

City Council Regular Meeting Transcript – 11/12/2020

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[10:05:23 AM]

>> Garza: I call the meeting to order. I see councilmembers alter, Poole, Casar and councilmember tovo, lent -- councilmember tovo is via audio so we have a quorum. Quickly before I start reading the changes and corrections, I wanted to take a quick moment of personal privilege to thank a couple of my staff members who will be leaving at the end of this month. This is technically their last council meeting, although, of course, Katherine is doing everything she can to prepare me for the next two that she won't even be here for, but I have often so consistently been impressed by our city staff on both side, the manager side and the council side, at the level of professionalism they provide for the city. It will be very interesting moving to a different government entity, but my

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standards are high working for Austin. And particularly the council side because that's the side I work with most. And our council aides are so hard working and dedicated and I'm so impressed when you post an opening and the level of candidates that you get, an incredibly hard decision you make and you wonder because they aren't paid, you know, that great, you wonder how -- how can you do this, how can you work 80 hours a week. I recently was in our meeting with our Austin youth council appointee, a remarkable young lady from del valle and she asked did I always know I wanted to be a councilmember and I said I didn't. At the most someone's chief of staff. So I feel a certain kinship to council aides because I

[10:07:26 AM]

too prefer to be behind the scenes and doing the work and have never appreciated the spotlight so I feel a kinship with them. Specifically for Cynthia, who everybody probably thinks is incredibly quiet, but she is hilarious and wicked smart, she wrote some of my best talking points and did a lot of our videos including one most recently I did with councilmember harper-madison where we wrote a children's story about why it's important to vote. She's so talented, I'm going to miss her. She's going back to the ledge where I know her passion is and I'm excited about all that she will do working back this session. Katherine, I've never met a harder worker. She has been like a sister, a mother, a grandmother to [inaudible] Sometimes and an incredibly great friend. And I'm going to miss her as

[10:08:28 AM]

well. She's been with me since the beginning, six years, so thank you so much Katherine. She always ran our office incredibly professional and district 2 owes both Cynthia and Katherine a huge amount of thanks, but the reality is our constituents shouldn't thank you, we're here to serve them and my staff did it and will continue to do it wherever they go with their whole hearts. And so thank you to Cynthia and cat Renteria. Cynthia's last day is Friday and Katherine's last day is at the end of the month. Thank you all so much and with that I will move to changes and corrections. Item 10 is postponed indefinitely. Item 25 postponed -- I'm sorry. Item 10 postponed indefinitely, item 11 postponed to December 3rd. Item 25 postponed to December 3rd.

[10:09:29 AM]

Item 40 withdrawn and replaced with item 73 on the addendum. Item 45 withdrawn and replaced with item 74 on the addendum. Item 69 is -- should say authorize negotiation and execution of an agreement. Item 70 should say authorize and annex and agreement of -- item 73 will be taken up with public hearing item 74. I had items 14 and 17 pulled by councilmember alter. Is that still correct, councilmember alter? >> Alter: I need to pull 14 briefly, but I spoke with bie and she has authority to make the changes we need to make. >> Garza: So only 14. Okay. Late backup, there's late backup for item 10, 11, 17,

[10:10:30 AM]

42, item 43, item 50, item 51, item 52, item 53, item 58, item 66, item 71, 73 and 74. Are there -- does anybody else want to pull something from the consent agenda? Councilmember Renteria. >> Renteria: Yes, I want to pull item 20. >> Garza: Okay. Councilmember kitchen? >> Kitchen: I don't need who pull this, but I do have a -- one short question and some potential direction on 34. >> Garza: Okay. Since we have such a short agenda, let's go ahead and pull it if that's okay. >> Kitchen: That's fine if you want to pull it. >> Garza: 14, 24, 34. Consent items 1 through 43

[10:11:32 AM]

and 67 through 71 on the addendum. If not, I'll entertain a motion to pass the consent agenda. >> Mayor pro tem, we have speakers. >> Garza: I'm sorry, sorry about that. Thank you. Thank you. We'll go ahead and hear from the speakers right now and the speakers have three minutes. >> The first speaker will be Brandon faranini. >> Thank you very much, council. I'll make this brief since it's on the consent agenda, which is really great to hear. I'm in d1, what I call far east Austin, where this item would cover. And I can say having been here for quite a while, this is long, long overdue for the neglected far east side of Austin. The community is calling for development that fits their needs. We're talking about basic needs like food that doesn't

[10:12:32 AM]

come in plastic wraps. Sorry, my dog. And, you know, we're not interested in setting a world record for number of gas stations on a single corridor so there's a real lack of ability for the community to communicate their desires and wants right now to interested developers and landowners, so I think this is a really great step. I'm happy to hear it's on the consent agenda and I hope council will consider when we eventually can get the item to you to officially rename fm 969 to decker to martin Luther king boulevard as it should have been done 30 years ago when this area was annexed. Thank you. >> The next speaker is Carlos Leon. >> First and foremost

[10:13:33 AM]

[speaking in Spanish] For letting me speak to items 1, 23 and 24. Bring back the prayer to god to start city council meetings. Yes to combating gas lighting, a psychological abuse tactic sex offenders use against targets of domestic violence, dating violence, sexual assault and stalking. Psychology today says gas lighters manipulate and psychologically control targeted individuals by deliberately and systematically feeding them false information so they question what they know to be true, doubting memory, perception and sanity. Everyone needs to defend against such attacks because evil is using fake news, polls and -- to gas light us into believing Biden won the 2020 election, though certified state by state true results do not exist, especially in swing states with voter fraud litigation pending. Those results appoint to electors appointed by state legislators who choose the winner, unless either

[10:14:33 AM]

candidate reaches 270 force the house of representatives to decide in a one vote per state special session. Therefore until it's legally decided, there is no President-Elect yet gas lighters push false their narratives to their upside down anti-reality, to blind you to and detour you from right side up reality causing cognizant in answer. That's why they flip fact and make up stuff. On election night on cnn20 votes were erased and added to Biden. 200,000 Wisconsin votes went to Biden without any votes going to trump. Gas lighters project crimes and character under their targets to blame and punish victims for what gas lighters said and did to them. >> Mr. León -- Mr. Leon.

[10:15:34 AM]

>> President trump and his supporters followed the law doing nothing wrong, yet to achieve that result, if president trump delly defends himself against biden/hair race benefiting from systemic voter fraud to steal the election, gas lighters will falsely label trump and his supporters thieves, criminals and enemies of America. Gas lighters reject truth and silent speech contradicting and exposing them like big tech and mainstream media banning conservative anti-biden, pro trump, pro liberty content rejecting globalists ailian tear he new. It's time to unify under president trump, real results from free and fair elections. May god show us truth to gas

[10:16:34 AM]

lighting -- [buzzer sounding] >> Garza: This is the consent agenda, correct? >> Yes. >> Garza: Just making sure. I was trying to get in to let Mr. León know that, but he also do have citizens communication, is that right? >> We do. >> Garza: Go ahead with the speakers and speakers if you are speaking on an item on the consent agenda, items 1 through 43 and 67 through 71. >> Kimberly Levinson. >> Hi, I would like to say that I'm a little thrown for a loop here by the fact they pulled the item I was going to speak on, but Dana is very supportive of the street impact fees as they were written. We believe that this is an important tool to help create more transit oriented

[10:17:37 AM]

development, to encourage developers to build less parking and build nearer to transit lines especially now that we have project connect having passed. But we supported that too. And we would also like to encourage the council to consider doing away with parking minimums and allowing developers to decide for themselves how much parking they need. They would certainly still build plenty of parking where they needed it, but it would be great if they weren't forced to build parking they didn't need especially building near transit lines and, you know, bus stops and we can discourage individual driving and hopefully have an impact on our traffic. Anyway, I hope that the council will vote to handle the

street impact fee and we encourage you to think about encouraging more transit use and fewer car trips. But we are grateful for everything that you do.

[10:18:37 AM]

You guys do a lot of good work and I'm sure that you don't get nearly enough positive feedback. So thank you for your service. >> Garza: Thank you. >> That's all I have today. >> Garza: Thank you. >> Next speaker is rhode Rhoda aye. >> I don't have much to say to city council, but whatever funds that we've reallocated from the APD should be given back to the homeless population. We are in the midst of a global pandemic right now as we speak, and I would like for everyone to understand that homelessness is a humanitarian crisis. We do need to do right by these people and provide them the necessary and urgent funds.

[10:19:38 AM]

And resources such as housing. It's not something that we should hold back on and there's not much to talk about, there's much to do. And I strongly urge and implore you just like myself and so many others are doing the work, I implore you all to do the work, especially if you have the say so when it comes to funding and what to do with the resources. Thank you. >> Garza: Thank you. >> That concludes all of the speakers. >> Garza: Thank you. So once again, the consent agenda is items 1 through 43 and 6 through 711, and the items pulled are 14, 20, 34. Would anyone like to speak on the consent agenda about of we vote on it? Councilmember harper-madison. I'm sorry, let me get a

[10:20:39 AM]

motion on the consent agenda. Councilmember Casar makes the motion, councilmember harper-madison seconds. Go ahead, councilmember harper-madison. >> Harper-madison: Thank you. I laid out item 43 on Tuesday so I'll keep it brief. I just wanted to say thank yous. First and foremost, I would like to thank my policy director Lauren hartnet. Much like the sentiment you laid out, mayor pro tem, there are members of our staff that we owe the amount of thank yous that I don't even know there are enough of them. She worked tirelessly, tirelessly over the past few months engaging with community members, city staff and drafting this resolution. This is truly a product of her hard work. The mayor's office for their contributions, particularly surrounding the expo center item as well as city staff and willingness to collaborate with our office this initiative. Colony park neighborhood for their support, contributions, and in particular and nobody will

[10:21:40 AM]

be surprised when I sing her praises, but -- [lapse in audio] >> Garza: Oh, no. Councilmember harper-madison, can you hear us? Does anybody else want to speak on the consent agenda, then we can go back to councilmember harper-madison. >> Harper-madison: I can hear you, can you not hear me? >> Garza: You cut off. You were about to sing the praises of a community member. >> Harper-madison: Barbara Scott. Can you hear me again? Am I here now? >> Garza: Yes, yes. >> Harper-madison: I was talking about Ms. Scott. I'm saying thanks to her unwavering leadership and advocacy the city is inching forward with the plan. As I mentioned during work session, I not only believe

[10:22:40 AM]

in the vision -- excuse me -- that this plan will help to guide -- excuse me -- the development of this area and to create complete communities, but it will ultimately be the model, honestly the model for equitable planning in the city as a whole. So again thank you to everyone who had a hand in producing the document that is pornography us document oo the document that is before us today. I think the audio gods knew I was about to sneeze. Maybe that's why I cut out. Thank you to everybody who had a hand in making this happen. >> Garza: All right. The consent agenda has been moved by councilmember Casar and seconded by councilmember harper-madison. All those in favor? >> Mayor pro tem, this is Kathie tovo. Sorry. I have a quick question for our staff. I know that item 10 the [inaudible] Is being indefinitely postponed, but I wonder if staff could give

[10:23:40 AM]

a sense when it might be back on the agenda and what we're -- is happening in the interim. >> Councilmember, the short answer is we don't know when it might be back. We're trying to get it back as soon as possible, but there are many conversations that still need to happen including what I think you requested as executive session regarding this. But Gonzalez will fill in any details I have missed. >> Thank you, city manager, you are correct. In speaking with Tom Noonan, he want it to get back to council as soon as possible. I just couldn't commit to a date that's from his perspective he wants it to come back to council as soon as possible. >> Tovo: Great. Thank you. I wonder if we might have that executive session at our next council meeting. While the issue is still fresh in our heads. >> Garza: Thank you. We'll put it on the list.

[10:24:41 AM]

>> Tovo: Thank you. >> Garza: All right. All those in favor of the consent agenda, please raise your hand. I see everybody that's on screen. >> Tovo: I'm voting aye. >> Garza: That's ten in favor with the mayor

not here today. So let's go ahead and go to item 14. Councilmember alter. >> Alter: Thank you. So I pulled item 14, first let me just say about us taking the next steps on the emergency triage treat and transport or et3 model. I believe this is an incredibly important piece of improving medical care in Austin. I pulled item 14 because in

[10:25:42 AM]

addition to the centers for medicare and medicaid services agreement, the posting language also approves the negotiation and execution of all related agreements with qualified health practitioners and alternate destinations necessary or desirable for participate in the et3 model which is potentially quite a the look of authority. And the backup doesn't provide much information what that means or what that process entails. I wanted staff to speak to what that second portion of this item entails. >> Councilmember, we do have staff to speak to that. If you would just hold one minute while [inaudible]. >> Councilmember, ray

[10:26:44 AM]

Arellano, extent city manager. While they are -- assistant city manager. While waiting to get others from ems or the office of medical director to provide more detail on that. I know there are potentially some agencies, I'm not familiar with all of the details, but I just wanted to speak up while we're trying to get some of the experts that are really going to be involved in this initiative. So just hang on a moment. We'll see if we can't get you the answers you are looking for. >> Garza: Councilmember kitchen? >> Kitchen: Yes, acm Arellano, I believe this has to do with services ems will be making available with different providers, for example. And so that's what the agreements I think councilmember alter may be asking about. Is that your understanding

[10:27:44 AM]

or do we need to wait for ems to come? >> I think I would prefer to wait until ems comes on board. >> Alter: And just to be clear, I understand in order to make this work ultimately there have to be agreements with these destinations. You can bring them to alternative care locations and emergency rooms if you don't have agreements to do that. I understand the fuller scope. What I don't understand is the authority, I wanted to get clarity on the authority and the process by which that was happening because that is potentially a lot of authority that we are granting today and I just want to understand what the process is going to be for following through with that next steps. >> Kitchen: Yeah, that's all right. I just -- I don't think it's -- agreement as a council we need to be weighing in on. So but I think it's a good question to ask and they will provide us some more information about that.

[10:28:45 AM]

>> I do see chief of staff jasper burn from ems is on. >> Yes, council, chief of staff jasper round, Travis county ems. The agreements would be between, as you said, councilmember alter, the alternate facilities and the department and the office of the medical director. Anyone participating in the program has to have an agreement that they would be -- that they would accept alternate transportation patients and participate in the program with the relevant data and outcomes. So to be part of that model they have to do an overall standard agreement and all that would be done with the department, omd and legal with city of Austin. >> Alter: Thank you. And that was part of what I wanted to understand is I wanted to make sure that we

[10:29:46 AM]

had clarity and expectations that office of medical director, soon to be the office of the chief medical officer, will be directly and intimately involved in this process moving forward. And I agree with councilmember kitchen that we as a council don't necessarily need to be involved in approving those, but it is important that we understand the process. So I'll just underscore that it is my expectation as Mr. -- Chief brown just laid out, office of the medical director, office of the chief medical officer will be directly involved in this process as it moves forward. So with that, I would like to move approval of item 14 unless staff wants to say anything more to that. >> I don't have anything else to add. >> Alter: Okay. >> [Inaudible] >> Alter: Then I move approval of item 14 and I

[10:30:46 AM]

look forward to us moving forward with this and hopefully, you know, as administration changes it will be even more investments of this kind coming through so that we can deliver better health care with some of the existing resources that we have. >> Garza: Is there a second in councilmember pool seconds. Any questions or more discussion? All those in favor raise your hand. Item 14. That is -- councilmember Flannigan, you raised your hand. Yes. That's ten with mayor Adler out. >> Mayor pro tem, this is Jeanette. Can councilmember tovo just verbalize her -- >> Garza: Sorry about that. Councilmember tovo, are you -- are you there? All right. So let's make that a nine in favor, the mayor is out and councilmember tovo is off the dais.

[10:31:49 AM]

The next item is--pulled was item 20. Councilmember Renteria. >> Renteria: Yes. I just want to, you know, I'm really asking for a postponement on this. I'm now getting letters from -- emails from state rep Eddie Rodriguez [indiscernible] Developing all of the Chalmers court. And, you know, right now people are seeing what's happening to our beautiful library being destroyed by the homeless camping all the way around there. They have torn up all our kiosks there. And I'm really concerned that, you know, with the camping ordinance the way it's written, I think camp

[10:32:50 AM]

around any right-of-way without any kind of help or backup of any kind of trash pickup and all that that goes on on these little mini camps. I'm really concerned that we bring this into this particular area, this particular area has suffered over the years with the methadone centers, the intake for mental health is located just a half a block away, and we really had a vision to rehab and rebuild that area and we just need to be able to have more input and see what kind of security or whatever they are going to do there if it goes through because it doesn't have the community support right now. And that's what my biggest concern is. You know, we're going to have to go through another year of fighting if we go

[10:33:50 AM]

ahead and do this without any input from the neighborhood. >> Garza: Can staff speak to the effects of a postponement? >> Mayor and council, Rodney Gonzalez, assistant city manager. There would be two staff that would speak out, [inaudible] Who works the the property owner can inform you of that information, but as well Pete Valdez, dac administrator, can speak from operational standpoint. >> Mayor and council, Alex Dale, interim officer for real estate services. Thank you, Rodney. We have reached out to the landowner knowing that after work session that this item did come up for potential postponement. We have not heard back fro him, but due to our conversations with him, we

[10:34:52 AM]

don't believe that postponing this potentially to one of the December meetings would hurt our negotiations at this point. >> Garza: Thank you, staff, and I think that we always want to allow a colleague especially if it's something in their district if they ask for a postponement. So is there a second to councilmember Renteria's request for postponement? Councilmember harper-madison makes a second. I would just maybe staff, if -- obviously always very important concerns. I'm just thinking of the location of the dac now and I -- maybe if everyone knows how the location now -- to my knowledge when I visited, it's not creating a situation that might be

[10:35:54 AM]

concerning, so maybe we can get to a place where the community knows the hours of operation and, you know, how the facility has been run in the past, and I'm assuming that would, you know, go over where any new location. So all those in favor of postponing to our next December -- our first meeting in December, please raise your hand. >> Tovo: Mayor pro tem, I am voting aye. >> Garza: Okay. Councilmember Flannigan, how are you voting on this? Yes? Okay. Your video is skipping so sorry if you raised your hand, but that looked like ten in favor and with the mayor off the dais or not here today. The next -- >> Renteria: However want to take off for communities [indiscernible]. About this location.

[10:36:58 AM]

And nothing against the staff, but I do really want to [indiscernible]. >> Garza: Thank you, staff. The next item is item 34. I think that was councilmember kitchen that wanted to add some direction. >> Kitchen: Yes, this is an item related to a contract for line clearance for Austin energy's power lines. And I don't have an objection to the contract, about out my question and I think direction relates to the use of the chemicals that are being used. There's -- my understanding is there's some -- there's been some questions raised regarding the use of garlon four. All I would ask is two things. First, I think that I would like to ask as part of this process if -- I believe residents and homeowners are

[10:38:00 AM]

given notice when -- when this is being done in their area, and I'm wanting to ask that this be included in the contract. This is to execute and negotiate the contract so I'm asking staff to include in the contract when they execute and negotiate it a provision that -- that provides for notice to residents or homeowners and the opportunity to request that chemicals not be used on their property. So that's my request. And then -- actually it's direction. That's what I would like to ask for direction. I think that would be something staff could do that wouldn't be an issue. I know there's a notice provision required at this point. So there's that. And then the second thing is that I would -- I just think that there's an opportunity here in the future and perhaps chair Ellis would be interested in this as part of the water committee, but I think it might be timer us to have a conversation about what our policy is involving

[10:39:02 AM]

herbicide use and the risk to our waterways. So again, I would just tee that up for a future conversation with our -- you know, with our water committee. But for today, for this item I'm just asking that our staff include in the contract they are negotiating the provision regarding notice to a resident or homeowner

and allowing that resident or homeowner the opportunity to request that chemicals not be used on their property. >> Thank you for that direction, councilmember, and we'll proceed accordingly and if there's any legal constraints we'll make sure to get back to you. >> Kitchen: Okay. >> Garza: Councilmember alter? >> Alter: I just wanted to clarify what the next step is because I believe this was reviewed by the electric

[10:40:04 AM]

utility commission and passed, et cetera, and on the surface I don't have a problem with that kind of notification or whatever, but I'm just wondering [inaudible] That this contract was not already part of that if there's some information we should know before we proceed. Or is that what you are saying, Mr. Cronk, you will surface if there is a problem with that moving forward? I wasn't quite sure if I understood your next step. >> I was taking councilmember kitchen's direction. Like if there's any additional constraints based on that, that I'm not aware of right now, we'll be raising that to council. But we're trying to also have our procurement officer come to the meeting and see if he's able to weigh in just to confirm that. Hold on. >> Garza: Sure, while we wait for that, councilmember

[10:41:05 AM]

pool. >> Pool: Thanks. I have to say I really appreciate Karen Hadden sending us that alert about the chemicals being used. I really didn't know that and I don't know where in the contract I would have had to look to surface that information or maybe it was in front of me and I just passed it by. I don't remember it being mentioned when we took it up in our Austin energy oversight meeting. I don't know how long those chemicals have been in use in our city. But it concerns me deeply that it's happening and I didn't know about it. And that means the public isn't aware as well, so thank you city manager for -- and for acting on the direction and also to councilmember kitchen for raising that concern and bringing to it the dais, and I want to make sure if those kinds of chemicals -- I just keep thinking agent Orange, I know this isn't in that category, but I grew up at a time when these kinds of

[10:42:05 AM]

chemicals were being used pretty liberally and we didn't understand the long-term effects until a lot later. And so I don't want us to be inadvertently or casually entering into a new phase where chemicals are brought into our community and that will have long-lasting effects that are not clear until decades later. So thanks for looking into it. If there's a way we can be -- that the chemicals that might be used, we would like to have none, but the ones that may be used if they can identify so we can understand. Thanks. >> This is [inaudible], the interim coo for Austin energy. The gallant 4 is hazardous to fish, but

only when it's put directly into the waterway. The direction for use clearly state that it is not to be used near waterways or put into the water itself. To give you an example, our fiscal year 20 budget was

[10:43:06 AM]

\$13 million for line clearance. Only 51 is thousand of that was buds used on chemical herbicide primarily at the substations and selective stump management. >> Pool: And I appreciate that, but what I would say is runoff ends in the Colorado river, and I don't know what half life is of that particular herbicide. I appreciate your position on it. I think that there's more information that we all need to get about it and, again, I thank my colleague for raising it. I thank Ms. Hadden for also apprising us or bringing that to us in the first place and city manager for helping with due diligence with regard to this. >> Garza: Councilmember kitchen. >> Kitchen: Yes, and just to clarify, the direction today has to do with notice

[10:44:07 AM]

and the opportunity for an individual to -- to request that chemicals not be used on their own property. A longer conversation is needed along the lines of what councilmember pool is talking about about, you know, about what our policy is around the use of herbicides. So thank you. >> Councilmember kitchen, this is James Scarborough from the purchasing office. We've received your request and we are glad to address that with the contractor to the extent it's possible. As the city manager mentioned, if for whatever reason there are any legal constraints or issues associated with us adding those provisions, we will follow back up with city manager's office and with council. >> Kitchen: Okay, and you would let us know before -- before it's passed that we can do something about it, right? I mean, you would let us

[10:45:07 AM]

know when it surfaced. >> Absolutely. >> Kitchen: Thank you. >> Absolutely. Thank you. >> Garza: Councilmember alter. >> Alter: Thank you for the clarification, Ms. Kitchen, on the direction. I think that makes sense for today. We've had, you know, conversations in the past about, you know, pesticides and herbicides. I sponsored a resolution a couple years ago related to that. I just wanted to say I agreed with the second part of your direction of thinking about, you know, revisiting some of these questions to see where any of these chemicals that may be used on city properties or near city waterways, you know, what that impact is on the watershed in light of more recent research. So appreciate that. >> Garza: Does anybody want to make a motion for item 34?

[10:46:08 AM]

Councilmember kitchen makes the motion, councilmember alter seconds. All those in favor raise your hand. Everybody -- councilmember tovo, can you hear us? So that's a -- nine votes in favor. The mayor is out and councilmember tovo is off the dais. I'm going to recess -- I think those are all the -- go ahead, councilmember alter. >> Alter: I'm just wondering procedurally since I know that Ms. Tovo has made a lot of efforts to be at the meeting, if she can clarify later on if she wants to if it's just determined right now. >> Garza: Sounds like she might be back. Are you there, councilmember tovo? When she gets back, she can always -- >> Tovo: I am.

[10:47:09 AM]

Are you able to hear me? >> Garza: Yes. >> Tovo: Thank you, councilmember alter. [Indiscrnable] >> Garza: You were a little garbled. Councilmember tovo. >> Casar: I think she said she was voting I.e. And thanking councilmember -- voting aye. >> I think in this situation because you asked her the question and she's indicated -- councilmember tovo has indicated she vote aye for this item, that's fine. >> Garza: Okay. So that's ten votes --. >> Typically when somebody is off the dais, you would have to do a motion to reconsider if you wanted to reconsider the vote. >> Garza: So that's ten in

[10:48:10 AM]

favor of item 34 and the mayor is not here today. So I'm going to recess the council meeting. It's 10:51, and call to order the Austin housing and finance corporation meeting. Do we have staff available? >> Yeah, we do. Good morning, this is Mandy with Austin housing finance corporation. You have eight items for consideration and I would offer them on consent. [Inaudible] In district 5. Item number 4 is the formation of a new

[10:49:14 AM]

partnership, ahfc non-profit which will own and manage the proposed 171-unit supportive housing project to be developed with the Encino group. Item number 5 is the authorization of a loan agreement for [inaudible] Community development corporation for \$70,000. Item number 6 is administrative, but it's bylaws for ahfc recognizing the merger of our department. Item number 7 is authorizing us to move forward with a loan to esparo in partnership in amount of approximately \$6 million, bringing the loan amount to \$8.5 million for the 171-unit at supportive housing development at 1934 [inaudible] Drive. And item number 8 is

[10:50:15 AM]

[indiscernible] Loan agreement for ownership in district 1 at 3519 [indiscernible]. I'm happy to answer any questions but offer all of these items on consent. >> Garza: Councilmember Ellis. >> Ellis: I'm happy to make that motion, but I did want to speak briefly about the item in my district. >> Garza: Okay. Let me get a second and then I'll come back to you. Go ahead. >> Ellis: I'm so excited to see this item on the agenda. I remember when it came to us as a zoning case and people would like this to be affordable housing and it's on and near existing bus routes, the trail head, near grocery stores, good jobs that people will have and it's in a high opportunity area. It's so exciting to see

[10:51:16 AM]

something in my district. I know you worked hard to make sure there's places all over town people can have affordable housing. I want to show my support for this project and excitement for you all to be acquiring this land for affordable housing. >> Garza: Great. Is there anybody else that wants to speak on the Austin housing consent agenda? All those in favor of the consent agenda, please raise your hand. I see everybody. Councilmember tovo, can you hear us? >> Tovo: Voting aye. Thanks. >> Garza: That is ten votes in favor with mayor Adler not here today. >> Thank you so much. >> Garza: Thank you, staff. And then I think that we're now -- so I'm adjourning the Austin housing finance meeting at 10:54 and reconvening the Austin city

[10:52:16 AM]

council meeting. The next item item 72 heard at the audit and finance committee. If chair would like to speak to that before we get a motion. >> Alter: Sure. This item is just adding another -- I believe it's just adding another stakeholder group to be able to speak at the downtown commission. I have the number right here. >> Garza: Would you like to make the motion? >> Alter: Sure, I move passage. >> Garza: Is there a second on 72? Councilmember [inaudible] Seconds. All in favor of item 72 please raise your hand. That's everybody. Councilmember tovo?

[10:53:17 AM]

So that's nine votes in favor, mayor Adler is out today and councilmember tovo is off the dais. The next items are 73 and 74. I believe the speaker spoke during the earlier section of speakers. Is there a motion or does anybody -- would anybody like to speak -- can I take those up together? >> Yes, you've already had the speakers. >> Garza: Is there a motion for -- councilmember kitchen. >> Kitchen: I'll move passage, I believe it's on first reading if I'm understanding correctly. So I move passage. Of 73, first

reading. >> Garza: Motion for 73 and 74 on first reading. The hearing stays open and is there a second in councilmember alter seconds.

[10:54:20 AM]

Is there discussion? Councilmember alter. >> Alter: I have posted two amendments on the message board. Going to fast I don't have them right in front of me here. The first one is to amend the proposed exhibit a to the ordinances to amend the definition of walk-in bank and drive-in bank. The second one is to clarify that the burden of qualifying for reduction is on the applicant. I've reviewed both of these with staff and I would move approval of my two amendments. >> Garza: I'm sorry, are those on the message board or did you say you -- >> Alter: I posted them on the message board yesterday and Katie directed them this morning. I would be happy to read

[10:55:20 AM]

them. I just thought people had read them but I can read them. >> Garza: I just asked for the dais mostly. Just in case somebody was looking for it. But I think it's fine as you motioned it. Councilmember kitchen. >> Kitchen: If it's an order, I would accept that as a friendly amendment. >> Garza: Sure, okay. So as amended -- as a friendly amendment from councilmember alter to councilmember kitchen's motion on first reading keeping the public hearing open. Any more discussion or did staff want to say anything? It doesn't look like it. Oh, well -- councilmember Flannigan. >> Flannigan: Thank you. My computer is running slow. I don't know what it is with

[10:56:21 AM]

this platform. Thank you, councilmember alter, for your amendments and I'm glad to see this moving forward on first reading. I'm sure many of us continue to talk with stakeholders on this topic so I don't think anyone should assume second or third reading is foregone conclusion. I think there's still work to be done but I just wanted to make sure there wasn't confusion about what it means to do first reading because I think a lot of us will continue to work on this at second reading. >> Garza: Councilmember alter. >> Alter: I just ask if we are going to be making amendments on second or whatever that happens to be that we make sure we provide enough lead time for us to understand the implications of the things that follow from some of this. Things do get rather complicated and it's not something I hope we'll be deciding on the fly on the dais. I'm not saying this is your

[10:57:22 AM]

plan at all, Mr. Flannigan, this is a process that's gone on for a long time and I believe that there's a benefit for having that slow reflective process on it. So I would just ask if folks are going to be making amendments that really go at the core of how the fees are being assessed or things like that that we really are able to take the time to think about that just in terms of a process suggestion moving forward. >> Mayor pro tem. >> Garza: Mr. Spillar, staff needs to make a presentation. So, councilmember kitchen, do you want to speak before the presentation, or after? >> Kitchen: Yeah, just real quickly, just to say that this -- our staff and council have worked on this for a while, and it's really exciting to see it coming to us. I agree that we have more

[10:58:22 AM]

thinking to do, and may have some more things that we want in the future. And I agree with councilmember Flannigan and councilmember councilmember alter that we should give some thought to that. Mr. Spillar, I'm sure you can tell us when you're expecting to bring second reading back. But I think this has been a long time coming. We've been talking about it for a while. It's really a tool that will help us at the community to make sure that we are aligning the infrastructure that we need with our development. And so I think it's very exciting. We've had lots of conversation about ensuring that the process and the fees that we set align with our goals around affordable housing. And so I know we're all trying to make sure that that happens. And I thank Mr. Spillar and his staff for all the work they've

[10:59:23 AM]

done over the last few years. I am very excited that it's coming to council now. Mr. Spillar, as part of your presentation, if you could let us know when it's expected to come back on second reading. >> Yes, we're ready when you are. >> Garza: Councilmember harper-madison -- were you done, councilmember kitchen? Okay. Do you want to speak before the staff presentation, or after? >> Harper-madison: Maybe I could go ahead and lay my question out, and that way they make certain to address it during the course of their presentation? >> Garza: Sure. >> Harper-madison: So, I'd like to know what systems do atd have in place within their department to ensure that the funds collected through street impact fees are spent effectively, efficiently, in a timely manner. I have some more comments, but I'm certain that the presentation may affect what I do or don't say. So, if we could make sure to address that one question during

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the course of the presentation. >> Garza: All right, Mr. Spillar, I think the floor is yours. >> Thank you, mayor pro tem. >> Mayor pro tem. >> Garza: Oh, I'm sorry. Councilmember tovo. >> Tovo: I apologize. Thanks so much. I wanted to ask a couple questions, or let you know a couple of the things that I'll be looking at as we move towards second reading. I -- reached out -- sit down for information about it. But, in particular, as it's currently crafted, the street impact fee would be reduced for downtown, which includes -- sleet. Street. We have lots of challenges there -- funding to help with the mobility challenges. So, if that's a part of the presentation, that would be interesting. And, again, between this reading and our next, that's something -- staff.

[11:01:26 AM]

>> Garza: All right. Anybody else? All right. Mr. Spillar, I think the floor is yours. >> Okay. Thank you, mayor pro tem and council for letting us present today. I'm going to be joined by Leanne Miller from our staff, and upal who's going to be involved in implementing both of these fees. Jeff Whitaker, our consultant lead. He's participating by video today, as are Terry Morgan, Angela, and Erica from our legal team. Hopefully we can answer some of these questions. Others we may want to come back between now and first reading, because they don't lend themselves easily to an off the cuff answer. If you'll allow us that, I would appreciate it. I want to thank you all for holding these public meetings and considering establishment of fees through the first reading. We are really here to work at the pace of council pleasure in

[11:02:27 AM]

terms of coming back for second and third readings. Staff would really like to try to come as soon as December with the second and third readings. Obviously there may be some turnover at the council level, mayor pro tem, as you move to the county. That would allow us to be can I us to be consistent with who we've worked with, but that's council's pleasure. These actions represent policy milestone. I believe we have a powerpoint slide, if the av folks could go ahead and bring that up. And we'll just stay on the first slide for a second. These actions today really represent a policy milestone in your effort to assure that new development projects pay their fair share of transportation cost. This whole process was launched by council in 2015 when you approved line item funding in our budget and gave direction during the annual budget

[11:03:28 AM]

process. Before I move to discuss the process, and since you've already passed first reading, we'll try to go quickly and answer the questions that we're able to today. I really need to thank some staff and acknowledge the team that has worked hard on this. We couldn't have done this without the support of

assistant city manager Gina, and our assistant director throughout this. Their leadership has been outstanding and supportive. Leanne will be making most of the technical presentation today. We, again, I just salute her for the work she's done. Cole Kitten, Drupal, Cheyenne, Krause also participated. I want to thank you and your council aides. You've been amazing and willing to work with us directly. Thank you very much. And of course our adviser and committee that we formed very early on. If we could go to the next slide, please, slide number 2.

[11:04:28 AM]

You've all seen this before, this schedule. But we're nearly at the finish line, that's the exciting part. That last little bubble at the end says council action on policies, where we sit today. You know, I do want to point out, Texas law chapter 395 is very prescriptive in terms of how impact fees can be imposed in Texas. There's a required study, required adviser, committee public hearings, there's restrictions on what kind of discounts we can give. And so I would encourage you that as councilmember alter did, consult with our legal team that's on this to help write any amendments that you wish to bring forward to make sure that we're able to be supportive as we go forward. I would encourage you to be thoughtful about those and work with law as we go forward. But we've now completed that required study and are in the policy development phase. And as we should expect, various groups that are involved in the development process and citizens

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are going to be most interested in the policy discussion. But hopefully we've done a good job about informing that debate or discussion with you over the period of this several-year process. Throughout this we've been to council and we've seen the range of meetings here shortly on the next slide. But we've been to council at key points to get confirmation on -- assumptions and policies. There was a key meeting with council at the end of 2019 where you adopted a resolution that approved the assumptions that included the projects that were part of our transportation project listings, as well as the school districts for which they were collected. If we could go to the next slide please, number 3. Again, this should not be new to you. We've been meeting with -- around the clock with various groups since June 9th, 2016,

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really moving through that process. You authorized on the 9th that street impact piece, to ask development to pay its fair share of transportation throughout our city as we grow, to shift part of that cost to the developers, or continue to shift and make sure they pay their fair share. You can see we formed an advisory subcommittee. This is really both citizens as well as stakeholders, people that

practice in this area. I know some of those people have reached out to you to talk about and explain specific assumptions and specific processes that we went through. And you can see we've gone all the way through the approval of the SIF studies assumptions, which included not only the projects that are part of our transportation project list of needs in each district, but the districts themselves, which, again, we're all operating under the specific guidelines of state law. Could we go to number 4, please? Slide 4. And you see we met with a range

[11:07:32 AM]

of committees and advisory groups. We've really tried to be inclusive and reach out not only on the assumptions, but also on policy recommendations throughout this process. And we're here at council, really, to consider those next steps, the policy discussion. Our last meeting with the mobility committee was on October 8th, 2020. And I want to say thank you to the chair there for helping us have that discussion with councilmembers participating. If we could go to slide number 5. So, that brings us to today. This is my slide where I turn it over to Leanne, because it gets technical. But we are considering two ordinances. One is a code ordinance and one is a fee ordinance. Your public hearing is on both of those today, or continues on both of those. But they're two separate

[11:08:33 AM]

ordinances. We're trying to follow the example that the water department used, the water structure to have both enabling language in the code, and fee ordinance to make sure that you not only have that structure, but that it's clear as to what we're establishing here. So with that, I'd like to turn it over to Leanne and I'll go on mute and come back at the very end to talk about next steps. >> Thanks, Rob. Councilmembers, good morning, I'm Leanne Miller. Thank you for having us back to talk about the street impact fee. This is an exciting time to be bringing this item to you on first reading. Happy to answer and continue to answer questions you all have and work with you on any amendments you would want to bring to this item. I'm going to walk through what the staff recommendation is and the ordinances that you have in your backup. So, there are four main elements of the staff recommendations. These are the elements that we've heard the most about and

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had the most discussion with the advisory committee and stakeholders throughout the process. They are the collection rate -- that's the actual rate that the council is setting for adoption, the effective date of the ordinance, the offsets that would be considered, and then fee reduction. So on the collection rate, this is really the main item that council is determining. This is the dollar amount for the fee for residential and nonresidential development. A lot of discussion and feedback from the impact fee

advisory committee, as well as city staff from several departments has gone into this recommendation. It can be found within the fee ordinance item 73. The recommended rates are at 50% of the citywide maximum for nonresidential land uses that result in \$1,215 per vehicle mile. And at 35% of the citywide maximum for residential land uses, \$850 per vehicle mile.

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And then we have a few exemptions that are also contained within the fee ordinance for small businesses, under certain square footages would have reduced collection rates, as well as financial institutions. Councilmember alter's amendment addressed that provision specially. And then grocery stores and areas where we have a deficiency in those land uses would have a different collection rate. And then for the effective date, this is when the fee goes into effect and fee collections would actually begin. The impact fee advisory committee recommended a one-year grace period for all properties. This is an extension of the statutorily required grace period of one year for previously platted properties. The impact fee advisory committee extended that one-year grace period to all properties. Staff agreed with that recommendation and after additional feedback from the development community, added an

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exception for developments that have approved transportation impact analysis on the effective date of the ordinance. So those developments, with approved tias, would have a three-year grace period. So, three years to seek their building permits before fees would go into effect. We thought that this was fair and provides for a transition for those developments that may have relied on the previously approved analysis. If we could go to slide 7, please. We'll go over the last two elements of the staff recommendation, which are the fee offsets and fee reductions. So, offsets are reductions to the impact fee to reflect the value of any construction of the facility that a development contributes. We want to acknowledge and recognize the contribution of a development towards facilities if they choose to build them. An agreement with the city is required to document the value of that offset so that when they are pulling a building permit,

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they are working against those offsets that they accrued. A larger project planned to occur over multiple phases can enter into an offset agreement with the set for the entirety of their development to provide additional predictability for those master plan projects. Lastly, the fee reduction. This is where most of the discussion with the planning commission and staff has occurred, especially with transportation and housing and planning staff. Economic development staff were also involved in the development of these ordinances. And I want to thank everyone who's helped me develop these recommendations. There are

two types of reductions captured in the code ordinance. That's item 74, the mobility and affordability reduction. So the mobility reductions are provisions within the ordinance to recognize reduced demand on the transportation network from development to utilizing transportation demand management

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strategy, such as proximity to transit. So, locating their site proximate to a transit system, as well as reduced parking. So, providing less parking than is required. And then the affordability reductions are to provide a 100% reduction for affordable housing units that meet the requirements as stated in the ordinance. This is authorized through the state statute and it's in alignment with local government code 395. Going on to slide 8, I want to cover the feedback that we've heard. You saw this in the June 9th work session, but we received additional feedback from the urban transportation commission, bike and pedestrian advisory councils and many different groups, so I wanted to recap this and really just acknowledge the different goals that we've been balancing and developing the staff recommendation.

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We've heard a lot from the development community and neighborhoods about wanting to make sure that smaller development is still encouraged as a policy goal of the city, that we are encouraging accessory dwelling units and missing middle housing developments. We have a specific reduction within the mobility reduction to address those smaller-scale developments. Considering equity and affordability across the city, that was something that we took into account as part of our staff recommendation to look at a citywide maximum in setting the collection rate, reductions for deeply affordable housing, sustainable transportation and meeting our goals and mode share in the future. That really went into our recommendations on transit proximity and reduced parking. Obviously the current economic environment being in a pandemic and wanting growth to pay its fair share in providing

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transportation infrastructure. So a lot of different things that we were trying to balance in developing this recommendation. On slide 9, this is a slide you've seen before, always wanting to bring it back and emphasize why are we pursuing a street impact fee. We want to develop a method for growth to pay its fair share of the necessary infrastructure, to serve that new growth in a way that is fair to development, that is more predictable than the system we have today, that is transparent to the development community as well as the community at large. What fees are being collected, how they are being spent, and also that's flexible so that the city can utilize that revenue more flexibly than we are today to be able to actually deliver infrastructure in a more efficient manner. So ultimately we want this to be a fair and reasonable fee and process for providing roadway system improvements.

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Slide 10 recapping the four elements you guys are going to dig into more, the dollar per vehicle mile per development unit you would be setting in the fee ordinance, the effective date of the ordinance, and the associated grace period, the offsets that are granted to development for the system improvements they make, and fee reductions from the collection rate, further reduced to recognize developments that are reducing their impact on the transportation network or providing affordable housing. Rob, I can hand it over back to you to talk through what we think the next steps are in bringing you back this item for second reading. >> Okay. If we could go to slide 11. So, we started the public hearings today, really talking about the next steps. And then the readings -- obviously you've moved for first reading today. And so we will work to come back

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in future meetings with additional reading opportunities for you to consider. In the meantime, we'll be working with individual offices to try to answer your questions, and we'll make sure that everybody gets the answers to those questions. I think we can partially address councilmember harper-madison's questions -- with regards to how do we make sure that the funds are collected efficiently and effectively, and spent within a timely manner. That's something that we will be focused on over the next year during that grace period, developing our internal systems to verify that those funds are being spent. We've received a recommendation from our consultant. Within each of the service areas, one key thing is scooping the impact fees together for that service area and using them on that list of priority projects as we work through those. And so we've received the

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recommendation that money in -- first money in should be the first money out spent so that we make sure that we're delivering those transportation improvements in a timely manner. We have staff right now deployed in developing an internal banking system. Our finances are always open for public inspection, and through the audit and finance committee, and certainly we would always work with the city auditor, as we always have, to review those financial issues to make sure that we are telling you what we're going to do, doing what we're telling you we did, and making sure we're reporting and accounting it appropriately. And then with councilmember tovo's question, that's a little bit more detailed question. And Leanne, I would suggest that we need to get directly with that office and provide a written answer. And we'll do that with all the questions we get from you from here on out since the public hearing is open. We will continue to respond in writing and make that available to all councilmembers.

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So, we are working on this development, developing those administrative procedures, as we just said. And again, depending on when council passes all three readings, the first fees would be collected a year later after that effective date. And so we've suggested December 2021. We're optimistic we can do this then or January 2022. And so with that, mayor pro tem, I would turn it back over to you and offer my staff to answer questions that we can, or if not that, at least acknowledge the questions that you have. >> Garza: Thank you, staff. I know there's been a lot of homework on this, and I appreciate how you started your presentation with the limitations we have because of state law, and because it is often the number 1 thing constituents asked about, is why can't you make developers do

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this, or why didn't you. And it feels awful always punting, but it's true. We cannot require more than state law allows us to from development. But we certainly want to require it where we can. So, were there any more questions for staff? Councilmember harper-madison. >> Harper-madison: Thank you, mayor pro tem. I think -- can y'all hear me okay? My thing is weird today. >> Garza: We can hear you good. >> Harper-madison: I think it's equal parts question and comment. I think I'm comfortable with voting on the first reading on this one today, but I do think I'm going to possibly have some amendments for second reading. And then just a little bit in the way of direction, and then I guess it is a question. I'm asking for some clarification. This is the kind of subject matter which, by the way, has been very difficult to dig into as a layman. It's complex and it's

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complicated. I recognize the value in implementing this program, I do. I think it will help ensure that our infrastructure keeps pace with our rapidly growing city and provides some much-needed predictability. That's the thing that caught my attention. Both for residents and for the development community. That makes sense to me. I do have to say, the information provided gives me some concern. If I understand it correctly, for every \$1,000 increase on the price of a home, 1200 families are priced out of the Austin housing market. I'd like some clarity there. If that's not the case, if I misinterpreted that, I'd love for somebody to offer me something in the way of clarity there. It's also my understanding that Austin's development fees on average are three to four times higher than other similarly-sized cities. And I read a statement that

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reported that it could be upwards of eight times higher than the city of Dallas. And as we know, the cost of fees are ultimately passed on to both home-buyers and to renters. I think this contributes to our housing affordability crisis. Like I said, I see the value in implementing street impact fees. So I would like to direct the relevant city staff to evaluate fees levied on development projects and identify that these could either be eliminated or reduced to offset the increases from street impact fees. I think ideally, a cursory review would be completed before second and third readings. >> Garza: Do you have -- does staff want to address any of

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those? >> Harper-madison: Like I said, I think they were more comments than questions. To offer a little bit in the way of backup, the data I'm producing came from a report conducted by the national home builders association. So -- >> Garza: Okay. Councilmember kitchen. >> Kitchen: To get more information along the lines of what councilmember harper-madison is asking for. I do want to make a couple comments about that, though. I think that -- I know you all -- staff all did some analysis to arrive at the recommendation of the 35%, setting the fee there, and also taking it down to zero if the housing was affordable housing, which I think is -- which is part of the conversation here is how do we -- where's the balance

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point. In other words, where is the appropriate balance point. I do think we have to remember that there are costs related to the street impacts. And if we don't -- you know, if our housing is -- if a housing development is not paying those fees or those costs, then the rest of the community has to pick those up in some way in order to address the impact on our street infrastructure. The other thing to remember is not all housing is housing at a level that most people can afford. So I think that we need to understand that, too. I think it is appropriate to have fees on housing. What level do you set it at. More information can be helpful to us. But all of these developments have an impact on the infrastructure around them. And there is a very -- you know,

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there is a close relationship between transportation and streets and housing. They have to work together. And so we have to acknowledge that we have to have a way to pay for things when we have development coming in. And that includes housing. We've had lots of conversations on this dais about housing that's been brought to us that has impacted streets that are not safe and have to be fixed in

some way, and where is the money coming from for that. So I think this is the heart of the matter for us. I think Leanne -- Ms. Miller, I think you said this. Where's the balance point, where do we set it at. And I think more critically even than that is where we set it at with regard to housing. I appreciate the request, but I do want to make the point that I do think it's appropriate that housing developments pay a street impact fee.

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I think it's really important that we get down to zero for affordable housing developments. And then I'm happy to have the conversation about whether that's 35% or at something else. So, thank you. >> Garza: Councilmember pool. >> Pool: Thanks. My comments are along the same lines as councilmember kitchen's. Someone has to pay for keeping the roads paved and free of potholes, and it can manage and be maintained with the local traffic assignments. So if not the developers, then who? And that then becomes the city of Austin everywhere. And that has to come from general revenue. I was impressed with the statistical work and the technical work that our staff did. A different way to look at the cost to the developer is instead of saying the percent of it, we

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could look at how the city is paying two-thirds of it, 66%, and the development would be paying one-third of it. And I wanted to make sure that I was looking at that properly. Mr. Spillar, can you speak to that, if the cost of the road maintenance and improvements, in order to accommodate what the changes are either commercial or residential is 100%. And we are looking at reduced cost to the developer. Am I looking at that right? >> Thank you, councilmember pool. And I want to queue up Leanne to make sure I give you the right answer. The sif is about new capacity. It doesn't maintain the roads. But obviously money we spent on new capacity with city funds, are funds that can't be used to maintain the roads. At a city level we're still responsible for maintaining. But I believe you're right. The state law limits us to 50%'s

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the maximum we can go to. Again, to share with developers. And so if we have correctly identified these projects as new capacity projects we need, which they are, then anything that's not paid for by the developer, the city as a whole would have to pick up. So whatever the percentages you said, adds up to 100% of the cost. Leanne, is there anything you need to correct there? >> That's correct, rob. And we have some slides that we can show if you want to look into that a little bit more in detail about what are the impacts to revenue if you reduce the collection rate. But, yes, the collection rate itself at 35%, you know, would be cutting into that revenue. And that would mean that that would need to -- to make

those improvements of those projects, the city would have to, with some other funding source, pay for those improvements. Or those improvements don't get

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built, the other likely scenario. So that's a factor to consider in where you're setting that collection rate. >> Pool: And that was the other part of the balance that I was trying to get to. If the city is not able to share in the cost, the street impact fees, then all of it has to come from our budget -- transportation budget. And that puts additional pressures on what work we can do, where and when. And so we've been talking about growth helping to pay for itself, and this is a classic example of where that's important. And then I would just close by saying we've got a lot of folks who were asking in this last election cycle about sidewalks around the city and why is it that we don't seem to have sidewalks available for everybody, and why aren't they in really good shape. I know the street impact fee is not going to help keep our sidewalks paved and laid. And that is a pressure on the

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larger budget and the allocation of those monies in order to provide the infrastructure. It's kind of like icing on a cake. You have to spread it all the way around. You have some between the layers and you have to have enough left for all of the rest of it. And that's about the tastiest example that I could come up with in order to, kind of, give a sense. It's the ecosystem of the transportation department budget, it includes us being able to shore up our general revenues with these -- if we waive all of them or don't levy any of them, then it makes for a real thin icing. >> Yes, councilmember. Many of our new capacity projects are paid for with bond monies, we borrow money to pay for it. Every time we have a discussion about council about going to the voters about bonds, there's many needs for those. If we can reduce the need for

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new capacity streets, some of that bond capacity or the willingness of the region to pay for new capacity or new things with bonds can be spread to other subject items and not used. The other thing is I just want to key in on sidewalks, as you said. As we build new streets, we are requiring them to be "Complete streets." That means sidewalks and provide capability for all travelers on those roadways. And so where we're building new streets, and where new sidewalks are part of that definition, yes, that's new capacity as well that can be paid for as part of these projects. But not necessarily in and of themselves separately from streets. Yes. >> Garza: Thank you, councilmember pool. Now I'm craving cake and my waistband should not have me craving cake right now. But, councilmember Flannigan. >> Flannigan: Yeah. Thank you, rob, for clarifying the use of street impact fees is for new capacity only.

[11:33:02 AM]

I want to back up, councilmember harper-madison, as I do support what she's saying. I'm interested in the tradeoff between the amount of the fee inhibiting new housing compared to lower density housing paying less in property tax and transportation user fee. Because, you know, the new development doesn't -- it pays now part of all the taxes. And in perpetuity. So there's a tradeoff, kind of a time value of money question for me about an upfront fee and if that upfront fee inhibits the ability of that property to generate more revenue as a tax participant, both as property tax and as a transportation user fee participant, then we might be kind of robbing Peter to pay Paul if the fee is too high. And it's especially true in the transportation user fee, because that one is assessed on utility

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bills, where you can actually distribute more of the cost of transportation across more taxpayers incrementally lowering the cost per taxpayer the more taxpayers you have. Just kind of some basic algebra. So that's kind of an analysis I've been asking for for a long time. It's not just about transportation fees, right. It's a much bigger question about the cost it takes for the city to serve the community at different densities and how, you know, we can better balance our finances. So, you know, I don't know how much of that analysis I'm expecting before I can support street impact fees, but I do think it's important to remember that if a fee up front inhibits the development, it also inhibits the long-term perpetual tax we might collect from that

[11:35:05 AM]

development. >> Garza: Councilmember Ellis. >> Ellis: Thank you. I really do appreciate all the work that the transportation staff has put into this, because I know we've been working on it for a long time. It started even before I was on council. I did have two thoughts that came to me recently, because I thought that we have spoken off -- know we have spoken offline about this. If you're preparing responses in detail so we can review them before second reading, I would like to know how this might affect an area like downtown where you do see development but may not have room for added capacity, and what are all the ways that a place in that situation could apply and use these funds for this type of infrastructure. And also understanding -- I think there is already maybe a spreadsheet out there for builders to understand how this might affect projects that they're either working on or considering beginning. And understanding if there's

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some sort of calculator, or worksheet, or maybe a group of examples by service area so that someone might have an easier way to understand what this fee might be assessed at for different types of projects like, you know, commercial versus residential, knowing that the service area amounts are set in different capacities. So those are two things I would like to know a little bit more about. I'm still going to be able to support this on first reading, but would like to have a little more clarity on those before moving to second reading. >> Garza: Councilmember kitchen. >> Kitchen: The other thing that might be helpful, Mr. Spillar, as you respond to people's questions between first and second, is just to think through and provide some information. I know you've shared with us in the past, is the relationship between this and the current fees. Street impact fees are not new in the sense that developers pay a fee now and have been paying a

[11:37:07 AM]

fee. What this does is it gives us some more certainty. It provides more certainty for developers, more certainty for the city so you don't have to negotiate every single one. The other thing is, we are still under the same parameters under state law on what the maximum can be. But that's what we have to deal with our current fees. The other thing is this gives us more opportunity -- more flexibility in terms of how we use the fees to really use them in a more effective way than we can currently, because there's a larger radius in the Zones, basically, that you're setting. So I think helping make that clear to the public would be helpful, because it's not like -- I don't want people to listen to this and think that we're bringing in a brand new

[11:38:08 AM]

fee on developers, because that's not what it is. It's actually a relationship between what you all have recommended and what people typically pay right now. So. >> Yes, council, we will respond to that in writing to help citizens understand that. What I think you're referring to is larger developments usually go through a traffic impact analysis and mitigate those impacts. But you really have to be a larger development to be going through that process. Smaller developments, either because they're designed to be smaller or they're on a smaller piece of property, often escape direct payment into a mitigation concept. They will certainly do the improvements adjacent to their site, but they may not contribute to projects further from their site. There will be some sorting out. Some people -- or some

[11:39:08 AM]

developments will perceive that they're paying more, and others hopefully will perceive that they're paying approximately similar to what they're doing now. >> Kitchen: Thank you for that clarification. Current fee applies whether they're residential or they're commercial. It's more of a size-based. >> Yes. We ask the larger developments to pay their share of the transportation impact fees. Obviously all governed by rough proportionality, which the staff also takes into account. >> Kitchen: Thank you. >> Pool: Thanks. I appreciate that staff's going to continue to work with the impact advisory committee, is that correct? And so y'all continue -- >> Correct. >> Pool: The fees -- determine if they need to be tweaked if something isn't quite working. So, when you come back for second and third reading, you can give us an update.

[11:40:09 AM]

Is it correct also that we'll hear from staff and the committees on an annual basis as part of a regular update? >> I will let Leanne refer to that, but, yes. You know, one of the things we will be needing to do over this first period of fees is to calibrate this fee and dial it in better. We think we've done a lot of work, but there's obviously that opportunity. If we're required to come back to council for reauthorization every five years, but we can certainly, based on the recommendation of the impact advisory committee, come back more frequently. We may think we need to recalibrate as well. So there are opportunities. Leanne, is there anything you want to add there? >> Yes, councilmember, we'll continue to work with the impact fee advisory committee. They are required by state law. They have been advising wastewater impact fees for two decades now. So they have a lot of experience. And they will receive bi-annual reports from us, and then they

[11:41:10 AM]

have the charge to advise the council in the monitoring of the program, whether or not there's a need to reevaluate the study, if there is a need to change the impact fees, or if they don't see that the implementation is going as anticipated. It is their charge to bring those recommendations to council. That's why they get those twice a year reports from staff so that they can be informed in making those recommendations. >> Pool: That's great. Thanks so much. >> Garza: Councilmember Casar. >> Casar: I don't think anyone here disagrees that we should have fees on major developments. We see it in every zoning case, every development in our neighborhood. Usually one of us talking to constituents about this or that. And I'll be watching on second reading about how we best set this one.

[11:42:10 AM]

But I am interested, especially now that we're adding this new one, most likely, for us to get with that impact fee advisory committee, for whatever the timeline is to look at these all in total. Partly, one of

the many things we were discussing in the ldc rewrite. To councilmember harper-madison's point, if it's not just about any one individual one. It's if we add them all up and miss a sweet spot, we could wind up with less dollars for the community and inhibiting housing, which isn't anyone's intent here. At the same time, we don't want to leave community benefit on the table, either. So it's kind of -- I'll say -- speak for myself that it is hard to pick exactly the right amount for this one without having all the others on the table. I know that's what we're tasked with doing and we'll do our best, but director spillar, I am interested, as you dial this one in, that we can be working with the manager and the other

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departments to actually think of it holistically, because they don't work independently of one another. >> Yes, we understand that. Thank you. >> Garza: Councilmember harper-madison. >> Harper-madison: There's a couple things I feel are missing from the conversation. I know we're talking about affordable housing, but I haven't heard impact on market rate housing. That's of interest to me. As we talk about housing, we're saying we need all housing types. That's of interest to me. Sidewalks will be included in the complete streets considerations, but sidewalks for car-centric roads. When we're talking about transit and transportation, and including our access by way of modes, I'm hearing more roads for more cars in addition to the

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sidewalk. That's another point of consideration for me. And if I forgot to say so earlier, I appreciate -- obviously appreciate the work that's gone into all these points of consideration on this complicated subject matter by way of staff. So, just adding to -- those are things that I'm thinking about as we're having this conversation. >> Garza: I had a question about -- I believe it's included in the changes, but -- and I had a resolution about making it more affordable for families to be able to stay in place and remodel and add to their homes, including adding accessory dwelling units. Right now in the land development and transportation codes, if you add an accessory dwelling unit, you are either required to pay a sidewalk fee or build a sidewalk. And so is that -- which I always

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thought was not fair for homeowners. Sometimes they're not even going to rent their Adu out. Their family is growing or a mother-in-law is going to come live with them to help with childcare or something. And so is that being addressed in the changes? >> Leanne, do you want to speak to that? >> Sure. Mayor pro tem, the concept you're talking about of adding an accessory dwelling unit or adding onto an existing home is addressed in 25.6.6.7c of the code ordinance. We call out development that does not increase net new trips by ten peak hour trips. That's very transportation engineering speak, but that was

to capture those smaller infill improvements that existing homeowners are making. We wanted to make sure those are not disincentivized via this fee, which would be a 100%

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reduction for those types of changes. >> Garza: Is that something they would have to seek like a variance, or that would -- they just wouldn't be required to -- be a requirement of their development? >> It wouldn't be a requirement of their development. I believe they would have to request the reduction, but the language clearly says that they would receive a onetime 100% reduction, so they would show they aren't increasing trips by that many. That's an easy calculation, there would be a worksheet they would be able to use to show that they're not increasing by more than that. >> Garza: Okay. Thank you. I'll just add to the discussion that there's so many moving parts to these. And I know it's incredibly hard to get the perfect formula that everyone is happy with. I would want to caution us from

[11:47:17 AM]

comparing ourselves to other communities. Nobody is seeing the growth like we're seeing here in Austin. I mean, for those of us who certainly believe we're in a housing crisis and that supply and demand is an actual thing, it's not the same in other communities. And so I'm always -- you know, comparing ourselves to other cities like Dallas, I don't think they're seeing the growth that we're seeing here. I don't know what their housing market looks like. And at the same time, I obviously have always been a consistent vote on adding more housing. But I've always had an issue when we hear if you add more I'm going to pass it on to the homeowner, because it doesn't have to be passed on to the homeowner. And I feel like we are in this place that we have so many crises going on right now,

[11:48:17 AM]

including a housing crisis. And if we want to be big enough to reimagine public safety, I would ask our developers to reimagine their matrixes, capital stack, and maybe we can find a way to work with municipalities and understand the incredibly difficult requests that we get and communities not having sidewalks, and wanting everyone to pay -- to really pay their fair share. So that's where I am on this. I don't know if it will come back in time for me to chime in more, but I do appreciate the comment that these aren't new fees. These are fees that people were paying anyway. And in fact, I appreciate -- the way the code is written right now, existing homeowners were having to pay for a sidewalk in front of their home simply for a remodel. And those things really needed to be fixed.

[11:49:18 AM]

And so I'm grateful that those fixes are in there. But I don't see any other hands raised, so I will -- I don't think there's been a motion for either one of these. Actually, there was a motion in the very beginning. Okay. So, there's been a motion and a second on first reading. The public hearing will remain open. This may come back in December, but staff will let us know when it will come back. All those in favor of 73 and 74, please raise your hand. And I see councilmember tovo. Everybody has their hands up. So that's 10 in favor and mayor Adler out today. Thank you, staff, again, for all your hard work on this. >> Thank you, mayor pro tem and council. We appreciate it. >> Garza: We don't have anything until citizens communication. If staff sees otherwise, please signal to me.

[11:50:18 AM]

Let's go ahead and recess for seven minutes. Please be back at 12:00 P.M. For citizen communication. Thank you.

[12:03:39 PM]

>> Garza: It's 12:06, we have a quorum for citizens communication. Is the clerk ready? >> First is Sara black. >> Good afternoon, Austin city council and fellow austinites, I'm a longtime resident of Austin, Texas, since my U.S. Air force father reported here in 1970. There is a problem in Austin. APD is in control of the video and audio evidence of interactions, including the ones involving racial bias. Police said I've done something bad, but the truth points to civil rights violations. I've included a copy of the 2005 police report that clearly is falsified. APD made it seem as if there was no crime. That interaction is where I realized that there was something wrong at APD. Changes were made to get the real criminal off.

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They evicted me. And when the officers didn't help me, I called friends. The report shows that the officers looked like they ridiculed me because my friends didn't seem to be helping me. I want the police defunded because they weren't doing their job at that time. Fast forward 2020, this is still happening. Why is it still happening? So, in January I was kidnapped. And APD covered it up. They inverted the crime. So I was kidnapped again. After all these months. That happened in January. This is November. Calls, dash cam, it's under lock and key in APD. After several months I finally got the police report. 200-41386, showing a detective changed my kidnapping to a disturbance where I am the suspect because there was nobody

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to investigate for my region. They wanted to arrest me after I was kidnapped. That would be another mug shot, to reinforce the APD narrative that blacks are criminals. I was kidnapped each time by a cap metro driver, a white man who decided where he thought I should be getting off the bus, and not where I wanted to get off the bus. That's called kidnapping. Cap metro did send me a list of people that work for them. And wow, it included Reginald the detective, and also sergeant Daniels, who is over APD public information. That looks like there's a crime going on there. And unfortunately, since APD controls the 911 calls, has control of that and the dash cam and the body cam, it's hard for

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me to build a case showing that I am innocent of this crime. The city should make it easier for residents to obtain these records so we have a better, safer city. Cassidy talks about the importance of 911 calls. [Buzzer sounding] >> And frequently ask for persons to provide body and video evidence. So please help me and all the other residents that are in the same situation. Thank you. >> Garza: City manager, can we just make sure somebody reaches out to Ms. Black? Those are some serious allegations. I just want to follow up if possible. >> Will do. >> Susan pantell. >> The city is planning a major expansion of the airport. Initially doubling in size.

[12:07:45 PM]

And in the longer term, more than quadrupling in size. The climate change emissions from this airport expansion are not included in the climate plan that the council is going to review later this month. And so I'm asking that you have a public meeting to discuss the climate change emissions from the airport expansion so that the public can have some input on this issue. I don't think it's consistent for the council -- for the city to have a net zero climate change emission goal by 2040 and at the same time be planning this major expansion of the airport. I understand that the airport expansion goal is for economic development, but I think that in recent years, the council has

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moved away from that as a primary goal and has focused more on equity and affordability. And I think the airport expansion has some equity issues, one of them being that the people who fly are mostly wealthier people. Another issue is that the flyover zone limits the ability of -- to build housing. And

another issue is that if we bring in new businesses with hiring employees, that tends to drive up housing costs and reduce affordability. The city of Austin has been a leader in climate change issues. We've been a leader in reducing fossil fuels for electricity. We've been a leader in building energy reductions. And so I really think we can be a leader in this area of really

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reconsidering whether airport expansion is the best idea. And I move that president elect Biden is planning to focus on expanding rail throughout the country. So, I'm not asking you to revise the climate plan. And I'm not asking you to stop the airport expansion. All that I'm asking for is that we have a community discussion, a public meeting about this so that we can discuss it -- bring it out in the open and have public input. Thank you. >> Garza: Thank you. >> Adam laicer. >> Hi. My name is Adam laicer, and I wanted to talk about immunohealth and its relationship to exercise. First, I wanted to read the first conclusion from a report

[12:10:49 PM]

published in the journal of sport and health science titled the compelling link between physical activity and the body's defense system. Their first conclusion from this study is that acute exercise is now viewed as an important -- the ongoing exchange of distinct and highly active immune cell subtypes between the circulation and tissues. With near daily exercise, these changes enhance immune defense activity and metabolic health. I would be happy to share this report with anyone that's interested in reading it in-depth, but I would like to use this conclusion point to relate to the closures that we've experienced in the city of Austin, specifically to our tennis courts. I've spoken with 311. I've spoken with my city council representative. And I've spoken with the city manager's office asking for an explanation as to why we have

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closed these courts, when there's legislation put out by the city of Austin saying that with less people on the court, we are properly social distanced in a normal game of tennis, much more than six feet of space. You bring your own rackets and ball. You don't even need to touch the handle because a lot of them have been removed. If you do, easy to use a cloth. But I believe that it is our government's responsibility and sole role to protect its citizens. And a major part of protecting citizens is maintaining their health. Additionally, the response that I got from 311, my city council representative and the city manager's office was that the reason why these tennis courts were closed was to send a message to the public that we should not be going out and spreading coronavirus, which I completely understand. I agree with.

[12:12:51 PM]

But, the hand is doing one thing as the mouth is telling the people one other thing in my eyes, because all of our children have been sent to school. Our blue and white collar workers are sent to work. Additionally, our paid Austin tennis facilities, the ones you have to reserve a court to play at are still open. Casual tennis centers, the south Austin tennis center. I just got off the phone with them and they told me I could make a reservation with six people. I can't even have that many people on most of the Austin tennis courts that I want to play at. And by closing these facilities, all we're doing is pushing people to participate in activities like exercise activities that they wouldn't traditionally, like walking on a trail or going just outside of the closed tennis courts to play on ones that are. Pushing traffic to very counterintuitive result, we are having more people on the walking trails and more people

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in the exterior tennis courts that are available, and really all it is doing is putting people closer to each other and preventing them from exercising and seeking a proper level of immunohealth which is well understood as a very good implement in combating coronavirus. >> Speaker your time has expired. >> S would like to -- I am sorry? >> Can you yap up, sir? >> Can you wrap up, sir? >> Yes, I could just like to ask our public representatives why they are allowing tennis centers to stay open when it costs me money but if I want to play for free I am not allowed to do that. >> Okay. Thank you. >> The last speaker is Jason Ryan Salazar. >> Good afternoon, to everybody

[12:14:52 PM]

that is listening. You at city hall. I am a here today to speak about breaking the language barriers as constituent and official engagement. For example, I am going to give one issue. Like I have tried to reach out at least 30, 40 times to my councilmember, no response, not even from her staff. I have tried to reach out to other councilmembers, even mayor Adler, no response. I am nobody special but as an official, you all are public servants to engage, among your constituency for example. Example Sam business co promptly responds to e-mails, corresponds to phone calls, all of the commissioners do, and that is the chief officer of the county on top of that. Now, if there was better transparency and communication between the constituents and the

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councilmembers I am seeing right here in front of me then there might be an alleviation and resolution that there wouldn't be so much anger on the streets and anger from the people on the outside. I mean, I think you all are doing a great job, I mean I understand, you know, there are certain protocols and policies that have to be followed, but maybe if they were explained to the people and the constituents in a clear concise manner, in some plain language then maybe would stop rioting over the city of Austin, city council, the mayor is doing this, is doing that. There has to be where we meet in the middle, like a mediator, you know, because I mean, you all make a lot of decisions and I am going through the whole entire agenda right now, and I am a property tax agent for 260 properties and all of this looks pretty darn confusing to you, I won't lie to you, that's one thing I am not is a liar so it is hard for me how many people

[12:16:56 PM]

out there is it hard for? >> I will wrap this up, and say that I have a resolution about how we can meet in the middle with all of the this, but if you all care to hear me out, my number is (737)465-7112. And I thank you for your time. >> I am done. >> Thank you, sir. >> That concludes all of the speakers. >> So according to my notes here, I think all we have is zoning items at 2:00 and it is my understanding that all of them are -- will either go on consent or will be postponed. And I am only asking this because I am trying to determine if I have time to get home to do a child trade-off with my husband who then those go to a work thing. If we think there is going to be

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lengthy discussion at 2:00, I need to change locations, but if we think it is going to be pretty quick, I can stay here in the office, so does anybody think they will be pulling anything -- of course you can change your mind at 2:00 of course obviously but I am curious if anybody thinks they will pull anything off of consent. Okay. Thank you. So then we are in recess until 2:00 o'clock. There is no executive session today so we are in recess until 2:00 o'clock. See you then.

[12:23:19 PM]

[Recess]

[2:00:23 PM]

>> Garza: It's 2:00. I'm going to reconvene. The only thing we have left are zoning items, most will be postponed or will go on consent. So first to the speakers. Do you want to go first? >> I think the only speakers we have signed up for a case is likely to be postponed. So -- but maybe we'll run through it and see if they want to speak after we walk through it. >> Garza: Go ahead and go, then we'll see if any speakers want to speak. >> Good afternoon. On the agenda item items 47, c14-2019-0108. Done send approval. Item 48, I can offer this for consent approval on second and third reading. Item 49 withdrawn by the applicant and no action is required. Item 50, c814-2018-0211.

[2:01:26 PM]

Postponement to December 3. Item 51, c14-2020-059. Consent on all three readings. >> Item 52, case npa-2020-033.01. Consent on all three readings. Item 53 consent on all three readings. Item number 54, this is a staff postponement request to December 3. Item 55, c14-2020-0106 also staff postponement to December 3. Related case is c14-2020-0107, a staff postponement to December 3. Item 57, I can offer this for consent on all three readings. 58, also offered for consent approval on all three

[2:02:27 PM]

readings. Item 59, I can offer this for consent approval on all three readings. Item 60, consent "Proof on all three readings. 61, I can offer this for consent approval on first reading. Item 62 withdrawn by the applicant. No action required. Item 63, I believe councilmember alter is requesting a postponement of this case to December 10th that mayor pro tem is the one the speakers signed up for. Item 63. Item 64, I can offer this for consent approval on second and third readings with the notation we'll be removing prohibition of Derrick services. Item 65, this has postponement request by staff to December 10th. And finally item 66, I can

[2:03:32 PM]

offer this for consent approval on second and third readings. And that's all. >> Garza: Does anybody want to pull any of the items off the the consent agenda? Not seeing any hands. Councilmember Renteria. >> Renteria: I just want to pull item 58 for discussion right now. It won't be long. I just want to -- I know the applicant and the applicant asked for two-week delay and didn't have any problems with it. We're, like, 99.9% agreed. We just need just a little bit more time to make sure

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that, you know, the park park -- the donation about the park, for the parks, that they are going to make outside the application. And I also want to have a direction set up that whatever money they get out of that also goes to [inaudible]. As much as it could spend legally. And so we just -- we're just very close to an agreement. The neighborhood sent a letter saying they support the project. We're just that close to it. So I'm just asking for postponement. They both agreed, but the contact team is asking for that. >> Councilmember, would you like to postpone item 58 to December 3rd? Is that what you are requesting? >> Renteria: Yes. >> Garza: Can we keep it on consent with the notification it's being postponed? >> Yes. >> Garza: Okay. Thank you. So that means everything is

[2:05:36 PM]

on consent -- well, as read in by Jerry. >> Mayor pro tem, this is Jeanette. Can we confirm on item 61 that the public hearing is closed? Since it's approval on first reading only? >> Garza: I don't think we can close public hearings any more, can we? Even if we say so? >> Well, you can close the official public hearing. People can still speak, but it's important at some point we close the official required statutory public hearing. >> Garza: Okay. That was 61? >> 61. >> Garza: Okay. Any opposition to closing the public hearing on item 61? All right. The public hearing -- councilmember tovo, are you trying to say something? >> Tovo: I just wanted to register my abstention at the appropriate time on item 47, please. >> Garza: Okay. So 61, the -- the public hearing is closed.

[2:06:44 PM]

I'll entertain a motion, Kathy, then recognize you and see if there are any speakers. Councilmember pool makes the motion. Councilmember kitchen seconds. Councilmember tovo, do you want to go ahead and speak? >> Tovo: I just want to register abstention on item 47, please. >> Garza: Councilmember Flannigan. >> Flannigan: I'll -- restricting services. The other restrictions seem more like we're correcting for a bad code, but [indiscernible]. If anyone else wants to join me, but I'm happy to leave it on consent. >> Garza: Okay. Are there any speakers on the consent agenda? >> There are no speakers. They decided not to speak. >> Garza: Okay. All right. So no speakers, no -- any discussion on any of the consent items? Aside from those noted? All those in favor of the

[2:07:46 PM]

zoning consent, please raise your hand. I think everybody is a yes. Councilmember tovo, did you want to -- >> Tovo: Yes, thank you. I'm voting yes on all the items other than the one I'm abstaining on. >> Garza: So that is ten in favor of the consent agenda and mayor Adler is not here today. And we do not have any more items. Unless there is objection, we are adjourned at 2:10. See you all in a couple weeks.