 units and get two affordable housing units without having to spend any of our affordable housing bonds or any of the other monies that we heard from Montopolis that they really want to be spent in their corner of the city. You know, these are always hard choices for us but I think this is another one of those where the rubber meets the road moments where we have to ask ourselves if we really need it when we say we want to build

[4:38:15 PM]

affordable housing. We want to have affordable units and we're not talking about the difference between 10 and 100 and we're not talking about a property that's displacing current residents. We're not talking about any of those things. And so and the applicant has made it clear if we don't do the 25 then they'll build 18 with no affordability. And I think it's better to get affordability.

>> Mayor Adler: There's been a motion and a second. Further discussion on this item, 59/60. Council member Alter and council member Kitchen.

>> Alter: Jerry, I was trying to see in the back up to clarify what was in second reading and the code. It is my understanding that was 18 in that?

>> Yes, council member. The number of units was 18 in the second reading motion.

>> Alter: Okay. I'm kind of -- I need some kind

[4:39:17 PM]

of guarantee if they get 25 that they're going to do the affordable units. And absent a restrictive covenant, I don't see how we do that. You know, we can't zone with affordable housing for it and the whole argument here is they're going to do it. I'm just very uncomfortable with this whole change in the conversation here.

>> Mayor, maybe this would be a good moment to remind the council, like Jerry said, we cannot require affordability. If the applicant is proposing to do something, that's great. They might do it. They might

not. We're not requiring it. We're not enforcing it. We're not monitoring it. So it's not the reason for your zoning decision today.

>> Mayor Adler: Okay. Continuing on and apparently

[4:40:17 PM]

everybody can see atxn now. Council member kitchen.

>> Kitchen: I have a question that actually I was going to answer for myself and now I can't find it, so bear with me. I was thinking that we were talking about -- I thought we said 24. Did I just mishear that and now we're saying 25? That may have been me hearing wrong. It was 25, right? Okay. Sorry about that. I must have heard you wrong. And so then the last question then is so Mr. Thrower, so the difference between the restrictive covenant that you all thought that you had signed and were ready to sign it a done deal was a setback, is that it, that didn't work for you?

>> Council member kitchen, that

[4:41:18 PM]

is correct. It was modified to include a silver and black along pecan springs road. I believe the crux of the issue we're up against was that their signed version of the document is different than the signed version we had delivered yesterday from Houston.

>> Kitchen: No, I understand that. I was just trying to understand what the difference is. I mean, I know this has been a case that has gone on for a long time. It just seems like that's a pretty small difference that could be resolved.

>> Mayor Adler: Okay. Council member tovo. Can't hear you.

>> You can't hear at all?

[4:42:20 PM]

This question is to the applicant. It is my understanding --

>> Mayor Adler: Can you hold the phone closer, Kathie?

>> Tovo: Sure. It's my understanding -- this is a question for the applicant. It is my understanding that there was a conversation around having an affordable unit voluntarily agreed upon with the neighborhood. If there were 21 units. Is that accurate?

>> Yes, council member tovo. That was one of the iterations that we had gone through with the neighborhood. They started out at 18 units. We were able to come to an agreement with them temporarily for 21 units with one unit being affordable. But they pulled their support of that agreement somewhere along the way and we ended up with 18 units.

>> Tovo: And so can I ask you

[4:43:22 PM]

if you have any interest in postponing this for two weeks to get that document signed with the neighborhood association? Because as I understand now, because of the back and forth, the restrictive covenant is not currently executed.

>> You are correct. It is not currently executed. We cannot postpone any longer. The neighborhood made it clear to us that they did not want any affordable housing and our client needs to move forward. We've been working on this project for 11 months with the neighborhood and we would really appreciate to have a decision this afternoon.

>> Tovo: Okay. Thank you.

>> May I ask a question of

[4:44:22 PM]

Mr. Thrower? I'm not sure where the mayor went. I guess I'll go ahead.

>> Mayor Adler: You can ask that question and then we'll go to council member harper-madison's request to be able to ask staff some questions. Go ahead, council member alter.

>> Alter: I would ask Mr. Thrower if they have a private agreement with someone guaranteeing those affordable units and if so who is that agreement with?

>> Council member alter, we do not have an agreement an affordable housing entity at this time. And just as a reminder, we did have an agreement with the neighborhood first reading for the 25 units and two units of affordable housing. Had that continued to move forward, we would certainly have an agreement in place with an affordable housing entity. But at this time W do not but, again, my client, I can just tell you that he is 100% committed to make that happen.

>> Alter: I appreciate that and I understand there's been

[4:45:24 PM]

some interesting dynamics. Thank you.

>> Mayor Adler: Further discussion has been moved and seconded. Council member harper-madison, who do you want to speak with?

>> Harper-madison: Mayor, just to be clear, the item that I wanted to speak to was 508 Kemp. Item no. 56, not 59.

>> Mayor Adler: Any further discussion? It's been moved and seconded. Those in favor, please raise your hand. Those opposed. Those abstaining. I have an abstention from alter, tovo, and pool. The others voting aye. It passes.

>> No, it doesn't.

>> Mayor, the item requires nine votes.

[4:46:24 PM]

>> Mayor?

>> Mayor Adler: Yes.

>> I can't see you. I guess your camera has been left for a while. I'd like to see -- I don't know if I can make the motion, but I would like to make a motion to move forward with the 18 units, which was the original intention, I think, on this item today.

>> Mayor Adler: Council member pool makes a motion to approve as recommended on second reading with the buffer at how many feet, Jerry?

>> Mayor, it would be for third reading and it would amend part E of the ordinance and change the buffer from ten feet to eight feet.

>> Mayor Adler: It's to pass it on third reading with a buffer at eight feet and 18 units, is that correct?

>> Yes.

>> Mayor Adler: Okay. Is there a second to this motion?

[4:47:27 PM]

Council member tovo seconds the motion. Discussion on the motion from pool, and we should hear from the applicant as well. I'm sorry, council member tovo.

>> Tovo: [Indiscernible]

>> Mayor Adler: Can you speak closer to your phone?

>> Tovo: Sure, I'll let council member pool speak first but I would also be open to the 21 if the applicant can discuss whether they would still be open -- what their plans would be with regard to affordable housing at that level. I'm open to 21, not as a quid pro quo. I'm just considering the 21 as we're having this conversation and thinking through our zoning abilities.

>> Given the fact that we are prohibited in zoning, which I hope to change in the next legislation, that is the situation we're confronted regularly with here which has

[4:48:28 PM]

really impeded our work to bring affordable housing to all parts of the city. Clearly, we all are intent upon doing that. I also acknowledge that the neighbors have been trying to work and have been working with the applicant on this development as well, and I want to recognize the work they have brought to the table as well. 18 units, 21 units with one promised voluntarily affordable unit would also be fine, but I think we need to be within the shooting distance of what the neighborhood has agreed to, which is why I have brought us back to the 18 units.

>> Mayor Adler: Does anybody want to speak before we ask the applicant to speak? Council member harper-madison.

>> Harper-madison: I'd like to support council member tovo's suggestion that we find ourselves in the middle at 21

[4:49:31 PM]

with the promise -- or however you want to word it to where legal doesn't slap me on the hand. The affordable unit. I think that's a good compromise, both for the community and for the applicant. So I would like to support that.

>> Mayor Adler: Mr. Thrower, do you want to speak to the council?

>> Council members, we would also be agreeable to the 21 units and offer one gladly as one affordable housing unit for the development. We also truly want this project done and over with today. We have spent hundreds and hundreds of hours over the last 11 months on this tiny project to bring what may just be 18 units in the end. And I would I would respectfully request consideration today. And like we had said, we're willing to go with the 18 as is and the option is there for 21 units with one unit affordable.

[4:50:33 PM]

And I can assure you if I have to buy that unit myself, I will.

>> Mayor Adler: Council member pool, are you okay --

>> Mayor, I'll go ahead and amend my motion to the 21 with the voluntary one.

>> Mayor Adler: Does anybody have any objection to council member pool changing her motion to be 21 as opposed to 18? Hearing none, that change is made. The motion in front of us is to go 21 with the eight-foot buffer third reading. Any objection? Any discussion? Council member Flannigan.

>> Flannigan: I just want to better understand what my colleagues feel the difference is between 21 and one and 25 and two. Because two is better than one, so why not get two units? Council member pool, it's your motion.

>> Mayor Adler: But you can't make her answer a question. You can certainly ask it that way and she can deign to answer

[4:51:36 PM]

or not. Any further discussion on the dais? Yes, mayor pro tem.

>> Garza: I have to point out if anybody is still watching this and is part of the Kemp case that came earlier, this is a great example of the choices we have and we could have passed something with two affordable units and it has been -- and we didn't have the support. So now there will be one. And I know that Mr. Thrower will not need to buy that because there is a line of thousands of austinites waiting to be able to find something that they can afford. I will obviously support this but I wish we could have done more.

[4:52:37 PM]

>> Mayor Adler: Okay. It's been moved and seconded. Any discussion? Those in favor of the motion, please raise your hand. Those opposed? I think that council member Flannigan votes no. The others voting aye. It passes. That's final passage. 21 units with a setback on third reading.

>> Mayor, the final case is item 66 c14-2020-0038 for the property located at 508 Kemp street. We have environmental and parks department on the line.

>> Mayor Adler: The motion in front of us now is to postpone this. Is there a motion? Council member harper-madison.

>> Harper-madison: I'd like to make a motion that we postpone the item for one month.

>> Mayor Adler: Council member harper-madison moves to postpone this for one month. Is there a second? Council member Casar seconds.

[4:53:41 PM]

>> Mayor, if I could clarify, would that be November 12th then?

>> Mayor Adler: By the way, colleagues, I will not be here for the meeting that week on November 12th, most likely. Just letting you know.

>> Harper-madison: To be clear, this is one of the ones where it seems to me as of late, a lot of these cases require nine votes. Somebody with more institutional knowledge than I have is going to have to fill me in on how we got to this place where suddenly it feels like all the zoning cases require nine votes. I don't know what happened. What transpired in between my swearing in in January 2019 and now to where we need nine all the time. So I'd like to have one of y'all with more experience than I have to sort of walk me through how we got here. Is this one of the ones where we're going to require nine votes? If that's the case, I would rather wait until you're back, mayor.

>> This does have a valid petition on file.

>> Harper-madison: I would like to wait until the full body

[4:54:41 PM]

is present and have the opportunity to have nine votes for whatever motion is on the table at the time.

>> Mayor, may I suggest, if I could --

>> Mayor Adler: What's the meeting after the meeting that week?

>> It would be December 3.

>> Mayor --

>> Mayor Adler: Yes, council member tovo.

>> Tovo: Could I suggest an approach? I do think our practice is usually if there is a valid petition, not to take a vote without the full body on the dais. Do we have a meeting before the November 12th? I guess not because that would be elections. But we could schedule it for November 12 with an understanding among us that if there aren't enough votes to pass it on that day we will not take a vote until we had you back on the dais, if that's agreeable. That way we have the option of taking it up on November 12 but if it looks as if there aren't enough votes to pass it on that day, we will have an

[4:55:42 PM]

understanding to postpone it until you're back. I don't know how council member harper-madison --

>> Mayor Adler: Council member harper-madison, does that work for you?

>> Harper-madison: No, and I'll tell you why. My hesitation there, as we witnessed today, there were multiple people who called. As you all have probably witnessed by way of the heaviness of your inbox this week, there are lots of people who are advocating for and/or against this case. I don't want to put ourselves in a position to where we unnecessarily burden the members of this community and the general public to have to come back in November and then again in December. I'd rather we just shoot straight for one date where we're all here and we give them the opportunity to have the consideration of not having to come back twice.

>> Mayor Adler: Council member harper-madison moves to postpone this to December 3. It's been moved and seconded. That's the motion in front of us. Discussion. Do we want to hear from the applicant? Mayor pro tem.

[4:56:45 PM]

>> Garza: I hate to muddy the waters but I don't understand what the difference is in October 29 and November 12. I think everyone is scheduled to be here on the 29th. I think everyone has kind of laid out, you know, the real issues here and this started with wanting to respect the community and, you know, seem like put it to bed because it's just gotten so toxic, the conversation, and so filled with misinformation. I just feel like if we can't -- if we can't together as a dais get to a place where we know what the facts are, we know what the realities are and we can't get to a place by the 29th, then it should be put to bed and then that's the scenario where there could be only ten units there up to \$800,000. And there's nothing, absolutely

[4:57:45 PM]

nothing that we can do about that. I'm just -- that's -- I'm just voicing that and I'll just go with the consensus of the dais on this.

>> Mayor Adler: Council member harper-madison.

>> Harper-madison: I'm comfortable with changing the motion for us to take the item up on the 29th. I was just trying to offer the opportunity for my colleagues to sort of find ourselves in the middle of two weeks indefinite, and a month sounded appropriate, but I am all too happy to take this up on the 29th and give everybody the opportunity to, as mayor pro tem so eloquently put it, put this thing to bed.

>> Mayor Adler: Council member Renteria.

>> Renteria: Yes, mayor. I agree with that. I have a feeling that we're not going to be able to get the votes anyway, but I'm willing to go through it. If it does not pass then this would be a nice case study for us to see what happens to that

[4:58:48 PM]

lot and what kind of housing actually gets built there. And it will definitely be, you know, an eye opener for people that have been fighting this. So I agree. We need to just put that aside and just move on if we can't get this to work.

>> Mayor Adler: Okay. Council member Flannigan and then council member kitchen.

>> Flannigan: I for one would appreciate extra time. I tried over this past week to reach out to folks and it was very tough scheduling time around everything else to ensure a robustness of the conversation. So I would appreciate more than two weeks. Hundreds, maybe thousands of examples of developments that have occurred in east Austin and elsewhere with no zoning case at

[4:59:50 PM]

all because they already had the entitlements and it already turned into a mcmansion, or as a former council member used to say, it already turned into a spaceship. Didn't require a zoning case. And the option and the opportunity in the zoning case is to get something better than what you would have gotten otherwise. Given the votes we took on the prior case, I'm not sure that we're going to get there either. Rather than come back in two weeks and run the community through a whole other gauntlet of public input and teeth gnashing and not have enough time to really move the needle, in my opinion, I would prefer extra time if not indefinite to ensure that we're coming back with something that's actually doable.

>> Mayor Adler: Councilmember kitchen and then councilmember Casar.

>> Kitchen: I am open to whatever people want to do in terms of the amount of time. I don't have -- I will go with whatever the majority wants on that.

[5:00:51 PM]

I do think that -- I'm happy if there's anything I can do to contribute. I would really like to see if something can be worked out with this area. I don't think these neighbors are -- yes, there may be -- I can see that there's misinformation going on and that kind of stuff, but at its core, fundamental problem when you've got a petition, is that something's not connecting for the neighbors there. And I don't think

it's that these neighbors don't wanted -- don't to do something good for their neighborhood that involves more affordable homes. So I know that everybody has worked really hard on that. And so I know you all are really trying to work that out and just want to say that I'm hoping we can get

[5:01:55 PM]

there. And if I can be of assistance I stand ready to help.

>> Mayor Adler: Councilmember Casar.

>> Casar: Like councilmember Flannigan, I suggested the indefinite because then it could be brought back if people talked and sorted become out -- and sorted something out. Again, I think that -- as mayor pro tem Garza said but I think was cut out on a lot of the video, this started out as a case where it was three percent affordable housing or maybe zero and then it got to three percent. And then I and mayor pro tem and probably several others opposed that case and then it got brought back at this majority affordable housing place. I would hope that with time maybe people talk and, you know, if the facts are made clear that people can come around to supporting that or

[5:02:59 PM]

maybe with that time the builders decide to just build houses with zero percent affordability which they're allowed to do. I'm afraid that if we bring it back in two weeks that it's not time for anybody to talk, it's time for people to sign up to speak again and for us to just do over what we did again here today. Soiled rather a month or indefinite until there is some community meeting, understanding that that risks -- that brings a great risk that we could wind up with zero percent affordable housing there instead of majority.

>> Mayor Adler: So Jerry, let me ask you the question. If we were to set this for a date certain and it's on the agenda, we want to move to postpone it, if it comes up we could still have people that wanted to come and speak again as we did today, knowing that no action was

[5:03:59 PM]

going to be taken to approve it. If we postpone something indefinitely and just say bring it back when and if there's actually sufficient agreement so as to let us take action moving in, given the valid petition, are, are , do we have to then bring it up.

>> Yes, because of the change in state law recently we would be required to let anyone who wanted to speak to the item, but yes, if it is indefinitely postponed then when the item is ready to come back we

would renotify and people would have a chance to speak again. The only requirement is because the case has already had first reading so it has to come back for third reading within 360 days of the first reading date.

>> Mayor Adler: Okay. And how onerous is renoticing at this point?

>> It would not be a problem.

>> Mayor Adler: Okay. So for me I would suggest

[5:05:03 PM]

that we postpone it indefinitely and then if there's an agreement sufficient to change votes, then people will know to put it back on the agenda. That's how I would lean. Further discussion on the dais?  
Councilmember kitchen.

>> Kitchen: I think councilmember tovo had her hand up first.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thank you, mayor.

>> Mayor Adler: Can't hear you.

>> Tovo: I'd like to call on Leah bojo, who I think is still here on the call, and ask her about the postponement. It's my concern -- it's my understanding that there is concern about postponing it beyond October 29th. And in that case I would support a postponement to the 29th and not beyond that at this point. This has been a challenging conversation this week. I think we can talk about it more productively. I know that my staff have

[5:06:03 PM]

worked and have been listening and talking with the neighbors for a long time around this case as well as with the applicant, and I think it is worth spending a few more weeks to see if there are opportunities for the applicant to better meet the concerns of the neighborhood and the neighbors around there. And I think that's very much possible. But if Ms. Bojo can speak to the postponement, this would be helpful.

>> Mayor Adler: Is Ms. Bojo here?

>> Yes, I'm here. Can you hear me?

>> Mayor Adler: Yes. You want to speak to the dates of the postponement or indefinite postponement?

>> Yes, thank you, councilmembers. This is Leah bojo with Drenner group representing the applicant. Unfortunately we are in a situation where we don't have a lot of time left due to transactional deadlines that are outside of the -- of this case and outside of the city processes.

[5:07:03 PM]

So if we are able to postpone until just for two weeks until the 29th I think we do have a chance to keep this proposal on track and work with you all and the neighbors to try to come to something that everyone feels comfortable with. But after the next meeting on the 29th it will be too late for us to change course on the project and I believe it would probably become -- it would most likely become a single-family sf-3 project.

>> Tovo: Thank you very much, Leah. So I've lost track of of what the motion is on the floor. Mayor, would you remind me if the motion on the floor is to the 29th and if not I'll make a substitute motion to that effect.

>> Mayor Adler: I think that.

>> Harper-madison: Was the one make -- that councilmember harper-madison was the one making the motion to the 29th.

>> Tovo: Okay. I would support that one.

>> Mayor Adler: Further discussion on the postponement until October 29th? Let's take a vote. Yes, councilmember Flannigan.

>> Flannigan: It may be in

[5:08:04 PM]

vain, but I just want to -- I just want to understand if we're actually setting ourselves on a path to success here and not just -- not just repeating this meeting. It's not -- it's not clear what it would take to get to nine votes, which seems inevitable that that will be required on this case. And maybe there is some universe where the neighboring property owners pull down that valid petition. That would take a more optimistic look at this situation than I have currently. But I would hate for us to choose two weeks and just run everybody through the same gauntlet.

>> Mayor Adler: Mayor pro tem and then councilmember kitchen.

>> Garza: I guess I am being optimistic, which is

[5:09:05 PM]

weird in this time because I'm terrified of what will happen on the first Tuesday in November, but I guess there's a little spark of optimism from me in that I would be curious to know if those who signed the valid petition understand that something can be built there and will be built there that will provide zero affordability. I meant to comment on that video. It was -- that was a beautifully done video of feeding families who are rightfully terrified of being displaced. And it's watching that and thinking that something is going to be built there that we have no control over and we have an opportunity to

[5:10:06 PM]

it, and I'm curious if the people who signed that valid petition know that and understand that, and just really hopeful that something could change by again I'm honestly -- I could go either way, I honestly could go either way in the 29th versus further out. I'm hopeful that we could get nine people on this dais to choose affordable units over zero affordable units.

>> Mayor Adler: Motion in front of us is to postpone to 29th of October. Councilmember kitchen, did you want to say anything? Any further discussion? Knows in favor of postponing this to October 29th raise your hand? Those opposed? Those abstaining? It's unanimous on the dais. Mr. Flannigan, how are you

[5:11:06 PM]

voting? He votes no. Others voting yes so this matter is postponed to the 29th.

>> Flannigan: Mayor?

>> Mayor Adler: I'm going to think how it is we'll be able to handle this and I'll probably talk on Tuesday work session about this matter. If it looks like the votes aren't there to do it, we may not just call the matter up on Thursday unless someone calls the matter up, in which case there's nothing in front of us to vote on that day. I'll work with council to see if such a device might exist. Yes, councilmember Casar.

>> Casar: Because folks are probably tuning in to listen about the case and because we didn't debate it, I want for it to -- I had mentioned during work session that I think a 45-foot buffer on the back of the property makes sense and that the majority of affordable housing can still get built with the 45 feet in the back, being unbuilt

[5:12:07 PM]

on and that being required. And while there were a lot of people that I tried to send out information about how this is for folks between 60 and 80 percent median family income, which means for a two bedroom house that could be as low as \$140,000 for a single parent with their child, that my very clear understanding is that they're talking about 60 to 80% and that is -- I just want folks to -- again, people can agree or disagree with what should happen here, but I just wanted to make that clear. And of course, I think there are ways to get it even lower than 60 percent and maybe that's part of the conversation that needs to happen over the course of the next few weeks, but usually when you go below 60% you're talking about rental housing because it's hard to qualify somebody for a mortgage when they are lower than that. And I'm very supportive of low income rental housing

[5:13:08 PM]

and putting that throughout the neighborhood and establishing more of that as well. By I just wanted people -- but I just wanted people to know those things again as we try to have community support and have a community conversation.

>> Mayor Adler: Okay. Any further discussion on these matters? Colleagues, we have pending before us still 21 and 80, which we have to have the executive session on first, and we also said that we would not get to the 70s until after executive session. So I think executive session is the next thing we need to do. It's 5:13 now. I'm going to propose that we go into executive session and we can break for dinner for an hour, whenever we want to do that. And we can just leave executive session and then come back to executive session and then we can handle these final items on

[5:14:08 PM]

our agenda. Councilmember harper-madison?

>> Harper-madison: Thank you, mayor. My apologies for having pard and watershed staff stick around for what appears to be no reason. I see no reasons for the presentations that I was looking forward to today if we're going to resume this conversation in two weeks. In which case I will defer to the 29th to get the information that we were looking for from watershed and pard.

>> Mayor Adler: Okay. We could also ask watershed and pard to come prepared to that work session on the Tuesday before.

>> Harper-madison: That would be helpful.

>> Mayor Adler: They might be able to answer your questions then.

>> Harper-madison: Thank you.

>> Mayor Adler: Thank you. Colleagues, are we ready to go into executive session? All right.

[5:15:10 PM]

ING it 58:14 and pursuant to sections 551071 and 551074 of the government code we'll back go back into executive session to discuss matters rate structure Puente to real estate matters. Portent to 551.071 we will discuss legal matters related to item 80. Without objection, colleagues, let's just move on over to executive session. We can figure out at what point we take the lunch break before we reconvene executive session. The items for the record that we still have to decide that are pending are the 21 and 80 we just referred to, but also items 71 through 75. With that I'll see you guys in executive session.

[Executive session].

[5:54:55 PM]

...

[7:37:25 PM]

>> Mayor Adler: We are back from closed session. In closed session we discussed real estate matters related to items 21, legal matters related to items 21, not necessary for us to discuss item number 80. It is 7:37. We are back in the city council meeting to finish up our work. We have before us items 21 and then 71 through 75. And 80. Are we ready to move forward? Is there a motion with respect to item 21? Councilmember harper-madison.

>> Harper-madison: Mayor, I'd like to make a motion

[7:38:27 PM]

that we postpone this item to give it further consideration.

>> Mayor Adler: Okay. There's been a motion to postpone item number 21s there a second to that motion? Councilmember Flannigan seconds that motion. Is there any discussion? Of the postponement of item 61? Councilmember harper-madison.

>> Harper-madison: Yes. Just to sort of prep it for when we have the opportunity to discuss it further, there's some specific questions that I have as it pertains to the value of this particular piece of property. My hope is that during the course of the conversations some of those questions can be answered. I

could lay them out here, I could do it in q&a. What do you suppose is the most appropriate course of action?

>> Mayor Adler: You know, you could do it either place. It's been postponed so you could certainly do it in the q&a or you could do it now.

>> Harper-madison: Just to make sure pard has a head's

[7:39:27 PM]

up as to where my head is at, I would like to be able to answer the questions around this particular acquisition and how it satisfies, you know, some of the pard priorities, which include equity, park deficiency, greenbelt acquisition and long range planning. So those are things that I'd like to be able to get some clarity around. And then the other item that I really would like to -- I mean, reading through the priority statements, so like with equity, for example, it says prioritize socioeconomic factors such as vulnerable populations, income and racial makeup of the neighborhood. And then with park deficient areas, reference the -- regularly updated mapping to evaluate quarter mile and half mile walkability. So councilmember Renteria I think made a really good discussion in that when we were able to ascertain that

[7:40:28 PM]

this particular parkland dedication, these funds could be expended for up to two miles and I recognize that both my district and councilmember Renteria's district are within that two-mile radius, I'd like very much to do what he asked during the work session on Tuesday, and if we could get a list of assets that are within that two-mile radius and if we could as a body make the determination as to whether or not this .2 and some change acres is the best, highest use of over a million dollars or if there's another asset that we could acquire within that two-mile radius that might be a better use of the funds. So I suppose what I'm asking for there is an asset map within that two-mile radius.

>> Mayor Adler: Okay. It's been moved and seconded to postpone 21.

[7:41:29 PM]

Let's take a vote. Those in favor of postponing please raise your hand. Those opposed please raise your hand. Voting no is alter. Kathie, I can't see you. And I can't hear you U. I can see you now. Can you hear me?

>> Tovo: Mayor -- [garbled audio].

>> Mayor Adler: I can't understand you. Kathie, I can't understand you.

>> Harper-madison: She has a paper up but I can't read

[7:42:30 PM]

it, but I'm also blind.

>> Mayor Adler: Can anybody read what Kathie has?

>> Harper-madison: It looks like no.

>> Pool: It says no.

>> Mayor Adler: Kathie votes no, Alison alter votes no. Leslie pool votes no. Is that right, Leslie.

>> Kitchen: I'm a no also, mayor.

>> Mayor Adler: Okay. Four no votes --

>> Tovo: Mayor, are you able to hear me?

[Echo on the line].

>> Mayor Adler: I'm sorry, I've been muted. I called the vote on item number 21 for the postponement. The postponement passes 7-4. All right. Let's move on now to the sex item. Everybody okay moving forward?

[7:43:30 PM]

I feel uncomfortable, Kathie, that -- are you with us? Kathie, can you say something?

>> Tovo: Are you able to hear me?

>> Mayor Adler:, yes, we can hear you now. Good.

[Echo on the line]. Let's move to item --

>> Tovo: Mayor, I had a quick comment I wanted to make.

>> Mayor Adler: Go ahead.

>> Tovo: I was just going to suggest to the public if they want to continue to follow this conversation, I just want to make a point that we do post the information that we got from pard earlier this month. That looks like a heat map and it also looks at various kinds of investments we're making. So I want to be sure that the public understands that we're making certain investments within parkland dedication, we're making certain investments with our bonds and I think that it's a way to see where those are

being invested because our bond dollars are being invested around the city and it's that memo from earlier this month. And as I mention understand one of our earlier

[7:44:30 PM]

conversations, I think in executive session, I look forward over the next couple of weeks while we're doing this to look at some of the ways in which we've invest our parkland dedication dollars in the past and see if this is consistent with that practice, which I believe it to be.

>> Mayor Adler:

>> Harper-madison:.

>> Harper-madison: Thank you. How many dollars do we have in that fund? I think that would be good information to know as well.

>> Mayor Adler: Okay. All right. Let's get then to item -- yes, mayor pro tem?

>> Garza: Sorry. Before we vote next time, I'd also -- if pard could provide us, there was

[7:45:32 PM]

discussion on -- it looks like we have trail access already, and I was trying to think of other parts of our town where it is just kind of access from like a dead-end. I was thinking in Bouldin there's like a guardrail and people park along the street and access one of the trails that way. There's also been discussion about the historical significance and I'm just wondering what precludes us from creating some kind of plaque and some kind of symbol to that in the property -- in the part that we already own and that already gives us access because it sounds like we're looking for access, and some kind of, I guess, homage to the area. And I'm wondering if we can do both of those without having to use any of our parkland dedication dollars.

[7:46:33 PM]

>> Pool: Mayor?

>> Mayor Adler: Yes, councilmember pool.

>> Pool: Thanks. Yeah, I think that director Mcneeley said that there was some indication already on this site, some historical marker, some interpretive information there, and then my understanding is, if I'm remembering right, staff wanted to do more. And then I think just to give some additional context to what staff was trying to do here, we did pass the long range plan November 14 of last year. So it's just

been about a year. So staff has been working with the long range plan that we had approved for them to move forward. So I want to make it really clear that -- that staff was doing -- staff was walking the path that we sent them on. Ordinance 2019-1114 it was item number 69 on our agenda last year.

[7:47:33 PM]

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I'd also like to request when we get back the information -- we've been presented this in the past in various forms, but since the staff are being asked to provide us with information about what money is in the parkland dedication fund, I would like to see that contextualized. I'd like to see that in the different -- it's not one -- it can't be spent in areas other than those where it was collected. So I would ask the staff to please break it down by different areas so that we can see what funds are available in different areas of the city that can be invested in those areas and are invested in those areas along with as I mentioned bond funds, in addition to the various other things we've done in many districts around the city, as we have this conversation I want to really be thoughtful and have it in a very thorough way and remember all of the instances where, for example, we talked about publicly owned land from the water utility that could be

[7:48:34 PM]

converted into parkland or the tract of land in -- along, I think, Nuckols cross, towards the Nuckols crossing-burleson area where we were poised to sell it and then had a conversation and, you know, decided to retain that for public use and then in the end worked with the [indiscernible]. So we've made lots of thoughtful decisions in the districts and would like to have that in light of the broader conversations. I don't want the public to think we're not making investments, but we haven't made investments in every council district in this city.

>> Mayor Adler: Okay. That sounds good. Let's move on to the next item.

>> Flannigan: Just to clarify, when is this being postponed to? When will staff be working on these answers? Is there any clarity we will have on when this will be postponed to?

>> Pool: I'd like to suggest October 29.

[7:49:43 PM]

>> Mayor Adler: I mean, manager, there's questions to be answered. Do you have -- I don't know how much time you need. It's been suggested the 29th of October. Does that work for you guys?

>> We should be able to fulfill that.

>> Mayor Adler: Okay. Any objection to having this matter come back on to the agenda on the 29th? Hearing none --

>> Harper-madison: Mayor, since I made the motion, if I could speak to it. I don't necessarily have any objection, per se, but given that there's so many pard-specific items that I'm sort of still working with them on, I do want to make certain we're setting them up for success. So manager, while I appreciate that you think that that's an appropriate amount of time, if we could just get some sort of confirmation from pard that that's sufficient. I want to make sure that they have the opportunity to succeed.

>> Mayor Adler: Okay. Manager, given your position, you can do it if it falls on the 29th.

[7:50:44 PM]

If you hear back and need more time, please bring it up before we're out of this meeting so we can change that date.

>> Will do.

>> Harper-madison: Thank you.

>> Mayor Adler: Okay. I think the thing to do now is to do 71 and 72. Kathie, I think those are yours. Do you want to lay those out?

>> Tovo: Mayor, I may need another minute. I can get started on it. I did distribute some amendments. These are really the intent here is, as we've discussed, use the right-of-way

[7:51:45 PM]

encroachment and alleyway street vacation monies that are available this year as well as in the next two years. And this was in support of the goals of the save resolution. The intent and I think the budget amendment is posted in such a way that this is realized. This year we've already allocated \$800,000 of right-of-way fees so -- I'm sorry, 800,000 in encroachment and street and alley vacations. So that money is no longer available. It went into the general fund. The amendment allows for -- the budget amendment and my language allows for any revenue in excess of that 800,000 to flow to the business preservation fund. I do need to clarify with staff eventually. I will move approval of both of those, but the version

[7:52:47 PM]

I'm moving for approval is 72 with my amendments.

>> Mayor Adler: Okay. So 70 with the one that finds those monies and 72 is the creation of the fund that those monies would be put into. Is that correct?

>> [Indiscernible], yes, mayor.

>> Mayor Adler: All right. Kathie makes the motion to 71 and 72. Is there a second to those? Ann seconds those. Kathie, I don't know if it's a question for you. Thank you for doing this, thank you for finding additional funding.

[7:53:48 PM]

I had proposed an amendment that I'm going to want to consider that's been laid out, it's been posted that basically says that the money that's in there can be used for the administrative expenses and the cpa or attorney assistance so it doesn't have to come out of the corpus of the saves account. Did you have a chance to read that amendment to see if that amendment is okay?

>> Tovo: I would accept that as friendly. I hope that if we find a need -- if we need -- my intent is to move that we use all 3.7 million of the right-of-way money and I would say that, you know, it's hard for me to know at

[7:54:49 PM]

this point whether we'll need all of that for the kind of services you talked about and so certainly I hope we'll use as little of that as possible for those services, though I support the idea of getting more sustainable plan, but that would leave the balance of it available for direct funding. So I don't want it to be -- I don't want it to be limited to that, but certainly I support the goal of allowing for that use.

>> Mayor Adler: No, and I support that. In fact, if the program is successful and it's actually doing what we need for the community, maybe we can find monies in addition to whatever it is we turn up here to be able to put to that as well. Is there any objection to my amendment to 72 being incorporated? Yes, councilmember alter.

>> Alter: I just want to make sure I understand. So your amendment to 72 here is that I move to amend 72 to allow no more than that amount? Is that the part that

[7:55:50 PM]

applies to 72?

>> Mayor Adler: 72 says that -- that the use of the fund can recover the cost allocation and

[indiscernible] Technical services [background noise]

>> Alter: Then I must be missing a -- is this one from earlier then?

>> Mayor Adler: It was posted --

>> Alter: I have this one. Okay. And how was that modified to talk about what I talked about earlier if we were going to postpone 74 and 75, that we would use this money to get them moving quickly, other than to say that the 1.5 million that had you in your motion street, I want to understand what we're doing.

>> Mayor Adler: As I -- I read it and I thought that

[7:56:50 PM]

was already covered, that if this money goes into the fund in 72, it's available immediately for those elements of the saves program. The saves funds have been created at this point, the funds have been

[indiscernible]. All we have in front of us is the programming on those. We can talk through this that with respect to 74 and 75 we have to actually approve some measure of programming so they can get started on the emergency relief and letting people starting to apply. But as I read this, it was the intent of this to say this covers the case management -- allows the funding to be used for the case management and for -- for the saves and the administrative fees in saves.

>> Alter: So city manager, can you clarify?

[7:57:51 PM]

What I want to make sure of is if we end up postponing 74 and 75, that, you know, we have a good chunk of money to begin a piece of this process. I'm not understanding if that's true or. I want to make sure there is not ambiguity. We have several meetings where we left with ambiguity and I want to make sure we have clarity. Can you tell how you understand it?

>> Thank you, councilmember we have acm Gonzalez and then I believe Ed is trying to get moved over so we can confirm our P -- Mr., Gonzalez, do you want to speak to this?

>> Thank you, absolutely, city manager. As well, the economic recovery officer Briseno is wanting to speak as well. So I don't think we have gotten to -- I think the mayor has a motion to -- that speaks to

[7:58:54 PM]

postponement. Well, actually there is a motion that speaks to perhaps postponement of the guidelines, but the question of an emergency relief fund. The difficulty with postponing the guidelines is that we have drafted, staff has drafted and spent a lot of time doing this, the head -- in accordance with the saves resolution which was adopted by council. The guidelines intended to give us the right direction as we go through applications so that way we can go through the applications in accordance with

--

>> And without guidelines it is going to be very difficult, if not possible, to implement the programs. I can understand that the guidelines from the mayor's perspective that people just, it needs to be reworked and I can understand that and appreciate that. But without guidelines adopted today, it is very big gulf to implement the program.

[7:59:57 PM]

>> That's what I was talking about a second ago it may be necessary for us to go forward with some of the guidelines in the motion sheet so that the programs can be initiated. Councilmember kitchen.

>> Kitchen: So here is a question. The way I am reading this amendment to 72 is it authorizes the use of the funds to cover the cost for case management and professional legal accounting and technical support. So my thought is what this does is gives you the dhorgs of the funds for those resources and you are doing have to go out and secure them. The thing to me is, if we C adopted the program guidelines, if the timeline -- if we postpone 74 and 75 guidelines,

[8:00:59 PM]

or maybe just 75 guidelines, if we postpone that but then we took it up again quickly enough, I mean it is going to take you a little bit of time hopefully not much but at least two weeks, maybe, I don't know, to figure out who is -- technical support. So there is that. I don't feel like we are ready to to adopt all of the guidelines tonight. The I barely had a time to think of them. Some of them look great to me, some I have questions about. So I want to know as a minimum what you need to get started and I would think that the authorization for these particular assets, this would let you go ahead and start the process of securing those assets. Are you thinking not? Are you thinking it doesn't do that for you?

>> Well, I think question is several things. One, yes, for sure we would have

[8:02:01 PM]

to secure the assets. And that's part of the program implementation that we would do.

>> Kitchen: Okay.

>> Then in the application process we inform to the applicants and this is how it fits in this program and we would use those guidelines then to determine eligibility. And so it is that piece that is missing and so I think what we need to get clear from council is, yes, absolutely we would procure the resources and that's not a concern forgetting started right away. The concern that we have, though, is that what follows similar to the other programs we created is we developed a criteria, we post stats so that stench very clear about what is eligibility. They then make an application and then we use that criteria

[8:03:03 PM]

then to assess whether or not they meet the criteria and whether or not they are eligible.

>> Yes. I understand that, I am trying to understand the timeline. And I know you want to move as quick as possible. And it may be we can move forward. I don't know yet we need to have a conversation about these guidelines and it is 75 is the one that I think we need a little more time to work our way through guidelines. So if we -- if we are, if we authorize this today and we approved, you know, 73 and 74 and postponed 75, could you not get started as long as we took it up again, those guidelines, we could post those guidelines up again soon? What is your timeline? What do you think the timeline is? I know I am putting you on the spot but the best you can tell.

>> So the guidelines are adopted, if the guidelines are adopted today we were talking about getting implemented on 73,

[8:04:05 PM]

and 74. I know you are talk about 75.

>> Yes.

>> On 74 we would get started right away. 75 we would get the resources we would need for eventual implementation but I would have to refer to chief economic recovery officer Briseno but it is going to be hard to actually put forward an application process it doesn't mean we could get started but process, but it will be hard to [indiscernible] Direct eligibility from their perspective. The question toy need to ask, is and you just may not have the -- you all may not know this yet .. But how long do you think it will take to procure the resources?

>> Sure. Good point.

[8:05:06 PM]

Councilmember -- economic recovery officer. Part of the struggle is we would like to see the direction that council gives us as well so that will help us identify the time it will take to identify resources, come back to anything that we would need to come back to with. In terms of procuring -- if the question is about simply procuring the technical resources that would be needed, I believe that I would want a good two to four weeks. I do think -- and I am working through this myself and we are having this discussion. I think that also depends though, on again on what we are coming back were and what that program is going to look like. So I don't want to put the cart before the no, sir. Horse, I think we will have to move forward, move fast but we will have to do both things simultaneously.

>> Mayor Adler: The question, as we go through this, I think the interest is to get this going as quickly as we can, especially with respect to somebody who is in an emergency

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situation and thinks they are not going to last four weeks. And for that person we want to be able to get emergency relief to tide them over for the shortest period of time but to get them the professional assistance be because I think many may see with that professional assistance that they are really not in danger of losing everything in the next four weeks. And, in fact, if they actually paid money they might lose some of their bargaining leverage. I think we are trying to enable people to go as quickly as we can. What I hear, what I heard Deborah saying in the break was that we need -- there are two things, one is Deborah has brought an amendment that is a worksheet for 74, 75, 70 and 72 that talks about, hey, being able to move quickly to do the emergency functions for business, for the short-term, our relief need and financial and expertise, so I think that

[8:07:09 PM]

is also covered here, that might be a part of the answer that Alison was looking for.

>> But the criteria, who applies stuff that we as a council adopted several weeks ago to a large degree so it is a question of taking a look at what we actually -- what we put in the resolution in carrying those over and I think that has a lot

-- that has the eligibility. So -- and that's what, in the sheets that I handed out, that's where that language came from. It is just carrying it over from the resolution that we did several weeks ago. So I would be comfortable launching it, but emphasizing that staff really needs to develop the full program guidelines, let staff come back with -- portion of it or fleshing it out and polishing it off but -- enough today as Ann

[8:08:10 PM]

was saying so you guys can get started and people can start seeing that the program is happening.  
Alison.

>> Alter: So I want to make a couple of comments and then Sheryl to reservations, because I think we learned a lot with our other programs about what worked and what didn't and where the pitfalls were and clarity really does matter at a lot of stages, but Peed also matters. So the eligibility criteria I don't think is what we are debating, I think the concern is about what we do with the money a to them people who help the groups that are eligible for the money, I think there is a fairly clear agreement on the

[8:09:11 PM]

eligibility, there are a few tweaks that the mayor made but I don't think those fundamentally change things. The issue is what are we doing with the program? And we have multiple programs. And I don't know that it is enough for the staff to have clarity on eligibility to be able to move forward on a lot of things unless we say the business preservation program is for that short-term relief and we want you to spend this much, you know, you can program this much in the next two weeks and then we will figure tout rest of the next council meeting and that business preservation pot is, that's what we are spending initially, at least for the live music venues or maybe the legacy, I think we can move forward with the childcare with very minor tweaks. So that we are getting some out the door right now and that preservation fund has that sort of immediate scope and has that assistance part and then we

[8:10:12 PM]

build up the other program, I appreciate the mayor is meeting with a lot of people, I have not had the opportunity, I don't have a lot of venues in my drink so it is not -- those are not conversations that I have been privy to, but I do think there is sensibility to provide clarity to our staff. It is not easy to dole out millions of dollars to groups when there is demand that exceeds the amount. And I want to just say I really understand where they came from when they were trying to do lottery and all of the other stuff, having watched and seen the trajectory for other grants. That was a hard one to experience. It is, you know, every choice that they make, just as every choice we make is going to be scrutinized so wherever we land tonight we need to have enough clarity so at least they know what they are doing for the next two weeks and how those are prioritized and exactly how we get there from where we are, I don't know, I would suggest if we can figure out a way to make

[8:11:13 PM]

72 do that really immediate short-term assistance, whether it is, they are flailing and they need like an injection of 20,000 or if they need the technical assistance, I really appreciate that. A way of thinking about what they need and then we look at at least I think 75 is the live music one, pushing that off but I think we have clarity on eligibility piece, which would also carry over to the business preservation for both of those. I want the solution but that's write think we need to land in terms of goal and I don't know if staff want to speak to anything else on that before we go further. Ms. Briseno, you don't have to but if you with a -- if there is something on your mind I want to invite you to speak.

>> Councilmember, I just would again, it is helpful for us to know the direction council is

[8:12:13 PM]

going in before I fully respond. I do appreciate the comments about the eligibility and the reason why we structured this the way we did, and as much as, as much clarity as we can get on the eligibility is really helpful for us as staff, it is very meaningful.

>> Mayor Adler: I think, Alison, you identified the issue. There is the initial eligibility criteria that they need in order to be able to start so they know who it is they can be giving them an application, that they can take a look a at whether they immediate emergency relief. The second part of it is, if somebody actually qualifies for it and then is trying too get dollars out, how do they do that? And that's a lot more Amore spouse and it is the special part you are talking about .. What they really need right now what Veronica and what Rodney said, and what Deborah said, as I understood it was, at the very least help with us the eligibility stuff and give us the authority to do the emergency stuff so that we can

[8:13:14 PM]

get started on that. The problem of just doing 70 or 72 is there is nothing in there about eligibility. So the reason that I think they need 73, 74 and 75 is to establish the eligibility components of the programmatic

-- I think you were right, I think that was already established in the earlier resolution, so I my thought was in 73, 74, 75, it lays out the eligibility such that they could get started. We can always, and if we ask staff to fine-tune it, to work on it, come back a with even a changes on that, come back with the end thought and the I am they have been talking about and Ann talked about but at the very least that gives them the components to be able to start. Now with that said, do I have that wrong, Veronica, Rodney or

[8:14:19 PM]

Deborah?

>> , You addressed our concern. We get the desire to start right away and the money that is set aside, but I do think that you and councilmember alter are saying the same thing which is that we want as much specificity as possible from council as we go forward, that is going to help us, that's going to help the applicants from clarity on their side as well, and so that is what we are seeking is the clarity, if the guidelines on the whole aren't adopted today as we desired and as we recommend, we certainly do recommend that some form of guidance be provided by council as we progress with the work.

>> Mayor Adler: Ann.

>> Kitchen: Maybe we can --, you know, when we get to talk about the details of the day, it

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may work itself out, but I think that there are two different aspects of what we are talking about doing. One of them is the immediate assistance and we don't want to delay that at all. But we are also talking -- we are now talking about one of the things, or at least I hear the mayor adding which is needed is that longer term look and, you know, we have all -- I mean we have had a lot of conversation about our commitment to our commitment to our iconic businesses and that really goes to 95, in particular, although there is certainly overlap with 74 but we had conversations about the importance of these entities to whom we are as a city, that they are tremendously heart and soul of our city and we want to think about what is

-- how can we work with them on a longer term basis to come out of covid and to be stronger and into the future.

[8:16:20 PM]

So to me, there is kind of two different purposes there. They are a continuum and they are both important and we are maybe ago commitment to both of them and I think that we are all on the same page saying we want to do that. It is just the second piece that we might need to do a little bit more thinking about, because the first piece was really written, when we first started down this road I think it was written more towards the immediate, and I think mayor has done a good job of adding in the kind of things we need to think about if we are thinking about the longer term, but I think it needs a little more work. So what we might do is adopt something and indicate that this is -- this is what you have so you can get started immediately, but understand in the very near future we can, we can say when we will come out and flesh out the program for where the second piece is. So I know that we are not giving you the clarity yet that you

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want or that you need, but that's the concept, I think. So maybe what we do is adopt -- is adopt the guidance that are just, just say these are the guidelines for this initial assistance and then we are going to come back in two weeks or whenever with the guidelines for the longer term assistance.

>> The two parts. I don't know if that works but

--

>> Mayor Adler: I would support that, Ann, because I think if we adopt 73, 74, 75 they can get started and then they could get the cleaner rules, and the long-term stuff which obviously they are not going to begin to approach for the next two weeks and then we would have time to be able to walk through that and flesh that out but at least then they could get started. The other piece that I think make that work is what Deborah gave me which was the hand out I have also given you that kind of

[8:18:21 PM]

ties 70 and 72 and 73, 74, 74 and 75 with each other in terms of saying, you know, grab funding and you grab it from here or grab it from there so that gives them then that financial component so I think that would enable our staff to start, but we are asking them to come back with a better version or an enhanced version of the program. I would support what you suggested.

>> Kitchen: I am not sure about the document you are referring to but --

>> Mayor Adler: Which one?

>> Kitchen: Well, you say that there was a document that tied them altogether. I see the amendment to 72, 0 so I got that.

>> Mayor Adler: 72, then the 73 and 74 were the upper right-hand corner it says on the motion sheet, 74, dealing with a motion sheet, 75.

[8:19:23 PM]

Those are those two. And then Deborah came which me which has also been posted on the message board and given to everything from Katie something that is called Adler motion sheet, 74, 75, 70 and 72 as well. As follows:

>> Yes. That's one I am missing. I will look for it.

>> Mayor Adler: I think that would enable us to go forward to get them started and let the staff get back, because as I see it, Veronica and Rodney, and Deborah, that would give you then the criteria in that form that basically pulls it from the resolution from three weeks ago to get started.

>> We would appreciate that. Once again, and I think councilmember alter said it best which is, you know, whatever we do we are going to be

[8:20:23 PM]

scrutinized and so we want to of course give the staff the guidance so that way they can do the best job possible so that's why we came up with the guidelines. They would allow us to get started we could then develop enhanced guidelines I like that term, enhanced guidelines for the longer term, and we can come back as soon as possible with those enhanced guidelines.

>> Mayor Adler: Alison.

>> Alter: So I don't understand what the motions are. That you are proposing and what we would be voting on and where the different pieces are. I think we have a general agreement of where we want to go. I think we agree with the -- pool, I am just not -- I don't

-- I don't see how we put all of the puzzle pieces together yet. I might have missed something in what you were just saying.

>> Mayor Adler: In the motion sheets that were handed out, to begin with -- [indiscernible] --

[8:21:24 PM]

>> Alter: Okay.

>> Mayor Adler: You muted yourself. At another.

>> Alter: So I don't have one that -- I have one that I move to postpone item 75. Where do I find the 741?

>> Mayor Adler: It is also -- Katie and also on the message board. So it is in both places. And there is eighties 74 and 75 on the message board. If you click on that, there are five things, two of them are -- the first one -- the two things are there. There is the red line that changes to 74 and the red line that changes to 75. Those are the 74, 75 documents. I had written them to say I move to postpone 74, postpone 75, but

[8:22:25 PM]

the following direction, with the following direction to city staff. Staff came back and said, rather than postponing 74 and 75, just pass the red line changes that you have made to 74 and 75, because if you just pass those things we can get started. And then we can edit them and change them in two weeks or

four weeks or whatever we need to do, but this would enable staff to get started, importantly it has the eligibility criteria that came out of the resolution we passed -- [indiscernible] Ann.

>> Kitchen: Okay. I found the document that you said -- I knitted them to the. I see what you are talking about. You will just have to help me understand and -- what is this attached to? I move to amend item 74 and 75. So I guess these are amendments on the both of those and then

[8:23:25 PM]

you -- I think I see what you are doing now. Okay. Okay. So when you are ready to tal about that amendment I have a few questions about it.

>> Mayor Adler: That's fine. So we went, we are going, we would not postpone 74 and 75, we would pass them, change them with the changes in the red line, we would pass this amendment to tide them over so staff can get started and come back with more formal GU guidelines. Ann.

>> Kitchen: Yes, but I have some questions about the red lines in 75, so I might want to make a change here or there from that.

>> Mayor Adler: I understand. Kathie.

>> Tovo: Thank you, mayor. I see there is an item in this sheet that you handed out.

[8:24:26 PM]

>> Mayor Adler: It looks good. So it talks about amending it so more, no more than 1.5 is going to be used for the emergency relief. Are you still intending to bring that as a formal amendment to 72?

>> Mayor Adler: I am not tied to that number. There was just a blank -- I don't know what the right number is. I was trying to make sure that they got covered here over the next couple of weeks as they were getting started. And that's all that really was, was just a placeholder. I am not tied to that number. I didn't mean to limit that number. Hopefully this program will be successful and we will look for more money in more places. I still want to talk about the numbers you have questions about the grade streets and the wage freeze questions we had last week. You may have answers to those now. But I am not tied to that 1.5. That was a number that just said that you can start accessing

[8:25:27 PM]

that money for those things.

>> Kitchen: Okay.

>> Tovo: So that is for the nonadministrative assistance? That would be for kind of the direct -- you know, I think that seems like a pretty good number, but the only thing that gave me some pause is the rest of it that it is set as a hard limit and the manager would need to come back and ask us to amend it if they found themselves needing, say, 2 million, so I don't know whether there is a way to passage that language so it says something more like it is our expectation that to more than about one point it would be used for that direct immediate assistance unless the manager comes back and informs us of --

>> Mayor Adler: I am fine with all of those changes too. My hope is we will be able to pride as much emergency emergency assistance as we can so we will put the capital go into negotiating the longer term

[8:26:27 PM]

workouts,.

[ Provide as little emergency assistance as we can ]

>> So just giving the landlord four months of rent they will be in a position of four months of rent I have here but in exchange for this this is what I want and I don't want people to miss that opportunity. But it was not intended to be a limitation, really.

>> It is kind of a hard --

>> Tovo: I will think of some language that will help with that. I have some questions. I sounds like you have some questions and then I have some amendments to 72 and according to this motion, but I do need to ask the staff, in looking at this, I know we were all doing a lot of work real quickly since the last meeting, but the piece that is currently left out of 72 is the right-of-way. Funds, so the direction we based at the last meeting was spoke to what we wanted to happen this year, with regard to right-of-way, encroachment,

[8:27:28 PM]

street -- but it also then allocated a lot of that funding for -- reaped from those three sources for the next two years and 72 speaks to street and alley and it doesn't suppose speak to right-of-way and I just realized that yesterday, so I think what we are going to need to do is post this, pass what is here today but come back with the right-of-way piece, understanding that we don't -- we can't tie the hands of future councils even if it is us, talking about the next budget cycle but it was setting in place something for the next couple of years and we are doing that with street vacations but not with the right-of-way as contemplated. Does anybody want me to explain that? Or is that clear?

>> Mayor Adler: Let's focus

[8:28:29 PM]

right now, because I think we covered the whole thing. Let's work our way through this and --  
[indiscernible] --

>> Tovo: Yes.

>> Mayor Adler: 71 and 72. So their component is, 72 is going to be where we put the money park the money or place the money initially. 71 is, what money gets placed there? Could we just go through the different elements and let's, because that's what we had started to do, I think at the work session, there was the vehicle years which was 550,000, which our staff said yes, you can do that, that's not an issue. The next was the signal construction which was 300 that was being discussed. But it was recommended that we not do the 300

[8:29:36 PM]

. We debate information, we got information back from the transportation department and I think we spoke about this on the work group, their ending balance came in higher than anticipated and perhaps somebody on the line can clarify that, but it is my understanding that they, that they had an additional \$2 million in fund balance, so I feel less concerned about it than I did the other day, at this point, my starting place is that we should transfer the whole 3.7 million, because it looks to me if I understood all of the different pieces of information we have gotten it looks as if the transportation department has the \$300,000 to do the signalization, I believe they even have the funding if they need it and wanted to or the manager wanted to, just don't transfer it to grade street so I feel pretty comfortable with depositing the whole 3.7.

[8:30:38 PM]

Kathie, heads up, the 550 made since, 350 for the tdm they said okay, for the act, they said it was okay. So the 350, the 300 is 650 plus the 550 is a million-2. Then there were three other elements -- there was construction I thought you had recommended no -- what I would like to hear speak to the fund balance question you raised, the great streets element, the 728 that we have raised a concern about if we got the great streets dollars, does -- we took that, does that mean we might lose out on being able to get some of the right-of-way on developing tracts that we couldn't -- we didn't get it now it might forever be lost on the great streets program. And my recollection is that staff, in the meantime, issued a memo to us that said, no, don't take the great streets money

[8:31:39 PM]

because that could work prejudice, the third component after the signal construction of 300 and the great streets of the 728 was a freeze in staff of a million-4, and we had asked the question what the opportunity costs are, that were associated there, could we lose opportunities for funding, but impact programs that are priority, right-of-way, design input projects, would it slow down development review and permitting dash disruptive work on the currently reduced volumes. I haven't heard anything and I may have missed it, whether staff came back and gave us the review of the salary freeze, and part of me, Kathie, because I see this as being dynamic and not set, if we weren't going get the great streets money or the million -- 4 money or 300 in

[8:32:40 PM]

signal construction now, we would know that those things were all there, and if the program was successful in a month or two months or three months, we could go say that money was it, we are going to go get that money. I don't know that we need to take that money now, if there is risk associated with it. As I Independence it, as I understood it, what our budget amendment is doing is taking the money from the right-of-way that came in through right-of-way, the great streets a part of that is that the transportation department transfers, they transfer it to -- development. I am proposing -- I am proposing having reviewed it, I believe that the ending balance and transportation is enough to cover that, they still have the ability to do the great streets. That's a conversation we can continue to have, but great

[8:33:41 PM]

streets based on ten memo had 6 million in it, it has -- that is outside of the 1.3 that we allocated to red river improvements we need to make sure that our memo that came back 2.6 and the program that is unallocated in addition to the expected transfer of 728. Those then have been committed to four active downtown projects, but I think there is still -- there still may be a balance in the great streets program, but in any case, regardless of what happens with the great streets balance, it seemed to he that there was still money in the transportation budget to cover those. Because it came in -- >>

>> Mayor Adler: After Ann speaks, manager, if you could get transportation staff to be ready to speak to the signal construction, the great streets component, the freezing staff and the fund balance question

[8:34:42 PM]

that Kathie has raised. Ann.

>> Kitchen: I would just say, I am really -- well, I want to hear what the department has to say but I am really reluctant to go ahead and say we can take the signalization. That was something that I think that the staff mentioned that was important for safety reasons, and I am reluctant to do that. And I am also reluctant to make a change right now on the transportation dollars from what we had discussed previously, so I want to hear from the department too, but I don't think we should just conclude just because it looks like there is a higher fund balance that those dollars are available. So I am just -- I am uneasy with the conversation we are having right now, but let's hear from

[8:35:43 PM]

the department.

>> Mayor and council as we wait, he have director truelove who can speak to the great streets question.

>> Mayor Adler: Okay.

>> Good evening mayor and council, Rosie truelove, director of the housing and planning department. And if I could go back to the great streets question, we do have about \$6 million in the great streets fund that is inclusive of the red river project, so that does not -- that is not in addition to the red river project. We have about 2.6 million that is currently unallocated that could -- that should be covered enough to cover projects that we currently have that are in the pipe Lynn. There are four projects downtown that we anticipate coming through that are in the development stages now and that should be sufficient to cover those projects. What stopping the transfer would do would be to likely see us have to freeze future great streets initiatives, we have the

[8:36:44 PM]

bulk of the dollars that are beyond the 2.6 million, our, are allocated to other projects or capital projects that are in development right now, so we would need to look at, if we want to continue to reimburse developers for great streets improvement Wes would need to be looking to potentially put those capital improvement projects on hold should they come to fruition in the time frame. I do have concern about stopping funding for program for two years because that is the only source of funds we have for the great streets program, a and so understanding that we would potentially everybody see revenue into that fund again in two years, but that would largely stall us for a number of years.

>> Which is not what we are proposing to do today. To be clear.

>> I think a stopping -- I think part of 71 would stop the transfer from the receive hundred \$28,000 transfer from transportation into the great

[8:37:45 PM]

streets fund, from the parking management revenue fund.

[ 728 ]

>> I will have to read it again. It doesn't do it --

>> Okay -- the transfer this year does not make -- it makes

-- \$3.7 million transfer, it does not make a transfer for next year. And again if there are other available funds within transportation, they could still make the transfer if that was the decision of the manager and I just want to be very clear about councilmember kitchen, I completely agree that the signalization has to happen, I am not suggesting we halt that. I am just saying there is other money, from what my understanding is, in the available balance there is other money to cover that. If there is not other money to cover it, then that is a different conversation and we can take out that 300,000, but that's not my understanding. We just --

>> Mayor Adler: So that I understand 71, Kathie, you are

[8:38:47 PM]

recommending that the funding for 71 be 550 from the vehicle issue, maybe -- 550 from the vehicle issue, 350 from tdm, the 300 are act, which together those three things total a million-2. And then what we are going to discuss that you are also recommending based on if contingent on the fund balance, is 300 for signal construction, 728 for great streets, which is a million-28 and freezing staff, which was a million -- 4. So basically, that is -- what is in discussion here is that in essence just over 2.4. Okay. So Robert or Ann or somebody, can you speak to the 300 in

[8:39:51 PM]

signal construction, is 728 in great streets, up the up to a million-4 in freezing staff and the fund balance. Possibility.

>> If in is talking they are on mute.

>> Mayor, I think the director is trying to speak but again this was all in the memo so we will just be talking about what the memo said and provide any additional clarification, Dr. Are you able to get unmuted? Portion force. >>

>> Mayor, this is -- and while we are waiting for director to get unmuted I did want to point out that staff's understanding on this item that it would be for two years. That was the direction provided

[8:40:52 PM]

by council on October 1st. If you look at the fiscal photos for 0 these items you will see in the five-year forecast we are promising a fiscal impact for two years via the oddity at hand is this is amending fiscal year '21 budget and there is no fiscal '22 year budget to amend at this time, and we try to reflect the fact that our understanding was this would be for two years in the fiscal notes. You will see a fiscal year 22 impact for the \$3.7 million as well.

>> Mayor Adler: 3.7 impact in each of the next -- this year and next year each?

>> Yes, mayor. We show that in the fiscal note. So our expectation is given the direction we received from council on October 1st in our fiscal year 22 budget when we bring that forward to council, we would continue this funding or in whatever amount the council approves.

>> Mayor Adler: Okay.

[8:41:56 PM]

>> -- Can you hear me now?

>> Yes.

>> Okay. I am calling in -- the system befuddled me. Mayor, we plan on a \$3.7 million contribution, councilmember tovo is correct, we are able to fund

-- the fund balance, so my plan has been to fund the cig tall with that fund balance and then move to start unfreezing vacant positions as the funds become available, and that would limit the negative impact to our transportation program -- and we are at least deferring the great streets transfer for this year. I agree that we would plan to build it in, but of course if parking revenues continue to improve like we think they will over this next year, we will be

[8:42:57 PM]

able to restart that in our fy-22 budget process, so that would limit the negative impact to the great streets funds. I do not have a way to tell you what the exact impact of the vacant positions are. I will tell you those are not typically permitting positions because those are paid for by the amount of permitting they are doing. And so those are not where I would expect the slow down, or where I would expect the slowdown is on responsiveness to system requests and so forth as we shift the staff to take care of engineering positions. And then certainly programs done deferring the -- [indiscernible] We would reduce staff from those programs into support our engineering and support our permitting to make sure we didn't slow down.

[8:43:58 PM]

So, you know, any time you remove money from a fully allocated budget, there is going to be some cutbacks in services but with this we can bring back some of those shortages. And -- with that fund balance, assuming that we defer at least the great streets fund then I would be able to bring back some of those frozen positions --

>> You are on mute, mayor.

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

>> I had some follow-up, a couple of follow-up questions. One is I just went back and it is my understanding that the 1.3 that was allocated for red river has been removed from the great streets fund and resides in a specific red river

[8:44:59 PM]

enhancement fund, so either that information was -- that information does not seem consistent with the information we just received from you, director truelove, that 6 million is inclusive of it. So just to -- and then I wanted to verify a few things with director stiller. .. But while director truelove is looking into that I wanted to say, director spillar, what I heard you saying and want to make sure I am understanding it is that signalization would happen regardless of -- regardless of the amount that we transfer today, because it is a high priority and you intend to do it out of your fund balance.

>> That is correct. We would do it out of this new through found fund balance and that is reflected in the fiscal note that is there. The additional fund balance, that would be the first we would fund, yes.

[8:46:00 PM]

And for the person's district that is in, that is the last signal in our prioritized list so that would not be the first

-- it would be the first project I would fund again with the moneys that I have available.

>> Yes. Thank you. I just don't want there to be any, you know, any mistaken impression we are funding this at the stake of that project. Mr. Spillar, back in September 16th memo, you had so you information about the great street I thought was worth pursuing. Uh I kind of came away like where the advent of the new -- established the great street design criteria is a standard requirement for downtown development in allowing those developments physically unable to comply, and so to me, I came

[8:47:03 PM]

away with that thinking that, that that proposal that you were suggesting where to achieve an appropriate outcome would be a way of achieving those amenities and things we really want downtown, the sidewalks and the benches without necessarily requiring this investment in the great streets. Am I understand that correctly?

>> Councilmember, I think that there is an opportunity to -- for planning to look again at the great streets. This is a fund and a program that was conceived, I believe over a decade ago a, and so there might be an opportunity with the experienced downtown development community has gotten to -- there hasn't been an official outcome where we could move to a more standard requirement of this. But that is sort of an offer

[8:48:05 PM]

from me to council and to certainly the fund to owners that if we delay the transfer for the next year, it need not be necessarily a doomsday scenario. I this think is an opportunity in how we do this we may still be able to achieve goals long-term. But that is speculative on my part.

>> That is speculative on my part, yes.

>> We are certainly open to that. Councilmember tovo, I am not going to be able to get you an answer on that fund today, the information that I have from staff this morning was showing it was still there, but I am hearing that it may have been moved and so I will get some clarification on that and I am happy to get back to you but I don't know that I will have an answer to that tonight.

>> Sure. This.

>> Tovo: This came from our development department and it did also, I believe copy the department. So -- thank you.

>> Mayor Adler: Kathie, aim looking at the numbers while you were asking the questions of rob

[8:49:05 PM]

to. I am comfortable for 550 for tdm. The 300 for act and based on what rob just said, 300 for signal construction, because it is really not coming out of signal construction, it is coming out of the fund balance, so really, the signal construction is staying fine, it is the same thing as I understand it. It is really just 300 coming out of the fund balance and I see I get a thumbs up. That is a million-450. I am uncomfortable taking money out of the great streets at this point but if we have a conversation, you

know, in a month or two and we have a different way of looking at great streets, then I think it might be appropriate to do it then, but at this point given where we are in the project, I don't want to take it out of great streets yet for me, and I look at this staffing freeze, and Robert, I am trying to figure out, at this point, we have enough to put 5 million, 5 million and 5 million into those three pockets, the

[8:50:08 PM]

childcare, the legacy, and the music. If it is successful and works we may need more money, if it is working in which case then I think we can go get more money, but at this point, we have enough to start and this gives us an additional million-450 that could be on top of that 15 million, on the staffing freeze question, rob, are you comfortable giving up the million -- I mean anybody can give -- I am a trying to figure out what tradeoffs are for that.

>> Should we at this point be going after the million 4, should we be waiting until we actually see that the projects work and there is a need for additional money? Should we be pulling out 500 from that as opposed to 550 from that as opposed to a million-4?

-- I am trying to figure out --

[8:51:10 PM]

>> Right.

>> Mayor Adler: We have dedicated directors here and I am sure if we went to any director and said sacrifice your budget for this thing that is a really high priority I think everybody would do that. I am a trying to the value that especially when we found 15 million and we need to see it can actually work and see what the scope and scale of the people are. But we are going to fund it with something, a million-450, I am comfortable with not so much the great streets. I am focused on just year one as opposed to year 2 because the year 2 money doesn't come until the next fiscal year so we really can't spend it now and I think we can make that decision later as we got closer to fiscal year 2. But in fiscal year 1, with moneys that are available in this budget now, then we can grab and pull into a program, a million-450 plus whatever it is, if any, that is is the right number from the staffing freeze. What is the right number?

>> If I can adjust one thing,

[8:52:12 PM]

you know., if wrote Dow not choose to fore two the great streets transfer and you definitely want me to build the signal, that is roughly \$1.1 million right there. That is almost the extra fund balance I found,

give or take a couple hundred. You know, with the staffing, it will slow me down this year, absolutely. There is no way else I can get around it but that is really the only place that I have extra funds. If you were able to wait, even if that means you ask more of me next year, it gives me a year to plan for that and budget for it, to prepare, and that is really the dilemma now is that these funds were already programmed, you are asking for us to give it up, as you said, you know, I was asked to March and I marched to get you these numbers but it would be much easier to try to program those moneys in next year, if that is the pleasure of

[8:53:13 PM]

council. But what I presented to you here is a way that I -- \$3.7 million transfer this year but it requires all of these different things here, including the great streets transfer. I mean it all hurts. There is no number of employees that I would offer up, and you tell me what number you need and

-- I mean that's the number of employees that I will have to cut back, because as an enterprise I have to balance the fund, and so you know, I can't tell you that if I release five survive or what, but --

>> Mayor Adler: So what it would be most comfortable Kathie is taking those four years, the vehicle -- DC m&a ct which total a million-450 because rob says he can still do pretty much every bit of what he would otherwise be doing. Even if we took those dollars away.

[8:54:13 PM]

..

>> That is correct. The math is.

>> Mayor Adler: Alison raised your hand. Did you want to talk?

>> Alter: I am not understanding the problem with differentiating the great streets revenue. I mean this says there would be anticipated to have a major impact to defer it. So maybe I missed? Something but -- his memo says that.

>> I think councilmember, that's for the current programs but what director truelove --

[indiscernible] -- Investments that would delay that --

[indiscernible] -- This morning.

>> Alter: I mean, won't the street impact fees feed into that as well?

>> Councilmember, this is -- those haven't been passed yet

[8:55:13 PM]

and remember there is a year's delay before they come in. Yes, that may have an ability to help pay for capacity of downtown streets which include the sidewalks .

>> Mayor Adler: Page, Paige Ellis?

>> Ellis: My concern is we would be putting some initiatives on a stand still taking the funds from great streets, it would come to a stand still when people are using more bicycles, cafe spaces out closer to those areas that are more commonly available to people so without having that backup plan and having additional money identified to make sure the identified projects keep going I am not comfortable with taking that money out of this particular program right now.

>> Mayor Adler: Okay.

[8:56:15 PM]

Kathie.

>> Tovo: So just to back up a little, I mean, whatever council decides to do on there is going to get done, but just to kind of back up and step back for a minute, we had a memo prior to the discovery of an official \$1 million that said 3.7 could be transferred. The 728 from great streets isn't programmed yet. I mean, they don't need it for this year. And we have an entire year to replenish that through the street fees and parking, those funds have not been -- are not necessary for the -- that have been made. There is a fund balance in parking -- in the transportation department. I guess I would say, mayor, as you state where we are taking it from, I would ask just again for the sake of clarity that we say as you did that we are taking the 300,000 from traffic

[8:57:16 PM]

signalization rather -- I mean, from fund balance rather than traffic signalization, but I think the additional million or the additional 2 million that was found in fund balance since September 16th really covered this gap. You know, again, I think we have a year or two, that 728 for great streets is not permitted this year. They can meet their commitments for this year, instead of being able to -- instead of being able to have that money out working right now when we need it for those venues that could close in the next year we will be parking it in a fund over at the transportation department or parking it in the great streets fund over in housing and planning. So that's the choice before us, and, you know, these are funds that originated with the right-of-way ref Hugh, the right-of-way revenue at some point went well beyond all of

[8:58:17 PM]

our timeline, council, some council voted all of that right-of-way fees were going to get transferred to the transportation department. They could have been transferred to three departments and split among those three, but the decision was made to transfer them all. I think it is a very legitimate reason why right-of-way fees should be considered for broader purposes, including, including business support, because businesses are often impacted when right-of-ways are obstructed. So, you know, I don't have the same concern, I represent one of the I can't the great streets are invested in the great street dollars are invested, they are critically important 0 and I think the work we are doing on red river is going to be critically important in terms of place making -- having said that, I still feel really comfortable that we have that cushion to -- [indiscernible] -- again at the end of the day I think we just need make a decision and move on, just understand we are going to have money sitting in funds for the next year and we are going to have businesses closing and I

[8:59:17 PM]

think we have a legitimate question here about whether we should give that money into circulation in helping right now, if there is a reasonable chance that they will be replenished. Mayor, I would also say I would ask then that you would draw that one, withdraw I'm trying to read what it is that there's just not ab impact with those things.

[9:00:23 PM]

>> I'm Sor sorry, I think it wait. 800 was the projected fund balance.

>> Mayor Adler: What if we took 300 in act, and the million one in the fund balance. For a total of 3.3. We knew if we were trying to find additional money there were . .

[9:01:51 PM]

>> Mayor Adler: Does that make sense?

>> I need you to reiterate. I think at the end of the day we're taking 2.3.

>> Mayor Adler: Right.

>> Tovo: In your proposal. And then the transportation department will determine how best to continue to fund what they see as a high priority.

>> Mayor Adler: You said you're going to be able to do that, otherwise it needs to be re-coordinated anyhow, you said? And act, you said you'll have to delay that anyhow. That's a million two, those two things. And the fund balance is the extra money you have in the program. That gives us 2.3. So Kathie, if it worked for you, I would move to amend your 71,

[9:02:53 PM]

72.3 to be the initial funding of the account. Is that okay? Does anybody have an objection to that amendment to Kathie?

>> Kitchen: I have a question.

>> Mayor Adler: Okay.

>> Kitchen: Kathie made a remark about the 1.5 limit that you've got in your amendment. The 1.5 limit to go to the

(indiscernible) Amount, not just to the amount that is -- that's in 71. So we can talk about that when we get to that. I just didn't want Kathie to be thinking that's what that 1.5 was on.

>> Tovo: Thank you. I did think it applied to --

>> Kitchen: I don't think so. It doesn't make any sense if

[9:03:54 PM]

that's all it applies to. We still have to come back to that. Okay.

>> Mayor Adler: And there I was only trying to say, I'd like a lot of it to go to --

>> Kitchen: No, I'm fine, we can talk about the amount. I think it only applied to that fund.

>> Mayor Adler: If there's no objection, it will take 2.3 out and fund it initially, so 71 would be 2.3, and we would pass 72 as the business development fund where that money would be parked.

>> Mayor, I just want to have our budget staff make sure with this posting, that it reflects the amendment changes. We just might need a minute for that. Be we understand your direction.

>> Kitchen: And mayor, we're going to take your amendment to 72 separately, right?

>> Mayor Adler: Yes.

>> Kitchen: Okay.

>> Mayor Adler: 72 has already been made part of 72. The one that you were reading,

[9:04:54 PM]

74, 75, 70 and 72 is not before us yet.

>> Kitchen: Okay.

>> Mayor, I think you can -- it would be easy to follow along with the changes that were made by your motion, by looking at the posting language. There's three dollar amounts in there. I think you would be reducing the 3.7 down to 2.3 million?

>> Mayor Adler: Yes.

>> The 1,699,615 would be lowered to 1.2 million. You can strike the portion about transferring in the \$728,000, we would no longer do that part of the -- we just want to do that part. That was the great streets part.

>> Mayor Adler: Right. What that does then is it nets a total of 2.3 from transportation and puts it into the business

[9:05:55 PM]

development fund that Kathie's

(indiscernible) Created

>> That's correct.

>> That's what I understand as well, mayor. This is Ross.

>> Mayor Adler: Okay, good. Kathie?

>> Tovo: Yeah, I think that works for today. And I'll just say, you know, one of the items that didn't come back to us that we were talking about was the marketing objects. That was something like three-quarters of a million dollars. You know, as we are -- as our staff are making grants and using this money to help provide those critical resources to our venues, perhaps that's something that we can continue to work toward. I'm not sure what the plan is for when that's coming back. That would be another source of available funding.

>> Mayor Adler: Sounds good.

[9:06:56 PM]

And hopefully we'll have a project here that actually enables us to save iconic places in ways that have us coming out of the pandemic stronger than when we went in, and we'll be searching more for money to close more deals. Ann, anything else?

>> Kitchen: I just want to clarify. What we're voting on?

>> Mayor Adler: We're voting on 71 and 72.

>> Kitchen: Okay.

>> Mayor Adler: 71 is 2.3, and 72 creates the fund that 2.3 goes into.

>> Kitchen: Yes. I'm looking at the language of your amendment to 72, and that's what I want to clarify. So it references -- this is the amendment that references return -- the city manager is directed to return to council with a program to use the business (indiscernible) Fund in a manner that can be reviewed and approved by council by November 12th. So I read this as, it talks about using this fund to cover

[9:07:57 PM]

the cost of case management, professional, legal, accounting, et cetera. I'm reading this that it applies to all of the saves funds, all three of them, and I want to verify that, because it just says saves funds and it doesn't name which funds.

>> Mayor Adler: Right.

>> Kitchen: So city manager, I am reading that to apply to all three saves funds, okay? Right? That was the intent, right? That was the intent?

>> Mayor Adler: Kathie, is it --

>> Kitchen: No, this is your amendment.

>> Mayor Adler: My and Kathie's intent on this.

>> Kitchen: Okay.

>> Mayor Adler: That's a question Ann is asking, is it just for 74 and 75, or for also 73?

>> Tovo: What is this? I'm sorry. I lost track of what --

>> Mayor Adler: The money going into the business development

[9:09:00 PM]

fund, is that available for saves, is that all three saves funds, 73, 74, 75, or is it just 74 and 75?

>> Tovo: I'm not sure I have a strong opinion on that.

>> Mayor Adler: I would give the greatest flexibility to it, all three.

>> Tovo: Okay.

>> Mayor Adler: All three.

>> Kitchen: Okay. Then my second question, if you all have determined that, is that about this language. I'm reading this that what's coming back to us by November 12th is how we're using it for the technical support, coming back and saying, hey, here's who we're using, this is the kind of -- I'm trying to understand what is coming back to us by November 12th. That's how I see it.

[9:10:01 PM]

>> Mayor Adler: You've raised an interesting point here, because this was written -- this is the very first amendment that was written. Before we actually started giving form to what's happening. We don't want to do anything that stops this money from being able to be used between now and November 12th for the purposes that we can actually start moving to get the emergency relief and start doing the administrative work. So probably the wording in that amendment should be changed. So that it's not holding things up. It just says the -- probably that should say the city manager can utilize the business fund.

>> Kitchen: Mayor, I have a suggestion. I would suggest October 29th. Make it clear that the funds can be spent before then. But that they come back and let

[9:11:03 PM]

us know how you're doing it.

>> Mayor Adler: Okay. So --

>> Kitchen: If that works.

>> Mayor Adler: Yeah, I think that does. Is there any objection to the amendment that I had before that we put in, it would change the first line, so as to allow the city manager to use the business preservation funds in the ways that are listed, and to come back to council by October 29th, and report to us on how that's happened, to the extent that it's happened?

>> Kitchen: But my intent there for -- and I'm looking at director Briseno, is to come back and let us know what you're thinking about in terms of these professionals, and how you might engage them, if you have engaged them by then, a matter of telling us, if you have a plan for engaging them by October

[9:12:04 PM]

29th. Does that make sense?

>> Mayor Adler: Yeah, and they're not limited to already start.

>> Kitchen: Right.

>> Mayor Adler: Adding the words, or affirmed by council by October 29th. The intent being that if you're ready to launch earlier than October 29th, you have the ability to be able to do that.

>> Mayor, can I speak to that?

>> Mayor Adler: Yes.

>> I do have concerns with that timeline. We can certainly try our best to make that timeline. But development staff has moved mountains in the past few months and we're very lean. And we're now being -- not only are we coming back on the 29th with the chapter 380 proposed provisions for council to consider, we're talking about rolling out the emergency part of this discussion. And that second step of the enhanced guidelines that council is discussing, we do need some time. I know it's a temperature check,

[9:13:04 PM]

but I would night to make sure --

>> Mayor Adler: I think the intent -- and I understand that. It's not to approve it, it's to say the city manager can utilize the business preservation fund in the manner indicated below. So that you have that, and that -- and you'll report to council on what you're doing. It's been fleshed out more. We can say the city manager can use the business preservation fund in the manner indicated below, and report to council by October 29th as to any uses that are being made.

>> I think as a report on the status, we can do that. I don't know that we'll have had

[9:14:06 PM]

an opportunity to have action.

>> Mayor Adler: I'm not sure there's actually a program to develop with that. It's more the money's being parked there to be able to be used in the other programs that you've developed. So I don't think there's an expectation to develop a separate program. So it would be further resolved the city manager can utilize the business preservation fund in the manner indicated below and shall report back to council by October 29th as to any usage. Yes, Alison?

>> Alter: Mr. Gonzalez had his hand up first.

>> I appreciate councilmember kitchen's attempt to get clarity on this. It does sound like council intends to use the fund for the other three programs that were

[9:15:06 PM]

identified that you read in the resolution. Mayor, maybe it's in accordance with those guidelines that are being considered for the emergency relief. That would at least give more indication to council's intent.

>> Mayor Adler: Okay

>> For the use of this money. And then to Veronica's point, we would definitely want to come back and inform the board where we are. We certainly will do that. At least we know we have some guidelines that we've already established in those programs. And if we could just say, you know, in accordance with those guidelines, that would help us with some clarity so we're not making any missteps in using these funds.

>> Mayor Adler: In the manner indicated below, in accordance with the saves programs?

>> The guidelines that council is considering today.

>> Mayor Adler: The saves guidelines. City manager can use the business preservation fund in

[9:16:06 PM]

the manner indicated below in accordance with the saves guidelines. Do we need a formal function, Ann? Do we say that?

>> Kitchen: No, I don't think we need that. I do want to introduce another question, though.

>> Mayor Adler: What do we say -- I'll come back to you. The city manager -- what's in front of us now is -- in accordance with the saves guidelines, then you have those provisions that were down below that are in accordance with the saves guidelines. Alison?

>> Alter: Okay. I think I'm finally understanding what we're doing. I just want to make sure I'm understanding it. We've identified a pot of money of 2.3 million. And we're putting that in what we're calling the business preservation fund which is 72. 72 really supplements 73, 74,

[9:17:08 PM]

and 75, with a goal of getting out the door help of a character that is technical or really immediate assistance for emergencies, and we are delegating that to staff to do what they think needs to get done

to get that out the door. We're not going to put a whole lot of restrictions on that, they're going to use that money as they best see fit for what we need at this stage, whether it's the technical assistance or paying for the administrative support to provide more things, right?

>> Mayor Adler: The only twist I would make on that is that the guidelines with respect to childcare do not have the same provisions about the expertise, the guidelines that the staff submitted with respect to childcare, mirror more the childcare funds they already have experience with.

>> Alter: So I would differ with you in that the preservation fund money should also help childcare folks to negotiate their rents and their leases for

[9:18:09 PM]

their facilities, and that kind of technical assistance could be very helpful for the childcare centers. So to that extent, I think that technical assistance could be deployed as determined by EdD in those situations as well.

>> Mayor Adler: So considering item number 73, let's take a look at that and see if there's a line we can stick in the guidelines in 73 that speak to provide that kind of assistance.

>> Alter: And we had already talked about that at a work session and they said they didn't need to change the guidelines at least for being able to do that. Maybe they can confirm that when we get there. 37 is providing for childcare. Those guidelines we'll get to. But those are pretty much we're comfortable with, it builds off our prior program, that one can probably get started tomorrow because we already have an administrator that worked well. And then we have the 74 and 75 that we have to keep working.

>> Mayor Adler: Correct.

>> Alter: Okay.

[9:19:12 PM]

Thank you.

>> Mayor Adler: Pass 74 and 75 today so they can get started and allow staff to come back for two more, if they think it's important and necessary.

>> Kitchen: Well, mayor, when we get to it, I think there are things about 75 they'll have to come back on. But I agree with [lapse in audio].

>> Mayor Adler: Okay. 71 and 72 are in front of us. Does anybody have any objection to the changes made to my amendment that we read into the record a second ago? Hearing none, that change is made to those amendments. 71 and 72 are in front of us, they've been moved and seconded. Kathie?

>> Tovo: Just to verify approval with my amendments.

>> Mayor Adler: What was your amendment?

>> Tovo: They are language to 72. That we registered earlier.

>> Mayor Adler: Can you read through what they are? I'm not sure I see --

>> Tovo: I would also say before I get to that, the question you had asked me earlier about where

[9:20:13 PM]

I saw the business preservation fund assisting, I think we covered the childcare as well. So I think we're -- in case there's any -- I want to make sure that direction is there for our staff, in addition to reflecting it in the guidelines, we didn't necessarily call it out in the business preservation stuff. My amendment just changes the wording of it. To be very clear about what we need. So right now, (indiscernible) Were estimated to come in at \$800,000 revenue for fiscal year '21. So my amendment really nails down that information and says -- and changes the language so it reads as follows. Any funding from these categories that exceeds \$800,000 of estimated revenue on the

[9:21:14 PM]

operational costs of administering these transactions. So rather I changed it from language budgeted by council for the staff and operation, it's not just staff and operation, it's also the revenue on that. So I just named what the amount was, 800,000. And then in the next, be it further resolved, this is what would happen in future years, and in future years I changed the language from funds needed for staffing and operation of the critical work of these programs, to, the costs of administering these transactions. They're really not programs as much as transactions. So that that change is really, again, just a language change rather than substance, as I see it.

>> Mayor Adler: Kathie, I'm having trouble finding where that is. Is it posted on the message board?

>> Tovo: It's not on the message board, but Katie distributed it earlier. And I would need help from someone to tell me when that

[9:22:15 PM]

happened. I can see it.

>> It's 355, I think.

>> Tovo: It's consistent with the direction we passed last time.

>> Mayor Adler: It was from Katie at 3:55?

>> I just forwarded to you, mayor.

>> Mayor Adler: Thank you.

>> Tovo: Again, in the first example --

>> Mayor Adler: Okay, I found it

[9:23:15 PM]

here. If further resolved -- so you originally said give us the money from this fund, and they said it's already been programmed, but if there's funding that comes in above what's already been programmed, it would be swept and put into this account?

>> Tovo: Correct.

>> Mayor Adler: Okay.

>> Tovo: Sorry to interrupt, I just didn't want to leave it vague about how much that amount was.

>> Mayor Adler: Anything above the 800 gets swept. Is that the 800, is that the right number to use? I think it is.

>> That's correct, mayor.

>> Mayor Adler: The second one is to include in next fiscal year's budget, the finding from alley street vacations in excess of the cost of administering those programs. What's the impact of that?

[9:24:17 PM]

Where do those funds otherwise go? Do you know?

>> Tovo: To the general fund.

>> Mayor Adler: We're making a budget decision for not this fiscal year, but next fiscal year.

>> Tovo: We are. Of course, we always have an option of doing something different when the actual budget happens. Right now those are programmed to just go to the general fund, and I'm suggesting that for the next two years, we allocate particular funding instead for this purpose of supporting our businesses. But my language -- my amendments aren't making any substantial change to that, it's just simply making it clear that we're talking about -- it said funds for operations, I changed it to language

that was the cost of administering the transactions. Which is the same thing, it's the staff and the fees. It was just a language change.

>> Mayor Adler: How much is that, Ed?

[9:25:19 PM]

What kind of dollars?

>> The cost of administering the program?

>> Mayor Adler: No, the -- what's anticipated from the funding from alley street vacations above the cost of administering them.

>> Well, in the current year budget, we have 800,000 estimated. And we worked with our office of real estate services on that estimate. I don't know if director Dale's on the line. It may be too early for us to be estimating what will happen in fiscal year '22. But in a typical year, those encroachments in alley vacation sales are in the 800,000 to \$1 million range.

>> I'm here. Hopefully you can hear me.

>> Mayor Adler: Yes.

>> I'm the interim officer for

[9:26:20 PM]

real estate services. That's correct. I mean, we typically try and put an estimate in for what we have an idea of what those alley and street vacations and encroachment agreements are going to be. And so every year is an estimate. And I think, you know, 800,000 seems roughly along the same lines of what we're estimating for this next fiscal year.

>> Mayor Adler: So there's not dollars -- so that seems pretty typical. And all this does is put it in this fund -- I guess I'm fine doing this, recognizing that, you know, a year from now, post-pandemic, we may not have a need for this fund. A need for this fund in the same way. I understand that. Does anybody have any objection to the two amendments that Kathie's offering? Hearing none, those are included.

[9:27:22 PM]

Let's take a vote on items 71 and 72. Those in favor --

>> Kitchen: Wait, we're not ready yet, mayor.

>> Mayor Adler: Sorry?

>> Kitchen: There's still your amendment to 72 that we need to talk about. Can I raise my question? This is in your document where you have your motion sheet to -- and it's got several amendments in it for 72, 74 and 75. So it says, I move to amend item 72 to allow no more than 1.5 million to be used for the emergency relief with a grant programs created by items 74 and 75, and the consultant relief for the chapter 380. And then there's language that city manager can determine additional funds needed. The clarification that I think we need to make here is, I read that 1.5 million, that refers to

[9:28:22 PM]

the emergency relief, as applying not just to -- as applying to the saves funds, not just the funds that are -- that we just put in 71. And the reason I read it that way is because it says for the emergency relief grant programs. So is that what you intended? And if that's what you intended, we just have to make it clearer here.

>> Mayor Adler: This is something that was brought to me right before we walked in. And I think they were looking for just the authorization to be able to use it on those things. We may have already covered that with the amendments that we put into 72 already. But if not, do you need a number, Deborah, or can that just say -- the -- item -- funding in 72 can be used for the emergency relief and grant

[9:29:23 PM]

programs created by items 74 and 75?

>> You could do that, but then they can (indiscernible) The money in there to start (indiscernible) Limit on the money you used.

>> Mayor Adler: So when it came to me, it was a blank. And I put in that amount, and I put it in to serve as kind of a governor on the amount of money that could be spent on the emergency relief. Because you really want it to be spent on the long-term stuff. But at the same time, I was leaving an out for the manager to be able to come back and say, we have to spend more on the emergency component of this. Which I hate to see. I really want it invested long term. It was intended to be a governor.

>> Kitchen: From my perspective, mayor, I don't feel like we need a limit. I, frankly, feel like we could very well need the entire 5 million in both funds for emergency relief. And I wouldn't want to limit

[9:30:25 PM]

that right now. So I'm happy to take that off for now. I just thought we needed some clarity on what it meant.

>> Excuse me. Just to be clear, the \$5 million is already there, and this is in addition to the \$5 million. The \$5 million is from item 70, and from your prior item -- \$6.5 million from last council meeting, to make the \$15 million that goes into 73, 74, 75. This money from 72 is in addition to that.

>> Mayor Adler: Right. To your question earlier, this amendment only speaks to the 72 fund. Not all of the saves funds.

>> Kitchen: All right. That answers my question then on that. It doesn't speak to the -- as Deborah just said, it doesn't speak to the \$5 million that's sitting in 74, and the \$5 million that's sitting in 75.

[9:31:25 PM]

It only speaks to the whatever dollar amount we came up with for this item, right? Is that what we're saying, Deborah?

>> Correct. Yes, for 72, the number he's putting in there is just in addition to the \$5 million in 73, 74 and 75.

>> Kitchen: I'm okay with that, mayor. I just wanted it to be clear. Because I wasn't understanding it. I don't feel like we need a cap on the amount that goes to emergency relief. And the reason I don't feel like we do, is because we know that our immediate need -- we need to do that first. We have to take care of our immediate need. I wouldn't want to put a cap on it at this point.

>> Mayor Adler: And I hear that. We'll move forward with this language here. The purpose of the saves was not to tide people over for four months, it was to ensure long-term sustainability. But we can talk about that one in 74 and 75.

[9:32:26 PM]

There's this additional amendment in 72 that Deborah asked that we pass. I moved to amend item 72 to allow no more than 1.5 million for grant programs created by 74 and 75. And consult and relief for the chapter 380 developed by staff, that city manager determines funds to accomplish stated purpose necessary and in council agenda for consideration and approval. Any objection to that amendment being included?

>> Kitchen: I still don't understand what we're saying.

>> Mayor Adler: It's letting staff use money in 72. For the purposes allowed in 74 and 75.

>> Kitchen: So what would they do with the extra money if we've got the cap of 1.5? Isn't that something they would spend the money on anyway?

>> Mayor Adler: No. This is the emergency relief and the consultant relief. My hope is that the overwhelming majority of 74 and 75 is actually going to buy the long-term sustainability for those bodies, those entities.

>> Kitchen: Okay.

[9:33:31 PM]

Okay. So what we're saying -- I just want to make sure we're clear, because we learned before that sometimes we come out of these things and we're not clear. I want to be clear. So 1.5 of the 2.3 that's in this fund is all that -- that's the cap that can be used for the purposes of --

>> Mayor Adler: Tiding people over so they stay alive long enough to be able to submit their proposals for long-term sustainability.

>> Kitchen: Okay. Okay. And if the city manager needs more, they only have up to 2.3.

>> Mayor Adler: So far. But there could be additional funds that were added to that.

>> Kitchen: Okay. I want to check with staff. Is that clear for staff on what that means? City manager, is that clear?

>> (Indiscernible) Question because it wasn't clear.

[9:34:32 PM]

But yes, both you and the mayor have explained it, that the amount of money created through the business preservation fund, that 1.5 million can be used for those purposes. And if we find that there's other money that's needed, and it's available, that we would come back to council with the appropriate instrument to use those other moneys.

>> Mayor Adler: Correct. Or you could use funds in 74, 75. And this is just the emergency money to tide people over so they can submit their application for what we really hope will be the investment which will be in long-term sustainability.

>> Thank you.

>> Mayor Adler: Any objection to that amendment being included? Hearing none, that's included. Are we ready to vote on 71 and 72? Those in favor, 71, 72, raise your hand. Those opposed? Both pass unanimously. Now to 73.

[9:35:33 PM]

>> I just want to point out

[lapse in audio].

>> Mayor Adler: There you are. Councilmember harper-madison. Did you want to speak?

>> Harper-madison: Nope, I just wanted to make sure you counted my vote. I was not visible. I'm doing bedtime routine, but I'm here.

>> Mayor Adler: 71 and 72 passes, that gets us to 73. This is guidelines from staff on childcare. Is there a motion to approve? Councilmember alter makes the motion. Councilmember Ellis seconds the motion. Discussion or amendments to item 73? Councilmember Ellis?

>> Ellis: Thank you, mayor. I did have an amendment. Let me pull it up, because it's two documents open here. But it talks about what we had discussed in work session about 4.0, the equity consideration.

[9:36:33 PM]

And the adjusted language is less about ownership and incorporates geographic location so we're making sure that underserved populations don't lose their childcare situations. And so the amended language includes specific geographic locations, as the verbiage that's used there. And then on page 3 in the award rubric, substitute the direction as follows. Located in a lower income zip code or students that reside in lower income zip codes. I thought that language was a little softer, and to make sure that the particular line item was more accessible to more people.

>> Mayor Adler: These changes are consistent with the preference of legal, correct?

>> Ellis: Yes, we worked with legal on this language.

>> Mayor Adler: Is there any objection to this amendment being included? Yes, councilmember alter?

>> Alter: I just wanted to hear

[9:37:35 PM]

from economic development since we have the experience of the other childcare program, if there are any concerns about this amendment that we should be aware of before we vote on it. Or accept it.

>> Councilmember, no concerns. We did bring it in initially in terms of looking at equity through the lens of ownership and leadership in the facility. But we certainly get the intent of councilmember Ellis and we don't have any concerns.

>> Mayor Adler: Any objection to being included? Hearing none, it's included. Any further discussion on item 73? Councilmember alter?

>> Alter: I wanted to ask staff, we hadn't previously had a talk about after-school programs. That was brought up in the communication today. I was just wondering if you had any thoughts or ideas or if there was any direction we should provide to give you a little flexibility to explore that. I know the need is great for the under 5. But I don't know if you've already explored that, and would

[9:38:36 PM]

like to know a little more.

>> So we have had some conversations on that. I would hesitate to make a change at this point without allowing us the time to talk to our stakeholders. I know that as we develop the childcare provider guidelines, there was definitely a desire from our early childhood development community that focused on the earlier years of childhood development. I would add that our current guidelines do allow for childcare facilities that provide services to children ages 0 to 5, but also allow for after-school care, in addition to that at their centers. This concept, we haven't really had a chance to vet through this concept, what it would look like and what that population looks like, whether it's due to the member of potential facilities that could receive funds as well.

[9:39:40 PM]

>> Alter: Is there a way to allow you to kind of move forward with the childcare program but assess if you need to carve out a piece of the money for that? And you assess that? I don't know the answer on whether we should be or not. It's just -- it wasn't on the radar of what had been raised. But now that I hear about it, it makes a lot of sense, and we're going to need that type of childcare as well. So I don't know if there's a mechanism for doing that, that would make sense. I obviously don't have a way of writing the rule right now.

>> Thank you for that, councilmember. And I certainly didn't mean to insinuate that after-school childcare is not needed. It's absolutely needed as well. We just haven't had a chance to vet it through. I do think if it is council's intention to go in that direction, it would be helpful

[9:40:41 PM]

to have an idea of the amount that would be allocated towards that. I would like to add some points, my team is giving me information on what we received today regarding this idea. Public health -- our partners in public health pointed out serving children birth to 5 is most at risk and that's why they

recommended this age group. Childcare listed precovid for serving birth to 5. And that the after-school programs are more -- have a larger administrative structure and multiple sites and is more complex, and we're looking to providing relief to them as well. I just wanted to add those thoughts to the discussion.

>> Alter: It may not be right to do anything, but I would just ask that as we're going through this process, that we have those conversations, and we explore whether we need to take steps. Obviously, I think the need for the 0 to 5 is enormous in and of

[9:41:43 PM]

itself. But I did want to elevate that need, because I haven't really heard it before probably in part because the kids haven't been in school until recently. Back in school. The other thing that I wanted to go back to was with the commercial tenants piece. And I think -- I'm not sure, I've got a lot of different pieces of paper here, I'm not sure how that was modified. I just wanted to make sure that we weren't -- that you have the flexibility you needed to adapt that for the childcare centers who we are seeing our -- when they're negotiating right now, they're getting increased rates, are not necessarily in that position, and that this would jive well with the money that would be coming from 72 to provide that technical support. I want to make sure that you have all you need here to be able to adjust that section to be .4 appropriately for those things.

[9:42:43 PM]

And I don't have perfect language for it. But I don't know if I can just provide direction to be flexible with 3.4, and confront the realities in working on that, with the administrator. That's the part where we're telling them that they have to have proof that they tried to enter into more favorable rent situation. I'm skeptical about that. And, you know, given that we had nonprofits that were having trouble giving us board information, et cetera, I'm just concerned about that being a barrier.

>> I would ask the team to step in and help me with any of this. But I'm looking at, can we work with the (indiscernible) And make sure we're documenting that

[9:43:46 PM]

(indiscernible) With their property owners. And I'll see if David gray can add to that. Thank you, David

>> No problem. Good afternoon. Or good evening, everybody. Councilmember alter, thank you for the question. The programs we worked with closely throughout the united Way, for technical assistance, we would look at doing a similar thing as we continue with this program, which is partnering with our third

party to work with the childcare providers in helping them ask and negotiate for that lease, but also be able to submit a letter, or some form of documentation showing that they made the attempt.

>> Alter: I guess what I'd like to do is just provide the direction that you guys work really hard to make that as smooth as possible for the childcare providers, and if in the course of doing that, you come across obstacles and you have to adjust that, that you adjust it appropriately, and you

[9:44:48 PM]

use the money from 72 to help supplement the assistance. I don't know that I have to be more formal than that, but I don't want you to have to come back to council in two weeks to be able to get moving on that, which may be a very --

(indiscernible)

>> I think that's clear.

>> Alter: Okay. And then the other area was with respect to the workers' rights. I think that councilmember Casar had an amendment related to that. I don't know when he's going to make that motion, but again, there we don't really have provisions or unions within the childcare sector, and I just want to make sure when you go to write the guidelines, that you have that presented in a way that it's not going to be a barrier for applying or create a lot of anxiety about the application process.

[9:45:51 PM]

>> Councilmember, councilmember Casar's amendment was incorporated in the mayor's amendment, guidelines that you have before you.

>> For 74 and 75, it was. I don't think it was in 73. We didn't do one for 73.

>> And if -- you know, the labor piece clearly talks about

(indiscernible) Service performance. I don't think that should be included in the childcare.

>> Alter: Do you think we could just delete 4.1? Or just have it be applicable -- the applicant will adhere to worker safety protections as applicable to the facility and business operations in accordance with local, state and federal laws, and deleting the, the provisions "And"?

[9:46:52 PM]

>> Yeah, I don't think that's necessary in the childcare.

>> Alter: So we would amend this to say, applicant will adhere to worker safety protections as applicable to the facility and business operations in accordance with local, state and federal laws?

>> I think there might have been a sentence after that.

>> Alter: I was just using their original --

>> Casar: Paragraph 1, and not the second.

>> Mayor Adler: (Indiscernible) The program participants found a violated workers' rights

(indiscernible) [Background noise] -- Someone's making noise -- if a department is found in violation, because of a substantiated finding by the city and is not cured by the participants of unfair practices, violations of any

[9:47:52 PM]

discrimination laws, of applicable workers' rights laws, if the city determines it is a market --

>> Casar: We would strike that section on the childcare, starting with "If the city."

>> Mayor Adler: Okay. That would just be the first paragraph.

>> Casar: Right. And the second paragraph would apply. But not the childcare.

>> Mayor Adler: Right. So only that first paragraph would be going into 73. Any objection to that going? Hearing none, that's included. Okay? Any other changes on 73? All right. Yes, councilmember alter?

>> Alter: I just want to clarify again that if they have multiple locations, each location can apply for the 60,000 which is what we clarified at work session. Thank you.

>> Mayor Adler: Okay. Thank you.

[9:48:52 PM]

Yes, Mr. Flannigan?

>> Flannigan: So if I'm understanding, make sure I'm reading the right thing, so we're talking about councilmember Casar's amendment, item 3 -- 73, 4, and 5, two paragraphs and we struck the first paragraph for childcare? Is that what we just did?

>> Casar: We struck the second paragraph for childcare. I don't think, frankly, it applies.

>> Flannigan: We struck the second paragraph. Clarification on the first paragraph, it says anti-discrimination laws. We are also referring to our city ordinances, correct?

>> Casar: That's the intent.

>> Flannigan: Okay. The first sentence is local, state and federal laws. As long as law thinks that's enforceable in that way, I think -- nondiscrimination ordinance is what I'm specifically referring to.

>> Casar: Yes. I think that was everyone's intent.

>> Flannigan: Okay.

[9:49:53 PM]

>> Mayor Adler: Let's take a vote. Those in favor of item 73, please raise your hand. Those opposed? It passes. Good work. Number 74. With respect to number 74, I move adoption of the changes in the handout. As amendments to the guidelines proposed by the city. Is this a second to them? We have a second. Thank you, councilmember Ellis. There are two other additions that I would make to this as requested by city attorney. They go back to the amendments that we handed out earlier, one of which we put into 72. On section 3.52, which is the emergency work being done, the

[9:50:53 PM]

language -- the attorney asked us to add 3.52 is, this is an emergency relief function to provide funding and legal and financial expertise to businesses, short-term emergency relief for businesses to stay in business while applying for longer term relief funds. Any objection to that being included? It's included. And then the other one that they wanted us to put in, related to 380 programs, so if there's an allowance for that, if they develop that, it would add a section 9.0, and it would be entitled chapter 380. And it would read, any chapter 380 program being created, and to be used with this fund, shall include provisions for legal and financial expertise for businesses who are seeking relief through the programs to assist in such manners as

[9:51:54 PM]

extension of rental relief and other relief that enables the businesses to survive long-term. Any objection to that being included? Hearing none, that's included. Discussion? Councilmember alter?

>> Alter: So, I think page 4 of item 74, which is live music, I had some question about 3.6, as you amended it. The final application and awarding of grants. I think we need to provide some more clarity on how they're going to make -- I think I understand who's eligible. I understand what type of aid we want to provide. I think ideally we want to choose your own venture approach to this to make us succeed. I'm not sure how doable that is. But I think that's kind of where we're going. But I'm not understanding how they're supposed to make the choices among different applications given that we're

[9:52:55 PM]

not doing any part of it by lottery. There's no -- there doesn't seem to be a point system in here. And we're acknowledging that there's activity, but I think we have to provide some kind of guidance on how to make the choices. Maybe that's the piece that's coming back to us again, once they dive deeper into this, in two weeks, but I'm not understanding that. And I think we need to provide more clarity.

>> Mayor Adler: I agree with you 100%. We don't have that yet. Because that wasn't a function of how the thing was originally set up. So this is a piece that needs to come back to us, or we need to develop further. It's not a piece that's necessary for us to decide to get the programs initiated, because this element of it doesn't happen yet, but you're absolutely right, rather than us trying to cram that on the dais now, the intent was for staff to help us come up with how that

[9:53:56 PM]

might be done and for us to participate in that.

>> Alter: Mr. (Indiscernible) Do you have questions on that, or that we need to know at this point?

>> Councilmember I appreciate you bringing it up for discussion, and I certainly do agree that we need it to be as clear as possible, and the conversations I had, I want to make sure that we are, as we're developing the guidelines, have that clarity to make sure that the process is also clearly outlined as to who will make that determination. Ideally that would not be staff in that decision of making those calls.

>> Alter: Okay. I have a couple of other things. But if councilmember kitchen wanted to come in on this point, I can wait.

>> Kitchen: Okay. So on this point then, so I'm not clear then on -- so are we

[9:54:59 PM]

talking about coming back to us, that award process before you would implement it? Is that what we're talking about? I need more clarity on that. I didn't quite get clarity on that

>> That's my understanding, that council asked us to come back with enhanced guidelines, that will outline that process.

>> Kitchen: Okay. And so just to be clear, I don't know that we need to write it in here if we're all on the same page. But you'll be coming back to us to outline the award process, and the criteria for awarding the dollars, is that right? Did I get it right?

>> That's my understanding.

>> Kitchen: Okay. And the timeline for you coming back, I'm sure will just be as soon as you can develop it, right? Is that the thinking? Okay. Do you think you could do it by October 29th? Maybe that's not a fair question. Never mind.

[9:55:59 PM]

I trust you will do it as soon as you can.

>> Mayor Adler: It's a fair question.

>> Our preference is October 29th.

>> Kitchen: Okay. I have other questions, but I can defer to councilmember alter and then you can come back.

>> Mayor Adler: Councilmember alter.

>> Alter: Okay. I want to just point out attention we'll have to figure out, I don't know without actually having conversations with the venues, but 3.52 that says basically those in the worst shape get to ask for aid immediately, but there's another part that says we want to invest so they can stay for the long term. I'm not sure the ones who can stay for the long term who are the ones in the worst shape right now. I think that's a contradiction built in here. I don't have a solution, I just want to see if somebody else has the ability to resolve that tonight, that's great. I just want to bring the attention to what we're doing.

[9:57:00 PM]

And mayor, I wanted to understand why you had struck on page 8, making eligible sales or sponsorships for the grant funds, so they were originally not allowed. And then they were originally not allowed to pay for legal expenses and actions by or against the organization. I'd just like to understand why those were struck. Ineligible expenses.

>> Mayor Adler: So as to give -- because I didn't want to prejudge what it was going to take in order to be able to have long-term sustainability. So it seemed like an arbitrary disqualification. I just didn't want to rule that out. I wanted the program to be able to consider things that might be necessary to ensure long-term

[9:58:01 PM]

sustainability.

>> Alter: Okay. But if somebody has, like legal action for doing something horrible against them, I don't want our city grant money to go to pay for that litigation funding.

>> Mayor Adler: True. And hopefully any award wouldn't have that. But if their reorganization required them to file bankruptcy in order to get into reorganization, that might be the thing that they need to do.

>> Alter: Okay.

>> Mayor Adler: I didn't want to prejudge I understand the question you're asking and if there's a way to parse that better I would be more than amenable to that.

>> Alter: Okay. I guess I'm uncomfortable with those being caught as being saying that those should be what they're allowable expenses. I'm okay to put in that for now costs that have been paid or will be paid by

[9:59:02 PM]

other grants are ineligible and to ask you if there are other enhanced guidelines that arise because there are certain things that we just shouldn't be spending city funding on and it's very hard to anticipate what those are. Helping someone through bankruptcy, I didn't read that to be eliminated, but I could see how someone would. But, you know, we are still going to have to pay for rent or paying for people. We can't say you would have had this revenue and just give them money. We denied the non-profits that ability and I don't see doing that. But I'm comfortable if we can have that in the enhanced guidelines since you won't actually be paying it out right away. Does that work, Ms. Briseno? Can't hear you.

>> I believe so.

[10:00:03 PM]

I'm going to look to law to make sure there are no concerns with law.

>> Alter: It has to be legal for us to expend the money on. Anyway, there are certain things we can't do. And I wanted to ask Ms. Briseno if there are other things in the draft that we ought to give clarity on at this point in time?

>> Not so much concerns, but just you're going to hear the same theme from me with as much clarity as we can get is helpful and as much grace and the timing in particular to bring back the more enhanced guidelines back where we really are going to need. We're -- this program is a new way to approach things and that's not a bad thing, but we will have to give it some thought.

>> Mayor Adler: Okay. Any other comments?

[10:01:04 PM]

Ann?

>> Kitchen: Okay. On the purpose of the program I would word that differently. I would say the purpose of the program is to ensure the immediate survivorability and the long-term surviveability. The phrase that says it is not intended to merely provide just doesn't -- it doesn't make it clear that we're trying to do both things, which is what I understood this to be. It may be intended that we're going both things, but it made it -- it read to me like we were only doing long-term surviveability and I don't think that was your intent. I would amend it to say the purpose of the program is to ensure immediate

[10:02:06 PM]

survivability and the long-term survivability and I would strike is not intended to merely provide for the short-term ability to survive the pandemic.

>> Mayor Adler: Tell me how to better word this. When we passed the resolution three weeks ago, we were focusing on -- we said we wanted to --

[indiscernible] To reasonably ensure that the business will not fail for a certain period of time

[background noise].

>> Kitchen: I just wasn't reading it that way.

>> Mayor Adler: Just help me. If we give it to somebody and help them make it the next four months, but they close in eight months or 12 months, we will have failed. And the goal is not to invest except where it is part of something that ensures long-term survivability. So obviously to get long-term sustainability somebody needs to be able to

[10:03:06 PM]

survive short-term. But everybody that needs help short-term isn't going to be a candidate for this funding if they aren't able to use this funding in order to help drive long-term sustainability. That's the language I was trying to say.

>> Kitchen: Instead of merely provide, why don't we say only. Because I was reading it. We must be clear that we are doing both purposes.

>> Kitchen: This can be a longer conversation. I don't think \$100,000 per entity is going to allow them to do that. We can work on that.

[10:04:07 PM]

The next question I had was so we're making that change, then I asked a question about a couple of the eligibility criteria. So this one that says there's a very low likelihood of a similar business reopening in the same or nearby location. I'm not sure why that's there. I don't think that it's something councilmember pool had raised before.

>> That's the language taken out of the resolution we had passed. It was the first criteria, the priority to support the goals and resolution on particular industries and best meet the following criteria. Number one, the business phase faces a substantial likelihood of closing permanently absent assistance and there is a very low likelihood of a similar business opening in the same or similar

[indiscernible].

[10:05:08 PM]

>> Kitchen: I'm not sure what it does for us here. So a very low likelihood of a similar business reopening... So I just don't know what this -- how this is --

>> Mayor Adler: This is those industries and businesses that if we lose them, we've lost the industry. So if it's a business or an industry or a type that even if it went -- we need to do everything we can to help sustain businesses, bring in 380 agreements, bring in the ability to run music later at night, maybe to run some sound ordinances, to be outside more, change parking requirements, but the saves resolution, different from all of those, is intended to try to preserve industries that if we lose them they

[10:06:08 PM]

may be lost forever.

>> Kitchen: Yes, but here's my question. So what we're saying, the way I'm reading this is these are music venue and I'm having difficulties and I might be failing, I'm not going to be eligible for these funds if another live music could open up nearby me.

>> Mayor Adler: That's true. But if you're a music venue like at ninth and red river or in an area that is going to be able to replace like victory grill, a music venue like continental club or places that cannot compete economically in those locations, and if we lose them, they're not going to be replaced. There's - - a new one's not going to come in in six months or eight months.

[10:07:08 PM]

That's what this is intended to be.

[Indiscernible].

>> Kitchen: I hear what you're saying, but I don't think it accomplishes that because of the term similar business. You know, I just think if that's the intent, then I hear your intent, but losing a continental club to a brand new music venue that is not a comparable -- I mean, you're -- it depends on how you phrase it, of course. If you hear what the mayor is talking about, that's fine. If I just read the language of it I could say that the continental club closes and next door there's a bar that opens that has music that comes in once a week. And that's a similar business.

[10:08:11 PM]

So therefore the continental club is not eligible. I don't think that's what you meant.

>> Mayor Adler: And we require music venue to have music more than once a week, but I think you're right. That shouldn't be the example and it's not allowed.

>> Kitchen: Could I just ask when it comes back to us that we look at that a little bit more or at least give us some time to look at that a little bit more. Because I hear your intent. I just think the way it reads doesn't necessarily say that.

>> Mayor Adler: It might be a better way to reach the same intent, then I'm happy for all of us to consider that.

>> Kitchen: Okay. I can't come up with it right now, but if we're open to clarifying this wording, then that will be fine. I had the same concern with the next bullet that says the business or industry faces uniquely difficult

[10:09:12 PM]

challenges. I don't know what uniquely difficult means. And then finally, -- their failure and loss would have the greatest detrimental impact on the city's -- just help me understand what that means. Is that just a rating factor that -- maybe the staff will address he is that when they come back to the way they make the awards? Is that the thing there?

>> Mayor Adler: I think the staff coming back with enhanced standards, like Alison was saying on the dollars to judge ultimately where the dollars go. The language about facing uniquely difficult challenges due to different operating models is the second bullet point. I took the language and moved it over.

>> Kitchen: That's fine. I understand that you did. I'm just saying I'm concerned about how it's interpreted, but I think wait to address that is if the staff is coming back to us before they make the awards with their point system and criteria for

[10:10:14 PM]

making the awards. And then we can deal with it at that point.

>> Mayor Adler: Before they make the final Edwards I think there's additional work that is going to have to happen associated with enhanced [indiscernible].

>> Alter: Mayor, can we get --

>> Mayor, can we get a motion to go past 10:00?

>> Mayor Adler: Is there a motion to go past 10? I need a motion. Councilmember tovo makes the motion. I second it. Any objection to going past 10? Alison has an objection. That's the only one. We'll move forward.

>> Kitchen: Okay. Shall I keep going? I have another question.

>> Mayor Adler: Okay.

>> Kitchen: 3.51, if the number of eligible applicants exceeds 50, then the city may narrow the eligibility criteria. That the one causes me some concern because I don't know what the criteria is going

[10:11:14 PM]

to be. So can we add this one to the -- to what's going to come back to us so we can clarify that?

>> Mayor Adler: I don't mind staff doing that, but again the goal here is to not spread peanut butter thin and widely. It's actually to marshal the resources that are available to really drive some true survivability of the industry. We're not trying to save everybody in the pandemic. We can't lose the music industry, but I tell you -- but if we could save a core element of it and put it in a position so it can actually survive and thrive and the industry going forward, that's the win. As opposed to just helping people survive the next three or four months.

>> Kitchen: Yeah. I'm good with that. I agree with that. My concern is I don't know

[10:12:14 PM]

what the criteria is.

>> Mayor Adler: But they would have to come back to us.

>> Kitchen: Okay. But you said a minute ago they would have to come back to us on final award. So what did you mean by that?

>> Mayor Adler: That they can move forward immediately with emergency relief so people don't die in the next few weeks while going through that application.

>> Kitchen: That's not final award, that's immediate award.

>> Mayor Adler: That's right.

>> Kitchen: I don't know who is eligible for immediate award. I have some concerns about that and the reason I do is because I know some venues that got nothing last time around because of the way we set it up. So I want to be careful about that this time. So I would want to know what the criteria -- I mean, what is the criteria for immediate award? Is it one that's 3.52, is that the criteria for immediate award?

>> Mayor Adler: It's the criteria that we have in this that as best as it is, it's criteria that we have for eligibility requirement

[10:13:16 PM]

in the provisions where we combine who's eligible. It's in the purpose section, it's in the bullet points with respect to -- yes, the things we were talking about earlier where we're talking about the purpose of the program and defining who it is that it's intended to help. Jimmy?

>> Flannigan: I just want to encourage my colleagues to acknowledge that some music venues did get help and some didn't because the need was greater than the funds. And the moment -- let me finish! The moment we were in in the pandemic was broad help because we were closing dentist offices. We were closing everybody. And I don't want us to get confused that somehow the programs we devised or that the work the staff did was somehow flawed. The reality was we had limited funds and the

[10:14:17 PM]

requests for funding was six to seven times greater than the funding that we had. And we are going to be in the same situation again in large part because governor Abbott won't let the money come down to the locals to spend it. It's not any of our fault that there isn't enough money. They're sitting on the funds. And I want to make sure we all stay on the same page there because as we talked about two weeks ago, this is not easy. There are hard choices. There's not enough for everybody. Because we're just not built to have enough for everybody. And I don't think there's another city that will do it better than Austin. We just need the governor to release the funds so these really specifically and closely designed systems that we're trying to create here actually have enough resources to help everybody.

>> Kitchen: So councilmember Flannigan, I hear that and I did not intend to say that our staff did anything that was flawed, but it is absolutely true that there were venues that did not get funds

[10:15:18 PM]

because of the way we set it up. There was nothing wrong with the way we set it up. It was not need based entirely. It was a lottery for some of it. So I'll be happy to talk with you offline because I can give you the example.

>> Flannigan: I don't need the examples, Ann, because the need -- it was need based.

>> Kitchen: It was not need based.

>> Mayor Adler: That's okay. The need is greater than our ability to meet it. There's going to be need that does not receive support.

>> Kitchen: And that's why -- that is why I need to understand how we're setting the criteria, but I'm --  
[overlapping speakers].

>> Mayor Adler: What staff will initially use is the criteria that's set out where it defines the types of live music venues and to establish the ones that get the funding. As was described in the work that we did several weeks ago.

[10:16:22 PM]

Anything else in this item 74?

>> Kitchen: Yes, I do have another question.

>> Mayor Adler: Okay.

>> Kitchen: That the other -- well, that's all I have right now. I do think I'm asking a legitimate question about what the criteria is and I'll look forward to working with staff on that. And I recognize that we can't meet all the needs and I never said that we were, and I recognize that our staff is doing a great job. So I think it's important that I be allowed to say that. And I do know that there were circumstances that happened before that I would like to -- I would like to have addressed. And so I'll talk with the staff about that offline. I'm just uncomfortable with going through with something where I don't know what the

[10:17:22 PM]

criteria is.

>> Mayor Adler: You're fine. You're allowed to answer those questions. Let's vote on 74. Those in favor of 74 please raise your hand? Those opposed? It's unanimous on the dais. I move now item 75. Is there a second to 75? Councilmember Ellis seconds it. I'm going to add the same two amendments that the staff asked that we made that we add on to the one before at the end of 3.42 we would add the same language, this is an emergency relief function to provide funding and legal and financial expertise to businesses that need short-term emergency relief to enable the businesses to stay in business while applying for longer term relief funds. Any other amendment that I would add would be at the very end. It would be a new 9.0 that would be entitled chapter 380 and it will provide any chapter 380 program be

[10:18:22 PM]

created and to be used with this fund which will now include provision of legal and financial expertise for businesses seeking relief through the programs to assist in such matters as rental relief and other relief that enables the businesses to survive long-term. Any objections to those amendments being added? Hearing none, they're added. Any other comments on this item 75? Yes, councilmember alter.

>> Alter: So I wanted to clarify. You cut out art services organizations and I want to make sure that museums are eligible if they fit the other criteria? I think they're arts venues, but.

>> Mayor Adler: Yes, I think a museum would be an arts venue.

>> Alter: Okay. Then as I'm adding the

[10:19:23 PM]

way -- understanding the way you were setting it up, there are two levels on the program, so the first one is this immediate stuff with the case management technical support that's potentially funded out of the other bucket, but could be funded out of this bucket, and then the second stage is to be refined more to the guidelines that are here, but won't be as quickly launched?

>> Mayor Adler: Correct.

>> Alter: Okay. I don't know that we have an option of how else to do this, but I want to acknowledge that it will take time for the economic development corporation to kind of get up and running and that's on the same people's plate that we're putting all of this on. They will have to hire somebody and that process is going to take some time. And the more and more complicated that we make

[10:20:24 PM]

this, the more restrictions and guidelines we place on it, the harder it is to get the money out the door, and that delay may have consequences. I'm not sensing that we have another way forward at this point that will help us, but I am concerned and remain concerned that we have so many springs in different things to accomplish that we may miss our target. So I just need to say that because I think that's kind of what we saw with some of the other grants and where we learned some things about how they went. Some of these on a smaller universe like the number of venues might be a smaller universe, the number of childcare, that one went pretty smoothly, but even there we had to come back and get revisions. And time is of the essence.

[10:21:25 PM]

So I just -- we have to go into this with open eyes that there are trade-offs for this. I wanted to say that and check in with staff if there were things that needed greater clarity so they could move as quickly as possible for item 75.

>> Mayor Adler: If I could touch base on the last point you raised before you go on to the next one, we have given the staff ability to come back with an interim execution of the economic development corporation and asked them to look at whether there's an interim plan that would enable it to be up and running real quickly. And it may be, you know, hiring several people with particular expertise that could take that structure and get it up and moving at least to be able to administer this kind of program. That may be separate and independent of the longer term structure that will

[10:22:27 PM]

eventually be the economic development corporation, but will take a much longer time to put into practice. And I am real eager for staff to come back with that quick interim emergency standup of an economic development corporation so that it can work quickly.

>> Alter: Mayor, I appreciate that, but it's all the same people. We just stood up four grant programs tonight and they're the same people who are doing the economic development corporation. And on our team -- our team is wonderful and I've heard rave reviews of how they've worked with people in community to get stuff done, but there's only so much they can do. So I just think there are some trade-offs here and we ought to go in with some open eyes when we experience delays later.

>> And I wasn't disagreeing with any of that. It's a good admonishment to

[10:23:29 PM]

make. I was just putting a plug separate and parallel to that, the economic development quickly in an interim way that may be very different from what the long-term is in order to get it up and going.

>> Alter: Thank you. And I would still like to offer Ms. Briseno or Mr. Gonzalez an opportunity if they want to speak to this item and any outstanding uncertainties that they would like us to clarify or ideas that we need to know about.

>> Thank you, councilmember. And again, I think our-- what is helpful to us is clarity and the enhanced guidelines. And also in this particular fund making sure we're clear on what is an eligible industry or applicant. So the any guidance on that is greatly appreciated. We appreciate the grace and that we are standing up multiple things at once, so we will continue to communicate with council as

[10:24:29 PM]

we're pushing ahead, but as I've said a few times tonight I am concerned about our bandwidth of our.

>> And councilmember, I want to thank you and acknowledge your kind words to the staff for the work they've been doing to stand up not just the programs that are in front of us, but the other programs they've done. It's been a lot of work and I commend the staff for all of the time and effort. And their heart that they put into the programs. Made a difference in the lives of our residents and businesses and I know they're committed to do these programs just as quickly as possible.

>> Mayor Adler: Thank you. Any further comments on this item 75? Councilmember kitchen.

>> Kitchen: We had started out by saying that we were going to postpone 75, so I'm fine with moving forward with it as long as we acknowledge that the -- there's two pieces to it.

[10:25:31 PM]

There's the immediate assistance and then there's the goal for the longer term sustainability. I think there's a lot written in here that needs some more clarity with regard to the longer term assistance. And given that it's 10:30, instead of going through all that, I'm happy to say let's set up a process that we can come back to this with regard to the longer term sustainability. If we can say that, then I don't think we have to be that concerned about the language right now. If we could set up a process like we did on 74 where we talked about staff coming back to us with regard to the award criteria, if we could say that we're going to -- that we can bring

[10:26:38 PM]

amendments to the longer term sustainability -- maybe it's not amendments. Maybe it's a new resolution or something, or whatever the right format is, I think we need more work on the language about the longer term stability. So -- since we were going to originally postpone this anyway, it's my understanding that that's really what we were doing is moving forward with the immediate, but coming back with the language around the longer term sustainability. Is that the intent and can we do that?

>> Mayor Adler: Yes, just like in 74. If there's a better way to meet the intent we need to find it. And there's work that needs to be done and I don't remember the word that Ms. Briseno used, enhanced guideline I think is real. I would make the change in this one that we made in 74 to change the word to only so that it reflects that change that you brought up earlier.

>> Kitchen: Okay.

[10:27:38 PM]

The other changes I'm not going to be as concerned about, but I do think that there's some criteria in here that are not -- that make good sense for immediate, but don't make good sense for long-term sustainability. So I'll -- so is staff clear on that that we will be bringing back additional language that relates to the longer term?

>> Mayor Adler: If there's a better way to meet the intent of this, let's find it and I recognize that with the specificity as the director and the assistant city manager asked for will be helpful.

>> Kitchen: Okay. I'm happy to work on that and I think that I could bring something back by the 29th. Or perhaps work informally with the staff and then on the 29th if we needed to -- we would need to adopt some

[10:28:38 PM]

changes and we could do that on the 29th.

>> Mayor Adler: Or it -- there's not a time limit on that.

>> Kitchen: Yeah, I know, but I don't want the staff to have to go too long.

>> Mayor Adler: As soon as someone can bring it. And it may be that as they actually get into it, given -- actually get into it given it's a different process, we'll go through and can better fashion criteria. But this gets us going. All right. That said, any further changes to 75? Ready to take a vote? Those in favor of amendments to 75 and to postpone 75 and make these amendments, those in favor please raise your hand? Those opposed? It's unanimous. Good job. Three programs adopted. That means there's only one thing left and that's 80. Councilmember kitchen?

>> Kitchen: Yes, I want to speak to 80, but before I speak to it, let me say that I'm going to suggest

[10:29:41 PM]

postponing it because I think it's -- we just -- it's 10:30 and we need to have -- I don't think now is the time to take it up. I think we can postpone it. And have a longer conversation with it in the future. But let me speak to it some. I think our conversation -- I think our conversation all night has really been about-- about recognizing the importance of sustaining our ionic businesses, our ionic music venues and other businesses. And because -- and the reason for that is base they are who we are as Austin. They establish our brand, they -- they establish our draw from a tourism

[10:30:44 PM]

perspective. I think the discussion we just had related to 74 and survive and long-term sustainability speaks to that. Item 80 is about a way to add to and support long-term sustainability. And I think that we have agreement as a as a council that that's a goal for us. How we do it, we're continuing to work through. So I will just -- I will make a motion that we postpone this one and we'll bring it back after we think about the approach to the long-term sustainability and also understand how it might interact with 75. Do I need to motion to postpone it? I'll make that motion.

>> Mayor Adler: Any objection to this being

[10:31:46 PM]

postponed? It's postponed. Councilmber Flannigan?

>> Flannigan: You can just note my objection to the postponement.

>> Mayor Adler: Objection noted. All right. It's postponed. That's everything on our agenda. It's 10:31. Good work done today. Anything else? Then this meeting is adjourned. Good job.