

City Council Regular Meeting Transcript – 12/03/2020

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[10:05:13 AM]

>> Mayor Adler: Good morning. Today is December 3rd, Thursday, December 3rd, 2020. This is the Austin city council meeting. It is 10:05. We're doing this meeting remotely. We're going to start by reading in changes and corrections. There was a revised sheet that just came out. The date is wrong at the top. It says November 12, 2020. It should say December 3rd, 2020. But it looks like item number 8 is withdrawn. It looks like item number 23 is also withdrawn. Item number 44, as an added

[10:06:15 AM]

sponsor councilmember alter. At this point the item pulled is item 44 pulled by councilmember Flannigan. I have an amendment to add daa to item number 10. Does anybody object to that amendment? With the council's approval, we'll just add that amendment to item number 10 and leave it on the consent agenda. Councilmember alter, did you have something? >> Alter: Yeah, I wanted to pull item 40. I was assuming also that we were pulling the health south. Or is that a non-consent item? >> Mayor Adler: We'll pull that, Kathy, if you wanted that to go to executive session or make a motion

[10:07:17 AM]

to -- to postpone that. Just for housekeeping, do you want to consider that in executive session today? >> Tovo: I do, mayor, thanks, and I do also want to make a motion to postpone. So I hope we -- are we able to -- well, I would like to do the postponement on the consent and then have it -- and take it up in executive session. >> Mayor Adler: Move to postpone until next week on consent. Okay. So let's keep that on consent, but for staff know that we're going to add it to executive session and we're still going to discuss it. And the postponement of health south for a week is on the consent agenda. Councilmember -

- and then we're also pulling item number 40. Councilmember alter? >> Alter: So to me item 9 and 40 go together because there are implications for

[10:08:18 AM]

health south of the right-of-way changes that I need to understand better. So I don't know if that can be part of the executive session discussion or I would like it to be postponed to the next week as well so we can get some questions answered. On that. Item 40 has to do with right-of-ways that are for the moving of red river right in front of health south. >> Mayor Adler: Okay. So you are suggesting then that we postpone item 40 to be considered at the same time as health south, item 9, in a week? >> Alter: Yes, and there may be some questions that arise during executive session so I would like to be able if it's legal to have those conversations in executive session as part of the real estate or legal portion, I would like to have those for 40 as well. >> Mayor Adler: Okay. We'll do that.

[10:09:19 AM]

Mayor pro tem? >> Tovo: Mayor, just for efficiency sake, I'm wondering why we're having an executive session on an item that is agreed to do postponed. If there are any -- if councilmember tovo has any questions, is that something that can happen -- of law, can she do that in the following week which is usually what happens when we postpone something to get more information. I'm just curious why -- I don't remember a time we've agreed to a postponement and then we talk about it in executive session. >> Mayor Adler: Well, in this case, Kathy had asked on Tuesday to get some questions answered by legal and maybe that will help us actually resolve it on Thursday without having to -- next Thursday a motion to postpone further. On any event on Tuesday when

[10:10:19 AM]

we discussed this at work session and councilmember tovo raised that issue to do it in executive session, I said then we could do that. So I feel that we should at this point. Councilmember tovo? >> Tovo: Mayor, thank you, mayor pro tem, for the question. I'm happy to respond to that. As I indicated on Tuesday, this is a pretty impactful project and the information about it has really just been revealed to the public and to us in detail on Tuesday. And so I -- I believe that our community and I as the person who -- on the dais currently who initiated this project need quite a few questions I would like to talk about. I would prefer to have time beyond to just one week, but since that's what my colleagues indicated a preference for on Tuesday, I think we -- I could certainly go and have my questions answered individually and I have

[10:11:20 AM]

received some information from staff, but this is really a conversation for a dais since it's a pretty big public asset and I would like to have that conversation with you my colleagues because I would like to brainstorm about options from here. I remember a very similar circumstance probably three or four meetings ago where do you mean harper-madison and councilmember Flannigan wanted a postponement on the parkland dedication in district 9 and on that day we also had an executive session. You know, it's not -- I'm sure we've done it in other circumstances too, but when we have those issues that require a fair amount of conversation, it seems useful to have that conversation in advance even if we are postponing it. I think it helps us be -- I think we have a fair amount of ground to cover so doing some of that today will help me get some -- get further along the way for next week.

[10:12:25 AM]

>> Mayor Adler: Staff, any problem with postponing item number 40 from a timing standpoint until next week when item number 9 is considered? >> Mayor, councilmembers, there is some feedback from staff on this and so I just want to allow time for them to be able to provide that, so council as the implications of what postponing item 40 would do. So maybe if we can just hold on the actual action until after we hear from the public, we can get you that feedback from staff. >> Mayor Adler: At this point let's pull item number 9 and item 40 for consideration later. 9, 40 and 44 are pulled. Councilmember kitchen, you have 46. Do you want to make that amendment and see if people will take that on consent or do you want 46 pulled? >> Kitchen: No, I don't want it pulled. I sent it out yesterday, so -- >> Mayor Adler: No

[10:13:27 AM]

objection to the amendment councilmember kitchen on item number 46? Councilmember Flannigan. >> Flannigan: I need more time to think about 46. Can we pull it? >> Mayor Adler: Yes, 46 is pulled. Okay. Colleagues, I'm showing being pulled item number 9, 44, and 46. Councilmember. >> Casar:. >> Casar: Mayor, I would like to leave these on consent if possible, but happy to pull them off if folks need discussion, but I've -- sorry, came a little late but circulated and everybody should have an amendment to 48 that I hope is friendly. And I can explain it may be after speakers if useful, no need to pull it, but I just wanted to flag that to potentially leave on consent and I would make a comment about why I think it's important but hopefully

[10:14:28 AM]

friendly. I've also circulated an amendment on 11 that I laid out during work session. We've gotten a letter from good work Austin talking about it so -- councilmember Flannigan, I think you need to mute. Sorry about that. >> We so seldom catch councilmember Flannigan. >> Casar: It wasn't for that reason, I promise. So that was about item 48, so you all should have it. Item 11 is the chapter 380. I had indicated this amendment during work session. We got a letter from workers defense and good work Austin agreeing to that set of rules considering that 380 is usually about big corporate headquarters and we're using it as an economic disaster tool. These were the rules that they came together, small

[10:15:28 AM]

businesses and workers rights advocates to agree to. Hopefully that can just be incorporated, but let me know if you have questions. And then because during the chapter 380 discussion, we had some question about what, if anything, council would have to say to consider the question of pre-funding some of that program, we -- manager, we may have to pull it if you want that discussion or direction or if the manager lets us know he could have us consider that next week. I have no need to pull it, but I did raise those two issues. >> Mayor Adler: You have circulated amendments on which numbers? >> Casar: I circulated amendments on councilmember tovo's item 48 as well as staff item 11 on chapter 380. >> Mayor Adler: Okay. >> Casar: And I think

[10:16:29 AM]

those likely are without objection, but happy to hear if there are questions. >> Mayor Adler: So people haven't had a chance to look at them yet, let's make a decision on that after speakers. And we'll note that. Councilmember kitchen. >> Kitchen: I think that staff had some comments they wanted to make on 51 and 52, which is related to the street impact fee that related to perhaps going on second reading today only. So I don't know if we can just take their comments or if that needs to be pulled. >> Mayor Adler: It's not on consent. Consent is items 1 through 49. >> Kitchen: Okay. >> Mayor Adler: We'll be able to pick that up when we're done with our consent. >> Kitchen: Thank you. >> Mayor Adler: Yeah. Councilmember tovo. >> Tovo: Mayor, thank you. I would like item 33 to remain on consent, but M staff has had conversation with our purchasing

[10:17:29 AM]

department in light of our the work council has done on insourcing contracts. This is a new contract for a particular cleaning protocol in response to covid-19, I would like it remain on consent and come back to council for those extensions if needed. >> Mayor Adler: Okay. Is staff okay with that limitation? Just to the initial term having to come back to council for extensions? >> I believe so, but let me confirm. >> Tovo: I'm trying to confirm what that initial term is. I believe it may be just a year. >> Mayor Adler: I'm

going to put a star next to 33 the same way I put it next to 11 and 48 and we'll make sure we come back to those after speakers. Councilmember kitchen.

[10:18:29 AM]

>> Kitchen: Councilmember Flannigan mentioned he had some questions on 46. If possible perhaps he could get those answered and we could leave it on consent. So I would just ask him to think about that while we are doing our speakers. >> Mayor Adler: Okay. Councilmember pool. >> Pool: I just wanted to note I got here a little late but I did get here. >> Mayor Adler: It's good to see you. >> Pool: Good to see everybody. >> Mayor Adler: Just before we do speakers, again, 8 and 23 withdrawn, 44 added councilmember alter, 44 pulled. We have late backup in items 7, 8, 10, 12, 13, 16, 23, 41, 42, 46, 47, 51, 52, 68, 72. And hopefully I'll remember to say it later, but when we get to the Austin housing

[10:19:31 AM]

finance corporation, there's also late backup on item number 2. Councilmember Flannigan. >> Flannigan: Thanks you, councilmember kitchen, for the suggestion. That was my intention so we'll be -- just make sure we're all up to speed. To that same end on 44, my staff and I posted a very simple additional whereas, that's the only change I'm suggesting. It's on the message board, but we did post it late this morning. So I think that might also be able to stay on consent if everyone puts their eyeballs to it, should be pretty simple. >> Mayor Adler: Okay. Then I'll put a star next to 44 to see if we can take the amendment. Everybody should take a look at that too. That was sent out by the clerk. Are we ready to go to speakers? All right, at this point the consent agenda is items 1 through 49. We are pulling 9, 40 and 46.

[10:20:35 AM]

Potentially 11, 33, 44 and 48. But we'll see if those are things we can just keep on consent. We'll discuss them after speakers. >> Kitchen: Mayor, councilmember Flannigan mentioned he might be able to keep 46 on consent too so if you just put a star next to it. >> Mayor Adler: Thank you. Councilmember pool. >> Pool: Thanks. And with regard to the amendment that councilmember Flannigan is offering up, I see that as friendly and I'm happy to add it in and keep that item 44 on consent. >> Mayor Adler: Okay. We're going to give everybody a chance to take a look at that, but thank you for telling us it's okay with you. All right. We're going to then do morning speakers. We have 26 speakers, three minute each. Who is with us today from the clerk's office?

[10:21:36 AM]

>> It's Myra. Good morning. The first speaker is pat butka. >> Good morning. Pat butka here, executive director of Austin, Texas musicians. And I'm with you once again today to urge quick action on delivery saves funding to venues. First of all, I really truly want to thank you guys for hearing our community. You guys have worked hard to allocate \$5 million in funding to aid Austin's music venues. And as you know, our stakeholder partners have been very plugged in to the process with you as staff works to create program guidelines. But the point we're frustrated about and I think you guys all understand this is that no clear time line on delivery has been

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offered. In your work session on October 15th, councilmembers stated fund should be delivered within 30 to 45 days, and, of course, we've gone well past that deadline now. Leaving thousands of musician and venue worker constituents wondering why cities such as Nashville, Oklahoma City, and Houston have been able to deliver fund to venues within just weeks of program announcement. So we're all left wondering here, and as you heard at the come and take it rally a couple weeks ago what's the holdup. The only answer we've been able to come up with is that the technical requirement portion of the program is an unnecessary barrier right now to getting immediate aid out the door as real estate lawyers and consultants are hired. And, listen, I get that

[10:23:38 AM]

renegotiation of lease is an important component of ensuring our venues and all those technical requirements are great, but, you know, for now why don't we at least get some of that money out the door before Christmas. So venues like parker jazz club, who are in immediate danger of closing, have a little hope. So that venues like the elephant room, who should be celebrating their 30th anniversary in January, have a chance to keep the lights on. You know, we keep getting the same question over and over again, you know, us, our partners with the music venue alliance in red river cultural district and they keep asking us how many venues are in danger of closing within the next month. And the answer is very simple from the data we have, all of them. Okay, the council has worked so hard this year to deliver aid all across our community

[10:24:38 AM]

and we commend you for that. We want to recognize the fact you guys have worked so hard on the music disaster relief fund, on the creative work grant, and we are humbled that you guys have taken the time -- [buzzer sounding] -- To prioritize our music community. But in the spirit of giving, let's get that

aid out to our music venues before Christmas so that we may all have a bright future in the new year. Have a safe and happy holiday everyone. Thank you. >> Mayor Adler: And thank you. The [inaudible] We had on Tuesday staff indicated they were going to get that emergency allocation out right away. They hope to have that out by the end of the month and I certainly hope that staff is able to try and make that -- try and make that goal. Next speaker. >> Cara Castille.

[10:25:41 AM]

>> Hi, my name is Cara Castille, and I am speaking to you on behalf of the amplified sound coalition and Texas workforce coalition. From the moment south by was canceled, industry leaders started voicing concerns about survivability, the impact and future of live music in Austin. You know, the simple question is have you been listening to us. Did you listen to us then. Why has there still not been any meaningful thing done to support the live music venues and industry that created this town. You know, you've offered very little support and even the grants that have been offered seem to have been reviewed by folks that really don't have a true understanding of the business. As Fars events go, you know,

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have you the power to work with promoters to help stage safe events. But instead, you know, you've chosen to keep everything switched off. And, you know, that's left folks without jobs and careers. We are an industry driven -- of driven and hard-working people made up of tens of thousands of your constituents. You know, we're not going to just stand by. We've had nonprofits that have been created in the wake of this inept attitude. The moment we had to start doing your work, your jobs is the moment that, you know, our local government failed us. It's been nine months. You know, where is the money for the venues, where is the money to support this industry that created this town? We're just simply asking for you to please, you know, do your job. Thank you. Thank you for your time.

[10:27:45 AM]

Hanna Cinco. >> Mayor Adler: I just wanted to say to the last speaker thanks for coming and participating in that -- today's meeting we're approving guidelines for the distribution of the saves money for venues and for music. And as I said, excited at the prospect some of the emergency funds could get out possibly by the end of the month, and I'm excited that the program that we're doing, unlike just a regular grant program that you've seen in some of the other cities that this investment which is pretty significant amount will get out quickly, but it will get out in a way that provides for real sustainability and the like. But we understand the need and understand that this is an industry that is among the first to be hit so very hard. >> Hanna Cinco.

[10:28:45 AM]

>> Mayor and councilmembers, my name is Hanna Cinco and I am a sexual assault survivor whose case was closed exceptional clearance by APD. When I started out on this journey, I wanted to believe if you and the public only knew and understand the problem at hand, then change could occur. And that change would occur. I wanted to believe that if you knew that sexual assault cases were being -- weren't being investigated, that rape kits were sitting on shelves untested, that cases were erroneously being closed to have APD's numbers and the survivor sellerly didn't have a chance at prosecution let alone justice that you too would be compelled to move into action just the same. Now two years later and after standing in front of you providing public testimony not once but twice, after presenting to our public safety commission, after speaking on pod casts, writing articles, agreeing to media

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interviews, trying to -- and serving as a lead point on one of the two class action lawsuits against our city and county, little is no movement has been made. During this time it is estimated that another 20,000 individuals have fallen victim to sexual assault right here in our community. And I am disheartened to report I have had to change my mind set. We are no longer here because the problem isn't understood. We are here because the appropriate actions have not been taken. I hate that we have to keep coming back to stand up in front of you and share our stories. I hate that we are now having these discussions through the lenses of multiple lawsuits. Know we are here because over the years APD has refused to step up, own the problem and simply say yes, we want to do better, help us do better. We continue to hear them disextend their position and take actions that denies a

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problem ever exits or even still exists today. And now we are left with no other option than to go more and more public, grow our army of advocates and make our cries for help even louder. I know that I don't have to look far to find survivors amongst all of you. I know that every time one of us stands up here and fights for change that several new survivors come forward and find their courage to do so also. It is now important for the public to understand that the city is fighting against their own female residents playing legal games and avoiding to address the real problem at hand, while survivors are left waiting in the wind and continue to be denied access to safety, protections and justice in holding their rapists accountable. Us survivors and advocates have done our part. Now we are expecting you to do yours. Thank you. >> Shawn Dickerson.

[10:31:52 AM]

>> Hello, my name is Shawn Dickerson. On board of directors with red river cultural district and production manager at swan dive at 710 red river. I would like to thank all of you all for listening to us. Again today and all the hard work you've been doing, and, of course, all the people calling in on behalf of the music community to speak today as well. I just want to -- again you've spoken that you are moving, trying to get these funds released to help additionally fund to save our venues. And yeah, just these items 11 through 13 here, again, I would like to throw another hat in just to push how much we really need this money. You know, we're all scared, we're all looking at, you know, we're all just pulling by, trying to make it happen

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here and, you know, we appreciate your thoughts on this and we really -- really could use this money as soon as possible. Again, for the city we all love and music brought a lot of us here. So thank you for looking at this, thank you for your urgency and thank you for your time. It means a lot to a lot of people to keep the music venues open in this town, and it means a lot to not only us workers for our employment but everyone who is missing live music and missing what the heart and soul of Austin is to a lot of people right now. Thank you so much for your time. Happy holidays to you all. >> Ryan Garrett. >> Good morning, mayor Adler and councilmembers. My name is Ryan Garrett, and I am general manager of stubbs bbq, separating

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partner of the green Jay both of which reside in the red river cultural district. I'm here to support the passage of items 11, 12 and 13. You will hear the hard truth more venues are close to permanent closure. Passage of these three resolutions will greatly assist us in our pursuit of small business survival. At the core of these resolutions by significant community investment in people. These are resolutions dedicated towards job preservation for the thousands of hospitality and music professionals that reside in Austin. The passage of these resolutions keeps a roof over their head and food on their table. They need jobs to come back to and the music venues need to be there for them as they have been for us for so many years. We are out of time and the accelerated extension of the benefits these resolutions

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provide is of paramount importance for Austin to maintain its global identity as a epicenter for arts, culture and live music. Please pass items 11, 12 and 13 and enact distribution of these benefits

immediately. Thank you for your time and your service. >> Monica Guzman. >> Yes, good morning. I'm Monica Guzman, policy director for go gave speaking on items 11, 43 and 44. Item 11, thank you for your support of our children, our families and the Austin economy through your support of child care centers. Item 44, we urge you to approve the resolution in support of representative Gina Hinojosa, repealing the prohibition of inclusionary

[10:35:55 AM]

zoning. Item 43, while the need for penalty for any person, any entity intentionally ignoring orders meant to protect us from covid-19 is understandable. We're concerned about the potential for disproportionate impact. The communities of color in Austin's eastern crescent and others were struggling. The disproportionate was further exacerbated by covid-19, especially those who cannot shelter in place. Many in the city do not know about or do not understand the importance of the safety protocols. We urge you to include a covid-19 safety protocol education instead of only vying for the disproportionately impacted who are not aware or not understanding. Thank you. >> Scott turner.

[10:36:56 AM]

>> Good morning, mayor, mayor pro tem and council. Scott turner, member of the [inaudible] Austin coalition and like to talk about street impact fees. We're concerned Mr. The impact the new street impact fees will have on housing ain orderrability on top of existing fees as those impacted will be renters and suburban homeowners who are the majority of austinites. We urge you to consider street impact fees in the context of broader outcomes for housing affordability and transit. Because we're in a housing affordability crisis, it's easy for city fees to go up, but they never seem to go down. Use the three-year review period to make sure we are achieving equitable outcomes citywide. And we're glad to see transit supported, but would like further direction for simplicity in the

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notoriously complex criteria manual used to implement them. As you take up discussion today, please consider this an opportunity to make a city process simpler and more predictable while aligning it with the city pollly goes for a -- policy in our imagine Austin comprehensive plan because we will never achieve these goals if street impact fees simply fund more roads for more cars. Thank you so much for your consideration. >> Lauren Golt. >> Hello, good morning and thank you for the opportunity to speak. I'm calling with regards to items 11 through 13 and to echo the words that pat shared and others, and I'm excited to hear that these funds are going to be distributed hopefully by the end of this month. Thank you very much for that and thank you for all of

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your work on this issue. I'd also like to share my support for item 46. There's not much I can say that you haven't already heard, but the issue is so important that it bears repeating again and again until you act on your promises. It's been nine weeks since the saves resolution has passed and none of those funds have been distributed. I understand that this is a complicated process and really appreciate the care and consideration that needs to go into the distribution of these funds. But these are not normal circumstances and your community, your constituents need you to act with much more urgency to connect our ailing creative sector with these desperately needed funds. We are in crisis. You are painfully aware of this fact, I'm sure. I'm a full-time professional performing musician and I've been out of work for almost ten months now. Some of my colleagues have

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begun performing again in public, but most of us are also in a situation just trying to make ends meet while desperately hoping there's an industry to come back when it's safe to do so. I fear that if you don't distribute at least some of these funds as soon as possible, the industry will crumble and we'll lose the heart and soul of Austin. To that end, I would also like to express my support for item 46. This idea provides a much more long-term sustainable option for you to ensure the survivability of our community and your brand. We need more creative solutions like this one to keep this industry thriving through changing times. Please keep in mind that while this unique and vibrant artistic nature of this town can become your brand, it's our livelihood. We're depending on you to help us keep it alive. So please don't drag your feet on this any longer.

[10:40:59 AM]

We need you to do much more than inch forward with a few formalities each meeting. Please consider escalating this process in order for it to be truly effective. Please also remember that at the October 15th council meeting, I brought a community petition which garnered 252 signatures in just a few days in support of the visitor center fund, which is on this week's agenda in item 46. If you ask to support this community and show us that you mean what you say, we'll continue to support you in the next election cycle. So thank you so much for all of your work on these issues -- [buzzer sounding] -- And have a wonderful, wonderful holiday. Thank you. >> Mayor Adler: Thank you. I've just been suggested that I make sure folks know that what the staff is trying to get out is the emergency funding which I think is about \$20,000 for -- per venue that is

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eligible. As part of the process then to get the full package out as soon thereafter and possible as people go through the process. But we understand the urgency and the need and we're hoping to do in this program something that's really unique in the country. Thank you. Next speaker. >> Sonya havette. >> Howdy, howdy, mayor Adler, Austin city council members and friends. My name is Sonya havette. I'm the secretary of the Austin, Texas musicians board of directors. I'm here to speak on item 11-13. Music is a key element to every occasion that happens in Austin, Texas and around the world. As a music artist, one of the goals is to get the opportunity to perform in major music venues like

[10:43:04 AM]

[inaudible] [Inaudible] The elephant room, Anderson mill pub and slough of open Mikes. Need venues to harness skills, preferably a venue that demonstrates diversity and equity. The city, state and country need music to help it heal and grow and move forward as a community. Austin, Texas can't be the live music capital of the world if it doesn't have live music venues. Save this diverse community, save the music venues, save our venues. Thank you for your time. >> Rebecca Reynolds. >> Good morning, mayor and council. This is Rebecca Reynolds with the music venue alliance and I am calling in support of items 11 through 13.

[10:44:04 AM]

We're hopeful that today is the day desperately needed disaster funding will become available for Austin's live music venues. I do want to thank you and staff for all of your work on getting us to this point. Recently weeks I have heard encouraging feedback from members and community partners on conversations had with councilmembers tovo and kitchen and mayor Adler. Venue owners, convenient few staff and musicians are grateful for your leadership. What Austin's music community needs from you today is communication of a clear time line of when the funds will be disbursed, specifically will funds be released by the end of this calendar year or is it simply the application process that will begin before the end of the year? The information is critical because while the emergency \$20,000 is essential, what venue owners need is news what to expect they can take back to their landlords. I would ask that the

[10:45:05 AM]

moratorium on venue evictions be extended until round 2 of funding has been disbursed. We have many iconic venues rely on that right now. We also have 18 music venues operating at least 20 years.

Continental club, hole in the wall, elephant room just to name a few. Can these legacy businesses expect to be served on the same time line those applying on the venue funds or will time lines be different. We would ask council and staff take to heart mayor Adler's assertion during Tuesday's work session scoring and performance in a pandemic disaster relief program should simply be survival. Job, workers and musicians' mental health, our culture and identity and the resiliency of Austin's economic recovery are resting on the success of these programs.

[10:46:05 AM]

Thank you again for your stewardship and careful consideration. >> Cody colon. >> Councilmembers, good morning and thank you for your time today. This is Cody cologne, executive director of the redrive cultural district speaking in favor of items 11, 12 and 13. We're thank foul for the support delivered by council and staff for our city's music economy and workers through the pandemic. By many standards the city of Austin's delivery of disaster relief for the music sector has been excellent and it's also been unsurpassed by any other city in this country. That being observed, I wanted to convey a firm reminder about time. The year is drawing to a close. Music venues still do not have access to the saves

[10:47:05 AM]

funding approved by council over 60 days ago. And a reminder that these funds are simply a bridge to the anticipated federal stimulus package. Awarding these funds this month will make an excellent Christmas present for the venues as well as for their dedicated staff and performing musicians, most of whom have gone up to ten months without engaging in that deeply reward will work that is not only their passion and income but their purpose and craft. Today you can give that gift of hope to our city's working class creatives that all is not lost, that a better tomorrow may yet come. Please approve measures to release this money quickly today. Thank you to the mayor, city council, Veronica and the whole team, but also for your ongoing acknowledgment of the deep public and economic benefit our music

[10:48:07 AM]

sector provides for Austin. Working together we will emerge from these hard times. Through grit, determination, fearless leadership and through our strength as a community. Peace be upon you all. >> Paul Robbins. >> Council, today you will be setting a public hearing on expanding the customer assistance program for water utility discounts to low-income customers in master metered apartments. I believe this is item 49. This will allow a discount per customer of about \$200 a year. I generally support this recommendation. However, I have to point out that the increase in taxes you just implemented for rail is the largest regressive tax increase in

[10:49:07 AM]

Austin's history. It may partially or totally cancel any utility discount benefits that you are giving here. You are giving with one hand and taking away with the other. It seems that every council meeting there's a discussion of equity. Where is the equity here? How approximate fall on the poor does not -- property tax fall on the poor does not seem to be something planned for and this example of giving with one hand and taking away with the other is caustic. I'm going to say this for the first time, though I hope to repeat it at future meetings. I believe that there should be a blanket exemption from prop a tax, from the prop a tax on the first \$200,000 of a residential unit's property tax.

[10:50:07 AM]

Since most apartment units are worth less than single-family homes, this exemption will benefit these rental units the most and since the majority of apartment dwellers make income than homeowners issues it will be more equitable. The city's publicly required notice of tax increase for prop a estimate that the cost for the -- it estimated the cost for the average residential homestead. It did not estimate the rent increase for an apartment. And as you know, there are more households in Austin that rent than own. Thanks for your attention. >> Austin Bailey.

[10:51:13 AM]

>> Good morning, mayor Adler and council. My name is Austin Bailey and I'm buyer for mohawk located in the red river cultural district. Speaking today in support of agenda items 11, 12 and 13. Our independently owned and operated live music venues are the bed rock of cultural tourism and key economic force in our city, employing tens of thousands of austinites and generating millions in tax revenue annually. Locally owned small businesses were the first to close and last to reopen. We've -- loans, taxes and insurance continue to accrue. The ability to open at partial capacity is not economically feasible. The overhead costs are not on a sliding scale, matching reduced capacity will likely face. These are fixed costs. Due to the national routing of most tours, our industry will not recover until the entire country is open at 100% capacity will which be well into q4 of 2021.

[10:52:13 AM]

We have no opportunities to reemploy the sound engineers, lighting designers, bartenders, security, box office and other venue staff that were let go in March, many of whom are nearing end of unemployment

benefits. Agenda item 11 most specifically the recovery lease incentive offering commercial property tax reimbursements to property owners will be integral in addressing the long-term crisis as our industry will be on life support for if foreseeable future. Did he go nation of funds in the saves resolution should be adopted immediately to assure they are distributed as expeditiously as possible. It's been over two months since council passed the saves resolution. I commend council for passing this, further delays will result in permanent closures of iconic local businesses. Direct staff to direct emergency funds before the end of the month, especially

[10:53:14 AM]

to most vulnerable businesses being at risk of closure in the next 30 days without additional financial support. Thank you for your time. >> Maria Garrett. >> Councilmembers, mayor Adler, my name is marina Garrett and I'm a sexual assault survivor. Last time I was speaking to you all each one of had a yellow bandanna tied around your microphone in support. That was the time councilmember harper-madison shared my testimony in 2016 was what led her to get into public service. That was also around the time that councilmember Casar stated it was testimony like mine helpful to council. Here I am today to tell you as this lawsuit gets close to entering its third year, I'm beginning to feel like that support is falling to the side. The retraumatization by recent actions of your

[10:54:15 AM]

lawyers is hard to ignore. When your lawyers make an embarrassment of the settlement offer or ask us to mediate and never respond or disingenuous filings the court we are hurt over and over againen you have the power to make it stop. You have the power to let survivors and the city of Austin know that you do support survivors. And that you do want to do -- to right the wrong that happened to all of us at the hands of your police department. I know that might feel like policy change, but it isn't just policy change, it's accountability. Where does that accountability lie if not in a settlement we truly deserve. It's beginning to feel like the plan is to break us, to break us and to have us drop this lawsuit, but we aren't going anywhere. We've been through too much to let anything get in the way of our fight for justice. I would like to say if that lawsuit was about any other

[10:55:17 AM]

crime being mishandled, I don't think that the settlement would even be in question and I think that's exactly what got us to this problem. Thank you. >> Casar: Mayor? >> Mayor Adler: Yes. >> Casar: Thank Ms. Garrett for testifying although obviously I know that she would prefer to not have to keep coming back to testify here. I think important for the dais and the public to know, we do have executive session Teed up on Tuesday to talk about this and I think as Ms. Cinco said during her testimony that it's

important for us as council to keep stepping up and to do our part. I think in her words. And so while we aren't posted for that today, I think we all just got an email we will be discussing it on Tuesday. >> Tyson Swindle.

[10:56:27 AM]

>> Good morning, mayor and councilmembers. My name is Tyson Swindell, I'm a small business proprietor in district 9. I'm hear to voice favor for items 11 through 13. The time has elapsed and we had 20 make a decision how to disburse this money. I would also like to add my support of item 48. Thank you for your time and consideration. I won't keep you long. I have heard quite a few of these testimonies, but time is now for action and not hopes and promises. Thank you very much. >> Jeanette Gregor. >> Hi, I'm Jeanette, co-founder of amplified sound coalition. Thank you for the opportunity to speak about

[10:57:28 AM]

items 11 through 13 and more importantly the potential impact these resolutions can have on my very fragile event community. I'll be direct here, in one week last March I lost six festival contracts, one full-time and one part-time job because my career is dependent on mass gatherings of people who go see live music. We've been pleading with the city for months now to send the I vent community a life raft, and in September we were acknowledged and I felt hopeful for the first time since March. Every draft of this resolution includes language like immediate, emergency, and rapid when it comes to funding, which I take to mean that something will happen, you know, soon. We're now being told maybe possibly applications for venues will open in February for maybe possibly April disbursal. We can all agree what his happened thus far is not immediate or rapid and it certainly doesn't denote an

[10:58:29 AM]

emergency. Recently the EdD gave an interview on KXAN in which they said funds will be disbursed as soon as possible respect to taxpayers' money. Workers are not seen as part of this community, but we are those taxpayers. If you need any further proof of that disconnect between our industry and city management, I urge you to look at the proposed guidelines in your backup, section 6 of the live music preservation fund guidelines suggest venue owners talk to their landlords about lowering rent and extending leases. Y'all, come on. Do you think there's a venue owner in this city that hasn't had that conversation multiple times? The mandatory technical assistance program has zero definition and will unnecessarily add time to the award process. Time we don't have. We are tired, we're out of time. Our community wants to focus on

[10:59:31 AM]

making things fair, but we cannot move forward without knowing our industry will survive. Please remove the mandatory technical assistance program requirement that hasn't been thought out, and give venues the opportunity to survive by administering funding now, before the new year. Save my job and thousands like it. And last, if the folks tasked with disbursing funds cannot deliver, give the responsibility to someone who can. I feel like we deserve at least that much respect. Thank you all for your time. >> Kristen troke N. >> Good morning, mayor Adler and city council. My name is Kristen, a sexual assault survivor, and a plaintiff on a class action lawsuit involving the city. You will have heard from several of us today.

[11:00:32 AM]

I've been vocal about my story and the lawsuit, but I've held my reserves about coming before you until today. I'm not here to tell you my story, or any of our stories. You already know those. We are survivors of rape and sexual assault. But most of you know the depth of the weight that we carry, like being kidnapped and held hostage, stalked and strangled, beaten and tied up by a stranger in your own home. You already know that we feel re-traumatized by very specific facts and institutions with our justice system. It would be pointless to go over the details, to add shock value, because you already know how truly horrific the details can be. I am here in search for hope for the future. But in a year like 2020, aren't we all? It's been a crazy year, to say the least -- a global pandemic, a nationwide shutdown, mass

[11:01:33 AM]

rioting and a society of people at war with the truth. I feel selfish to stand here begging for an honest commitment and a hope for the future, because I feel like at the end of the day that's what we're all doing. But here I am. I am in constant search for signs of promise. I was thrilled to see a judge awarded an Austin sexual assault victim \$19.1 million after an assault at a local massage parlor. That is, until I found out that the victim was male. Because at a recent settlement meeting with the city attorney, our entire class of women was offered a small fraction of that. What kind of message are your lawyers trying to send? How much does the city value its women? \$6.4 million is budgeted by the city of Austin annually for the care of 16 horses.

[11:02:34 AM]

Our entire class of women was offered a fraction of that. A single horse alone is budgeted \$400,000 a year. And our entire class of women was offered a fraction of that. Is that how you really feel? The city values one single horse more than the women of Austin? That violent crimes against women don't matter, but street crowd control horses do. I hope this news shocks you as much as our stories did. We are 12 women who have fought through hell and then chose to go through it again so that others won't have to. We are not -- [buzzer sounding] >> Activists. We are not lobbyists. We are warriors. And every single one of us has the battle scars to prove it. We all stand for change, and I

[11:03:34 AM]

know that substantial change does not happen without monetary contribution. Accountability must be held. I would like to end on this note. When your city attorneys approach you to discuss your opinion on the settlement, whatever number you collectively land on, be proud of it, because it represents a lot. >> Thank you. >> Thank you. >> Scott Richards. >> Hello, everyone. And to the young lady that just spoke before, I hear you and we feel you. That's a little tough to follow. I am a citizen. Thank you for listening to me today. I'm an Austin transplant from Charlotte, North Carolina, having moved to south Austin in

[11:04:35 AM]

2011. I am here to speak about items 12, 11, and 13. I came here with no friends. I knew there was a vibe in the community that I couldn't wait to be a part of. One of the first things that stood out when I finished the drive was I could find live music on any night, in just about any restaurant or bar. This was paradise. I'm not a musician by trade, but love an evening listening to artists pour their hearts out on stage. I was already a concert junkie, but this was uncharted territory. Even more special, some venues provide an intimate live music experience. When I think of Austin, I first think of artists and musicians. These venues need our help. These venues need your help. The stage resolution was unanimously approved on September 7th. Please allow the funds that were

[11:05:35 AM]

allocated to be released. These venues are dying, and what makes these venues special are the people who run them. Don't let this talent pool move to another city like Nashville, Oklahoma City, Houston. Austin needs to take care of our venues so that our artists can perform their craft. I couldn't imagine an Austin that didn't help discover musicians like Janice Joplin, black comas, Leon bridges, shaky graves, Whitney rose, mid-lan, mid-land, spoon, and Willie Nelson, Stevie ray Vaughn, the list goes on. Please, I am a very concerned citizen that we are going to lose the most unique part of Austin to the rest of Texas and America. Let the funds go to those who need it before it's too late. I implore you guys to come and save Austin music. Thank you.

[11:06:40 AM]

>> Steven sternshine. >> Good morning, council, Steve sternshine here, I'm the owner of empire garage in the parish here in town. I'm also the cofounder and board treasurer of the national independent venue association that's fighting for relief for music venues all over the country at the federal level. I'm here today to speak in support of items 11-13. And I appreciate the hard work that everybody has done to get us to the point where we have a plan, and to encourage and really beg you guys to move this along as fast as possible, because we're not going to be able to survive for much longer without help. And it's also imperative that the music venue alliance and the red river cultural district,

[11:07:41 AM]

which represent the interests of all of us here in town who are in the independent music community, be involved and engaged in the process intimately, because they have the most accurate information and how to get funds where they need to go as quickly as possible. So, I won't take up more of your time. I think you've heard from all of the folks today how important this is to us. And we appreciate your support in advance. Thank you. >> Zenobia Joseph. Zenobia Joseph.

[11:08:49 AM]

Be sure to unmute, please. >> Jason teracino. >> Hello. My name is Jason, I'm speaking to you again on behalf of the amplify sound coalition. We demand passage of items 11, 12, and 13 and a concrete timeline for the full distribution of funds. Before too long, the city and the governing body has taken for granted the music community that lives in works in Austin, the supposed live music capital of the world. The council has catered to other interests more than the community that provides the attraction businesses and people love Austin for. The Austin music community has asked for a preservation fund and the city has responded with

[11:09:50 AM]

a resolution, which is nice. But the program that is already failing and it hasn't even been more than two months since its inception. The options are, every council member and citizen knows what the next steps should be. Why is this not in motion yet? There's no confusion and no reason for delay. And the actual implementation of the distribution of the funds in the resolution. Is it apprehension of not wanting to throw bad money after good, and new guidelines that slow down the process? Nashville,

Houston, Oklahoma City, and other places have delivered millions of dollars of aid. It's embarrassing we can't get our act together for our own music community. Why the delay? It begs the question, does this governing body not care who owns the venues? It seems that -- [audio stopped]

[11:10:50 AM]

>> Have we lost the sound? >> We believe it's on his end, mayor. We'll call him back. >> Thank you. >> Karen Reynolds. >> Hello. My name is Karen Reynolds. We have elected the first African American woman as vice president, making an account more outrageous. Would you be okay with -- on her butt? I wouldn't think so. Why have you allowed your appointee to remain on the commission? Over a year ago you were made aware of this assault and you have done nothing. You should be ashamed of yourself. Anything less than removing him is an insult to women, especially women of color.

[11:12:01 AM]

>> Mayor, that concludes all of the -- >> Mayor, may I address that? >> Hang on one second. Councilmember tovo? >> Hello? >> Can't hear you, Kathy. >> May I address that speaker's comment? >> Mayor Adler: Go ahead, councilmember alter. Councilmember tovo, you're muted. Go ahead. >> Alter: Thank you. So, colleagues, you may recall that Ms. Reynolds emailed all of our offices with this allegation earlier in the year. My office attempted to speak with this individual to get additional information and she declined to communicate verbally with us. She's periodically emailed the council offices with these very serious charges and my office requested the law department investigate the issue. Ms. Reynolds declined more than one request from the law

[11:13:02 AM]

department to participate in the independent investigation, but instead has chose on to speak today. We were told by the law department the individual Ms. Reynolds has described as the victim disputed the characterization given by Ms. Reynolds, and made it clear the incident did not occur in the manner Ms. Reynolds described, and they were not a victim of inappropriate behavior. I urge Ms. Reynolds if she continues to believe something inappropriate happened, please communicate with the independent investigator and the city of Austin's law department, who has attempted on more than one occasion to communicate with her. To protect the identity of the person who she has described as a victim, I won't say more here. But I believe the law department can speak to any of my colleagues if they have questions. Thank you. >> Mayor Adler: Thank you. Councilmember tovo, are you still trying to speak? Can't hear you.

[11:14:03 AM]

>> Tovo: Mayor. I turn it off. I wasn't able to -- I wanted to ask our clerk whether that individual was on the phone not to engage in a conversation, but just because it sounded like a recorded voice. And I wasn't clear on whether it was a live discussion or not. But anyway, I appreciate councilmember alter's additional information, and thank you very much for your attentiveness to that issue and to working with our law department. >> Mayor Adler: All right, colleagues, those are all the speakers that we have. >> Mayor. I'm sorry. We have two speakers that called in. >> Mayor Adler: Oh, great. >> Okay. >> Mayor Adler: Speaker. >> Jason tercina. >> Can you guys hear me now? >> Mayor Adler: Yes. >> Yeah. I guess I'll just wrap up what I was saying, but, yeah. I don't know. It just feels like this council

[11:15:06 AM]

does not really care to help existing venues and communities comprised of survivors of the catastrophic event that's devastating us. Is this council okay with new music venues under new ownership taking the place of world-renowned venues that have made Austin the live music capital of the world? It seems the council thinks the people of Austin won't notice, and like them, don't care. If so, you couldn't be any more wrong. Where's the moral consistency? Where are the convictions, the sense of urgency? Again we demand the city of Austin distribute the funds in the resolution this month, not next year, now. There's one thing you would know if you know those in the music community, and that is we are very passionate people. We're passionate about our music and about the work we do. And we clearly don't do it for the money. Studies estimate the Austin music community is comprised of 30,000 austinites at large. That's more than the police and fire unions combined.

[11:16:07 AM]

We understand our power. We are organizing around it. We will not be dismissed. We are here, we are active, and we're just getting started. Thank you. >> Mayor Adler: Thank you. Colleagues, those are all the speakers that we have. That gets us to the consent agenda. >> Mayor, we have one more speaker. >> Mayor Adler: Go ahead. >> Zenobia Joseph. >> Thank you, mayor, councilmembers. I'm Zenobia Joseph. Mayor, can you just tell me the numbers that you have listed for me to speak on? >> Mayor Adler: Clerk, can you help with that, please? >> One second. We don't have it readily available. >> I have her on 39, 41, 44, 45, and Austin housing finance item 2. >> Thank you, clerk.

[11:17:08 AM]

Thank you, mayor, councilmembers. I'm Zenobia Joseph. My comments are specifically related to item 44, which I am in support of the representative's house bill 84. I did go back and look at the legislative history, house bill 2266, back in 2005 2005 predominantly talked about Austin smart housing. I would call to your attention, specifically the prohibition on a certain municipal requirement, section 214.905 does not prohibit you from creative solutions at the local level. And so I do have a critique. As it relates to the tax cuts of 2017, I would ask you to include that language in the resolution so that you can be a little bit more proactive in the opportunity Zones.

[11:18:09 AM]

What I want you to understand is that's a deferred capital tax gain, two that you have in your kit. And you can use that now. What happens at present is that these 4% low-income housing tax credits are creating concentrations of poverty, because councilmember pool is a sponsor of this ordinance, I would just ask you, councilmember pool, to recognize that you want a compact and connected city, there needs to be transit on sm734, east and west. And what has happened is 390 units that were approved in 2020 by Travis county commissioners court, and the newest bus stop is 3-4 miles. I want you to understand, that's \$4.7 million for the metro rapid line that was eliminated. And I would ask you to find the funds to enact the metro rapid line there. Specifically, the voters

[11:19:11 AM]

approved \$12.1 million for the hill metro rapid, and I would call to your attention only 2.9 people ride that bus an hour. Because it's water restricted in that area, it's not going to grow ridership. I would call to your attention, you mentioned the uprooted study in the resolution, but the authors of the uprooted study did write a report October 23rd, 2019. And they suggested that council did not listen to them as it related to gentrification on Riverside. [Buzzer sounding] >> There are many other comments I could make, but I would be remiss if I didn't mention the speaker registration of veterans day disfranchised military veterans. And I know that I don't have time to speak to everything else, but mayor, I would just ask you to recognize on election day that there needs to be some language that's added for setup on election day, because Martha ward did get a ticket at UT when

[11:20:12 AM]

we were setting up for the election. If you have any questions, I'll gladly answer them at this time. >> Mayor Adler: Thank you. >> You're welcome. >> Mayor Adler: All right, colleagues. >> Mayor? >> Mayor Adler: Yes. >> Pool: I just wanted to let Ms. Joseph know that there's some additional information to help with the details on the routes for the buses and cap metro that I will snag for her and send to her by email. I'll ask one of my aides to get that information to her to help clarify some information she has.

And thank you, Ms. Joseph, for your comments. >> Mayor Adler: Thank you. Colleagues, let's do the consent agenda here. Let's see if we have pulled items that we can handle. It's 11:20 now. The goal is to take a break about 12:00 P.M. For lunch, as close to that as we can. Let's see how much we can get done.

[11:21:12 AM]

Mayor pro tem. >> Garza: I just wanted to move the consent agenda. >> Mayor Adler: Motion to pass the consent agenda. Is there a second? Councilmember harper-madison seconds. Let's go through this now and make sure that we have this. The first question we have is item number I, which is associated then with item number 40. The question was to the manager with respect to item number 9, is putting that off for a week, as we put the 40 off -- putting 40 off for a week, if we put nine off for a week, does that create any issues? >> Speak to that. And we have director spillar to be able to provide some context on specifically number 40, not number 9. >> Mayor Adler: Okay. So I guess there is an issue. So, let's pull 40 and let's pull 9, and we'll then discuss those. Item number 11, the temporary

[11:22:15 AM]

380 program. We have an amendment from councilmember Casar that relates to worker issues. Does anybody have any objection to adding councilmember Casar's amendment to item number 11? Seeing none, item number 11 is now amended and will remain on the consent agenda. >> Casar: My second question related to item 11, we can wait until you're done with this process if you want, was how would the manager have us decide whether to fund this program this year or not. So we can discuss that now, or pull it, or whatever. But I wanted to hear from the manager how to resolve that issue. >> Mayor Adler: How to fund the program, the 380 program?

[11:23:18 AM]

>> Casar: We did discuss that briefly at work session, that it actually could be funded. But I don't know whether to give direction on this one, whether he wants to bring that issue back to us at the next meeting. And so -- >> Mayor Adler: And this is in part to your question about whether we could do it now and pay for it in the next fiscal year budget. >> Casar: It is exactly that question. >> Mayor Adler: Okay. >> Casar: And whether we need to provide any direction as we pass this item to bring something back to make a determination on that by majority, or what his recommendation might be, whether we wanted to determine that today. My sense is it's not ready to be determined today, but I don't want to go the whole winter break without deciding that question if a majority might be comfortable taking the risk. So if we should just pull it so the staff have some time, that's fine. I just didn't know if it could be

handled before consent. >> Mayor Adler: I guess the other thing to do would be to pass it today as it is, and then

[11:24:18 AM]

ask legal to speak to us, perhaps in executive session on Tuesday, as to the legal question. And then have the manager speak to us also on Tuesday about possible funding options for this. >> Casar: The problem would be if we discuss it Tuesday, if there's any need to post anything to handle that, then it's too late. And I don't want to just let the item -- if the manager needs direction, it sounds like maybe we have to pull it if there's not an answer yet. >> Mayor Adler: Let's pull item number 11. We'll come back and discuss that, and see whether it's appropriate for us to ask today, or whether we need to -- >> Casar: I'm comfortable with passing today. The question is do we need to add direction or amendments. >> Mayor Adler: I understand. So, we're going to pull item number 11 for now. Item number 33, I have a star

[11:25:22 AM]

next to this one. >> Tovo: I have language staff assisted me with in limiting the term, as I suggested I was trying to do. >> Mayor Adler: Was staff okay with doing that? The answer to that is yes? >> Tovo: I lost their language in the four inches of paper on my desk. If Mr. Scarborough is on the telephone and is able to, or Ms. Willet is able to bail me out on that, that would be great. >> Staff is available, councilmember. >> Tovo: That could be great. It was limiting it -- >> Mayor Adler: James, do you have the language? >> Mayor, councilmembers, James Scarborough, purchasing office. Yes, I do. If you'd like me to proceed, I'm glad to. >> Mayor Adler: Please read the language, yes. >> Yes. Amend item 33 to limit the authorization to the initial term of two years and expenditure amount not to exceed

[11:26:26 AM]

\$7,250,000, with the ability to return to council to seek additional terms at expenditure amounts if they are needed. >> Mayor Adler: Thank you. Is there any objection to the tovo amendment being added to this item 33? Hearing none, it is also added to item 33. And 33 will remain on the consent agenda. >> Tovo: Thank you, Mr. Scar Mr. Scarborough. >> Mayor Adler: Item number 40 is being pulled for the discussion with 9. That then gets us to item number -- I just want to -- we're passing by 43, and I just want to address that real quickly. As you recall -- what item number 43 does is it just extends the current and existing authorization for Dr. Escott, for the manager and for Dr. Escott to adopt rules, not dissimilar to -- and they have been coordinated with the orders of the county judge and mine.

[11:27:27 AM]

As you'll recall, we passed this about mid-year, a little past that to get an additional basis of authority for the positions that the city was taking in covid response. This extends -- doesn't change it, just extends what we've been living with here for the past several months, extends it through next year, because it has to be done by ordinance in order to be enforceable that way. If the pandemic goes away and we no longer need these orders, then at that point we would vote to delete, or to remove that ordinance. But that's all that does. It doesn't do anything new. It just extends. The next item -- does might be anybody have any questions about that

[11:28:30 AM]

before we go on? We have legal available if they're needed. Okay. >> I do, mayor. I was having trouble with my video. I didn't realize it was off. >> Mayor Adler: Go ahead. >> Thank you for the clarification. I had asked you to speak to that a little bit. I think there's some confusion. Perhaps legal can also just add a little bit about, you know, why this is necessary, because we have a rule-making process in the city. As I understand that, this is allowing that to happen in a timeframe we need in order to be able to take action when necessary under pandemic conditions. So if legal could provide some of that insight, I just think there's a sense -- there's a confusion that I think we need to address so that folks understand that this is providing us a tool for if and when we need it to be able to act. And if you could speak briefly

[11:29:30 AM]

to why this kind of stuff is necessary, I would appreciate it. >> Sure. This is an important tool that we came up with the mayor, as he said, earlier on. I know Trish is on the line. She's worked really hard on drafting these. And can address your questions more specifically if you'd like. >> Alter: If she could, that would be great. >> I'm with the law department. What this particular ordinance does is it authorizes Dr. Escott to issue rules. And the rules are geared towards addressing the pandemic conditions. We've had them in place since the summertime, and this ordinance will allow him to continue to adopt those rules as needed, as pandemic conditions change. And it is a tool that we can use to address sites that don't comply with the code, or if

[11:30:30 AM]

individuals are not wearing face coverings. >> Alter: And absent this, what would be the process if we wanted to try and make those rules? >> Council still needs to do an ordinance to authorize Dr. Escott to make the rules. So this is what this ordinance really does, is it says council authorizes him to make rules.

And these are the rules that are related to covid. >> Alter: But it doesn't say specific rules. It's providing the authority to make rules when necessary under pandemic conditions. But it was my understanding that we would also have to have a rule-making process that was much longer by our ordinary ordinances on the absence of this. Is that correct? >> Correct. So, this ordinance simplifies the rules process so that Dr. Escott can react as necessary. >> Alter: In a more timely fashion to address pandemic

[11:31:31 AM]

needs when the health authority deems it necessary for public health needs, correct? >> Correct. >> Alter: Thank you. I just wanted to clarify that before we move it. Thank you. >> Mayor Adler: Thank you. So, outside -- that's item 43. Let's talk next about item 44, which is the inclusionary zoning item. I started that. Did someone bring amendment language to that? Was that yours, councilmember Flannigan? >> Flannigan: Yes. That is the amendment language. >> Mayor Adler: Added a whereas clause, as I recall? >> Flannigan: Yes, sorry, my webex is acting up. It adds a whereas clause. It was posted to the message board this morning. >> Mayor Adler: Sounds good. Is there any objection to the whereas clause associated with 44? Hearing none, that will be added

[11:32:31 AM]

and that will stay on the consent agenda. I'm looking at amendments here. My amendment to item number 10 adding the daa was also incorporated. That's part of the consent agenda. That gets us to item number 46. Councilmember kitchen has published some amendments. Is there any objection to the amendments to item 46? Hearing none, those are incorporated into 46 and that stays on the consent agenda. That gets us to item number 48. Councilmember Casar had an amendment that was handed out on item number 48. Is there any objection to the Casar amendment? Hearing none, the Casar amendment is incorporated into

[11:33:34 AM]

item number 48. >> Casar: Mayor, if I could speak to that for a quick moment to be really clear about it. >> Mayor Adler: Okay. >> Casar: I appreciate that being accepted in. I know that it should go without saying that new programs like this that we create should be coordinated within our larger strategy, but in part because we recently received the report, it had a slide or page that showed that some of our current strategy is entangled lines we're trying to align our strategy on addressing homelessness. I thought it would be important to mention, I want to say here that of course it is always more helpful for us to try to provide services to folks on the streets than getting them housed and continuing those services in housing. So the more that this aligns with our strategy, even with the hotel strategy where

these resources are coming to bear, I appreciate daa and others bringing resources to bear. The more that I can be connected within our existing strategy,

[11:34:37 AM]

the better. Again, I'm not trying to lay out the details of the program, but it's just something we have received consultant advice on, I thought it was worth reiterating, and I appreciate the changes the sponsors have made and thank you for bringing this forward. >> Mayor Adler: Okay. >> Mayor. >> Mayor Adler: Yes, councilmember tovo. >> Tovo: On that front, I did circulate -- my office circulated this morning a very minor edit to my resolution. And that should all be in everyone's box. >> Mayor Adler: Okay. >> Tovo: I can also read that change. My hope is it can stay on consent, I have a few words to say about it. It adds to the be it resolved clause the first "Be it resolved" the following language, including funds for subsidies. So we're directing the manager to support the proposed collaboration and to identify

[11:35:38 AM]

any unencumbered funds that could help fund the specialty intensive integrated management team. Those funds exist, as the resolution makes clear that the dac has inused funds from this year, and daa has come forward and agreed to fund the remaining portion. But, in addition -- sorry -- we'd like the manager to look for housing funds. But we want the program to begin as soon as it's ready, even in the absence of those funds, not because those are not important, but because we know the resources exist to provide that really critical mental health and physical healthcare. So we want that in the program. >> Mayor Adler: Any objection to adding the tovo amendment? Hearing none -- manager? >> Just a note that we'll take that direction, but certainly recognize that unencumbered fund are just onetime, and typically

[11:36:38 AM]

housing vouchers are ongoing. Just with that caveat. So we'll certainly try to work with the direction that's given with this amendment. >> Tovo: Thank you, manager. And again, I think getting the program moving as quickly as possible is important to address the wait list that we know exists. And so I want to be sure that we have a really clear communication that more time will be needed to identify housing subsidies, and I don't want the work on the core program to be delayed. So I just want to be sure. Knowing that the funds exist, to get the team up and running to address that wait list, my hope is that you can make that part happen while continuing to work for housing subsidies. Is that your understanding of the intent? >> It is. And a little bit of it is just

[11:37:40 AM]

managing expectations on what additional unencumbered funds could be used. >> Tovo: I just don't want to delay. We have a great proposal. I really appreciate care and the downtown Austin alliance and community working to create this proposal, but also to identify some of the funding that they had not been able to use for services because some of the programs that provide services to dac clients had to go with lower capacities through the pandemic. So leveraging that funding to create this opportunity for individuals who are on the wait list, who total more than 200, is just really extremely valuable. So, thanks again to our partners for coming forward and identifying the need, and coming up with a creative solution to meet that need, and then in the case of -- and then helping fund that need, and to our staff for

[11:38:42 AM]

their support. >> Mayor Adler: And councilmember tovo, thanks for bringing this and adding to it the push for housing. Obviously that's one of the key issues that we have to help people get off the streets and into homes. Manager, if you'll look at that group, \$30 million, whatever that money was, the 65 that wasn't spent last year. And you're taking a look to make sure that that money is being moved to the highest priority things, and make sure that whatever that money is being spent for is a higher priority than housing people right now as part of your review, this might be a place where you can find some funding for this as well. All right. That amendment is incorporated without objection. So I'm showing now that the items that we've pulled are 9, 11, and 40. And the rest of the consent

[11:39:44 AM]

agenda, items 1-49, are on consent. It's been moved and seconded. Any discussion? Councilmember Casar, then councilmember harper-madison. >> Casar: I have one question to just confirm with the police department on item number -- sorry, I'm pulling it up again -- 24. I don't know if chief day is available. If not, I can wait and have others speak their turn. Mayor, why don't you go to others. >> Mayor Adler: We'll let chief gay know we need him to come. Thank you. Councilmember harper-madison. Can you hear me, Natasha? You can't unmute. You can hear me, but you -- I

[11:40:54 AM]

can hear you now. >> Harper-madison: Oh, there it is. Okay. I need to pull item number 72 from the consent agenda, but could I hold off until we get to the zoning items? >> Mayor Adler: You can. 72 isn't on this morning's consent. This morning's consent -- >> Harper-madison: 1-49. Thank you. >> Mayor Adler: Yep. Councilmember Flannigan. >> Flannigan: Thank you, mayor. Glad to put 46 back on consent. I'm really excited about the use of historic funds for iconic venues, the 15% from hotel tax. It is kind of possibly the perfect use of those dollars, as these venues, as we're establishing and we know, are so closely tied to what makes our tourism industry in Austin so unique in the market. And these are the venues that help fill hotel rooms with tourists, who then pay the hotel

[11:41:54 AM]

tax. The more tourists we have, the more funds we'll have for all the funds. I do have some concerns with some of the language, but I'm comfortable with the way it's laid out. More for staff and for the record, around the visitor information centers. But I think this strikes the right balance around letting us move forward on the 15% while we work out those details. So, thank you councilmember kitchen, and the cosponsors for working that out. I am particularly interested in the staff analysis on the rest of the 15% historic fund. For example, are there projects in the queue that are not -- that haven't begun yet, where the underlying site is not at risk of loss the same way music venues are at risk of loss. Maybe we should be considering some re-prioritization of that project list, since a lot of that was set before the pandemic began. And I'm very interested in that work continuing with future funds from the 15% historic

[11:42:57 AM]

bucket. It strikes the perfect balance between trying to achieve the objectives of state law and the lawful uses of the money. And the other piece I'm glad to see equity cited in the last be it resolved. It's not in the selection criteria, but taken as a whole it should be clear to the economic development corporation what our expectation is. I'm not 100% sure about the listed exhibit a. I'm not sure it gets us where we want to go. I can live with it. We want to prioritize equity. In the list, I'm not sure there's a lot of LGBT or Asian businesses. You could go on and on about all the different types of equity we want to ensure we're achieving. But there are a lot of iconic businesses that contribute to tourism, some of which may not be seen by visit Austin, or in large part because those communities, for many years, had to be hidden, certainly the LGBT community couldn't be as public. In the long-term sense,

[11:43:57 AM]

short-term, yes, let's get this going, excited to see that. In the long-term I am interested in including the multiethnic chamber alliance as possible partners to this work and the aedc to be a strong voice of

equity as it relates to our business group. But glad to see this thing moving forward. It's really exciting work. >> Mayor Adler: Councilmember kitchen. >> Kitchen: Yes, thank you, councilmember Flannigan. I absolutely agree with the way that you've characterized it. This gets started with dollars that our staff said was available from previous 15% historical. And it gives us the opportunity to continue to have that conversation going forward. And the list, as you say, is illustrative at this point. So it will be important to reach out and provide an opportunity to consider, you know, others that should be on that list. So, thank you for saying that. That's exactly the intent, is to get this started. I think it is very exciting.

[11:44:59 AM]

>> Mayor Adler: Councilmember alter. >> Alter: So, I want to thank councilmember kitchen, and tovo, and pool, who I joined with in cosponsoring item 46. We've been working for a long time to figure out whether we could -- whether and how we could access some of the funding to provide some relief to our iconic venues. And I want to thank councilmember kitchen for when I said let's look at the historic preservation bucket and see if we can get some of those old funds for really following up on how to make that happen in practice, which I really appreciate. The second thing I wanted to comment on on the consent is I wanted to note that we have four park acquisition -- parkland acquisition items I'm really excited about. None of them are in my district, but these are all properties

[11:46:02 AM]

that we are securing with parkland dedication and with bond funding. And I want to thank our park staff, which is doing a tremendous job of trying to address one of our strategic objectives to provide access to parks and trails to folks all around the city and securing these properties and eventually developing them is key to that. So I want to thank them for their work in being creative and finding these properties, and look forward to all of the exciting things that we're going to be able to do with the funds the voters authorized in 2018 for land acquisitions. Thank you. >> Mayor Adler: Okay. Now, continuing on with the discussion, councilmember Casar, you wanted to ask some questions of chief Gaye? >> Casar: Just one quick question, because some folks had seen this item and raised

[11:47:02 AM]

concerns about whether our intellectual property enforcement grants were used in any way against, for example, you know, artists and musicians. It's been an issue, potentially, in other places. But upon asking some questions -- and we got a memo -- chief Gaye, will you confirm, my understanding is the police department has no record, since we've started receiving this grant in 2011, of artists or musicians, trademark or copyright issues being enforced in a way that arrests those folks, that y'all have more record no record of people being arrested for those things under this grant. That's the information that I got

from y'all, but just wanted confirmation. >> Thank you, councilmember. This is chief Troy Gaye with the Austin police department, chief of staff. You are absolutely correct in your assessment, and we are focusing our efforts strictly in regards to the memo that we sent

[11:48:03 AM]

you guys. >> Casar: Thank you. I feel comfortable moving the item. And with the continued direction on those priorities laid out in the memo, things like fraud, targeting our elderly and kids, and financial crimes and that sort of thing. So, thank you for clarifying that for my office and the community that asked that question. Thanks. >> No problem. >> Mayor Adler: Okay. Good. We're on the consent agenda, which is items 1-49. Items being pulled right now are 9, 11, and 40. Any further discussion? Councilmember tovo. >> Tovo: Mayor, is there a chance we could put 9 back on? I know councilmember alter wanted to talk about 40, but can we keep 9 on? >> Mayor Adler: I think her question -- >> Tovo: Session? >> Mayor Adler: Alison had

[11:49:04 AM]

questions about number 40 that were related to 9. She wasn't sure whether or not 9 should pass until the questions had been resolved. >> Alter: No. I wanted 40 not to pass without some more time. But I think 9 needs to be postponed regardless of what happens. >> Mayor Adler: Okay. >> Alter: On 40. >> Mayor Adler: Does anybody have any objection to number 9 staying on the consent agenda with a postponement until next week? Hearing none, 9 will be postponed week until next and remain part of the consent agenda. That just leaves us, then, 11 and 40 being pulled. Any further discussion? Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed? All right. >> Mayor. >> Mayor Adler: Yes. >> Tovo: Can I make a couple quick comments? One, I wanted to request of our manager -- I know -- I don't

[11:50:04 AM]

believe that we'll have time for this conversation at our next work session, but early in January, I'd like to request a council conversation, a piece of which would have to be in executive session, related to some of the memos received about the historic funding related to the hotel occupancy tax. I believe that we would benefit from really, a better understanding as a council the calculations and the way in which they seem to diverge from the last group of calculations that we received from Carla when we were talking about historical funding for the historic preservation piece. I believe there is more there than the staff memo suggested. And Carla's memo had indicated there was. So, I know that's like way in the weeds for today. My request really is just, could we get it on our work session for early January, because it's significant. And I don't want too much time

[11:51:05 AM]

to pass and have staff believe that we have sanctioned that particular assumption. It also relates to a conversation that we had in executive session, and some guidance we provided to staff about that historic -- about the funding that remained within historic preservation, and a potential future use that we can't talk about in open session. And two, I think before much more time passes, we need to get a really clear understanding between staff and the council about one, how much funding exists, and two, what one contemplated use is of it. So, manager, if you could add that in for January, that would be great. >> Will do, councilmember. Thank you. >> Tovo: I also just wanted to say thank you, colleagues, for postponing number 9. That additional time is really important, I think, for our council, but also for our community. And manager, you and I had an opportunity to talk about hill south and some of the ways we've

[11:52:06 AM]

engaged the community to respond and help us and guide us in our use of publicly owned land, the Seaholm intake building, these included a public component that was important to helping make sure we had the community's trust and the community's investment and support of how we were going to use publicly -- city-owned tracts as they were redeveloped. And I want to be sure that we don't skip that step with health south. And so depending on whether the postponement -- depending on whether or not we vote next week or vote in early January, I'd like to add in and will be providing some direction to our manager that I hope our council will support about including that public component and feedback session. I'd like to ask our manager to create a project page about this on our website so that that feedback can also come in through our website as well. And colleagues, within either today or tomorrow, my staff and

[11:53:09 AM]

I are working to compile some of the questions that we have about the proposals we've received, and also to -- in part, to guide our thinking about how we could get to more affordable housing on this tract. I think we have a really exciting opportunity here. I was -- I'm really glad, as somebody who has been -- who helped initiate, co-led the initiation of this -- cosponsored the initiation of this, I'm excited to be at this part -- point. But I look forward to our conversations and working with all of you and the community to see how we can achieve it, and more affordable housing and community benefits on this tract. So if you would just please keep an eye out for the message board post and some of the questions, my staff has done a great job of compiling a lot of the reports that are not part of our backup

[11:54:09 AM]

for today's agenda. We'll provide links to those on the message board as well so that that can help guide our conversation and the community's conversation. >> Mayor Adler: Great. Thank you. I think we're ready to take a vote on the consent agenda. >> Tovo: I think we did. >> Kitchen: I think we already did. >> Tovo: My comments were ill-timed. I'm sorry to throw things off. >> Mayor Adler: I think I called for the vote. I don't know if we did it. >> Kitchen: We did, mayor. >> Mayor Adler: Okay. Then the consent agenda passed. >> I don't remember raising my hand. >> Mayor Adler: Those in favor of the consent agenda, please raise your hand. Those opposed? Everybody raised their hand, it passes. Thanks. We may have done that twice, but it'll count anyhow. We have two items, item 3a, I don't know if we want to think about that over lunch and come

[11:55:10 AM]

back with how they propose we move forward with that, that way you have time over lunch to think about it. Item number 40, did you want to talk about that in executive session, Alison? >> Alter: I'm okay to hear what director Spillar has to say. I just want to be clear that my concern is -- so, the 11a that led to this, I didn't want to approve at the time because I wanted more time to review it, precisely because of the situation I feel like we are in right now. As I understand it, this \$3 million cost will have to be absorbed by health south, which will mean that they can provide fewer community benefits, including affordable housing, that we are contemplating. And so that is what I'm trying to understand. If we approve this, then we're basically saying health south has to do that or we absorb it. And I'm not comfortable with that without some more clarity.

[11:56:11 AM]

And I don't know that I'm going to get that clarity today. But I'm happy to hear what Mr. Spillar has to say, and then we can take it up again after lunch if it doesn't resolve the issue. If he's fine with the postponement. >> Mayor Adler: Mr. Spillar? >> Yes. Can you hear me, Mr. Mayor? >> Mayor Adler: Yes. >> To be clear, health south will not have to pay for those waived fees. Those are separate. The roadway is being constructed by central health. And the fee waiver are fees that we would not collect on that construction. And so health south and the affordable housing project will not be saddled with any of those fees. We obviously need the right-of-way that goes through that property that was already

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presented and conceived as part of the development so that we can straighten the street out. But all development costs will be handled through the Ila with central health. In terms of postponing, the developer -- I'm sorry. >> Mayor Adler: Councilmember alter, does that answer the question? >> Alter: Yeah. I would like to think about it. I may have some more questions after lunch. But I appreciate that clarification. >> Mayor Adler: I understand. >> Alter: But I still would like to know what the consequences are of a postponement for a week. >> Mayor Adler: Okay. >> In terms of the consequences, we have a contractor ready to start the construction. The provider of that street, which is actually the UT development, has already paid all of the permits and the design. And they are really ready to get started. And every bit of delay delays them in moving forward and being

[11:58:13 AM]

confident on the construction of their building. So, there would be an impact. >> Alter: Maybe if I can get back to you after lunch and see if I have further questions. >> Certainly. >> Alter: I still remain uncomfortable with the Ila that we signed, but let me see if I have further questions after lunch, and we can address. >> Mayor Adler: Counts good O councilmember tovo. >> Tovo: Thank you. Once the agenda posted I was reflected back on that conversation about the Ila -- and remembering that you had urged us to make sure we had at least the documents in front of us to approve, and in the end we did not. We made a decision on that .. Without reviewing the documents for healthsouth appears to have been that in the course of doing what switched from an rfi to an rfp, as I understand it, the

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transportation department, because of the Ila, then added in the requirement that the healthsouth development, so it is a city owned tract and a project designed to fulfill our interests in having community benefits, then became responsible for that more than \$3 million cost of the red river alignment. That was communicated to those who were doing proposals and who know how that impacted the proposals we received, because it became a revenue requirement that was added on to the -- on to the projects. You know, all of this happened long after at this council conversations we had about healthsouth, I mean it just happened in the court of the switch from the rfi to rfp, even though we as a council talked about doing an rli and cbrls, I think it was said on Tuesday that it was the language in our resolution that prompted that change. That wasn't accurate. It was -- came on board the city

[12:00:14 PM]

and recommended, you know, again long after our council conversation recommended to our city staff they switch to an rfp which they did and then the transportation -- once with the Ila passed again in the interim the transportation department communicated to our economic development staff that would

have to be a cost associated with the healthsouth project, that went into the rfp, those who did proposals had to accommodate that cost. So I mean I think the good news is that as I understand it and I believe director spillar you just confirmed that you have now changed that decision. >> Yes, councilperson. >> That change which just happened. I had a meeting with staff on Monday and on Tuesday it was announced healthsouth would no longer have to bear the cost. I want to be clear because I think -- for some reason the audio was not great at our work session and so I got some questions about that too about whether that was what director Briseno was saying so I appreciate you confirming that that is the case, that

[12:01:15 PM]

healthsouth is no longer responsible for that cost but that is a brand-new decision. >> Councilmember, at the time of the discussions with regards to rfi, rfp we do not have a solution on the Ila with a different partner and they were parallel processes, and, yes, we were able to resolve that such that we no longer had to have that contingency, so healthsouth will not be responsible for construction of the roadway. >> Thank you. I think that is entirely appropriate and I don't know how often we will find ourselves in this circumstance. I hope as we go forward we are going to be able to have these conversations again about city owned tracts that are being redeveloped for public services. I hope we are not then going to saddle them up with financial requirements just because we do private developments. This is intended to be really a city -- so but anyway I appreciate that decision. I do think just for my colleagues one of the questions,

[12:02:15 PM]

you know, I think that this opens up more opportunity to have more affordable housing units on that tract because with that \$3 million removed we should be able to achieve more affordable housing, so that's one of the questions I have to staff is how that removal would impact not just the one that has been recommended, not just the proposal has been recommended but how it might have impacted the other two, some of the other proposals that were -- recommended by staff. And manager I would like to request also that the applicants, if they are interested in doing so, that the applicants for the health south project be present next Thursday so that, or whenever we take this up for the next level of approval so that we have them and can ask of them that very question which may be hard for staff to respond but the applicants themselves will be able to do so. >> Mayor Adler: Councilmember alter, and then councilmember pool. >> Alter: Thank you,

[12:03:18 PM]

councilmember tovo, I did miss that on Tuesday when councilmember kitchen and I were working on the Austin transit partnership interview process, which overlapped with the extension of work session. So I just want to be clear so healthsouth will not be on the hook, whoever develops healthsouth for the city will be on the hook for the realignment, so that is one. Two, we are waiving the right-of-way fees so we are waiving, if this is otherwise done we would have those fees. Are the costs for permitting, et cetera still being covered? And then is UT covering all of the costs of the movement -- or -- for central health, whichever one is moving -- >> Councilperson, this is rob spillar again, let me answer your first and third question

[12:04:19 PM]

first. All costs of construction are being born by central health for the construction of red river street we will come to you with a proposal to transfer right-of-way to them, to compensate for the city's expense that's where AT&T gets involved and that's part of the public plaza design process that is ongoing. And so at the end just to be clear, healthsouth will not have any cost of construction. We with two of course I will just say again lead the -- right-of-way from healthsouth to guild the road in that section and that has been designed in the concept. In terms of service, yes, central health and therefore UT, the developer of the roadway will pay the costs of service, what we are waiving are the right-of-way rental fees that

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are usually used when a developer is building in the right-of-way. The reason we believe that is appropriate here is they are building a new street on behalf of the city here, correcting a grid problem, most of the work that requires this is drainage work that is in the right-of-way as a betterment to the overall plan. >> Alter: And I don't remember back to the Ila, that's the portion that is being swapped, is that the portion that runs along the water alone park or is it where we felt we could do wrap around housing? >> It is that piece, yes, up near 168, that Ila is in its final stages of being completed, yes. >> Alter: Okay. >> And, you know, how that property is used near 168, which is at the corner of existing red river and 15th street still needs to be determined, but, yes that is the same discussion that you referred to. >> Alter: Okay.

[12:06:19 PM]

I continue to have my reservations over that part of the Ila. I will assess, but I don't know that that is part and parcel of waiving the fees on that. I will confer with my staff to see if I have further questions. >> And I and my staff are available should they need to talk to us. >> Alter: Thank you. >> Mayor Adler: We will be right back after lunch and see if we can dash is next. >> I think I was after councilmember alter. >> Mayor Adler: Okay. Yes, councilmember pool. >> Pool: Thanks. Mr. Spillar I was curious of the

typing of the change from the rfi to rfp was that before or after the item was published publicly looking for -- >> Councilperson, I don't know that answer. I would defer that to Margaret Shaw or someone from economic development to though when that actually happened. The two processes would be

[12:07:20 PM]

parallel. I don't know when that actually was an item that was discussed. >> Pool: So I am curious and kind of amplifying a little bit on what councilmember tovo was talking about, what impacts did that change have on the people who -- the parties that had already bid a response? >> Mr. Gonzalez or Mr. Briceno, can you answer councilmember pool's question? >> Councilmember pool -- those dates as director spillar had indicated they were parallel processes that ran at the same time. With regard to the rfp process, we have checked purchasing and they don't believe the process was compromised because all -- were requested to do the same thing. Director Briceno is there anything further you would like to -- >> No. I think you have got it. >> Pool: So I just want to press a little bit on this, because this is an unusual circumstance and in my six years

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0 council and my many years before that I have been following council activities and actions, I would like to know how staff can change an rfi into an rfp without bringing that change back to council. I have concerns. I have never heard about parallel rfi, rfp, since you indicate this is what you are doing how come we didn't know about that and how often have you done that before? >> Sure, the parallel process was not an rfi or rfp, it was the rfp process and the Ila process, those were with the ones running parallel, two separate projects, the Ila being central O health and -- >> Pool: So this is like really incredibly and -- confusing, I think we definitely need the week's postponement on this item to kind of sort through all of this but it does raise some troubling questions for me about what staff is doing after council has given

[12:09:23 PM]

direction and so city manager if you could have staff set up some time with me and my chief of staff to review all of this I would appreciate that, before Tuesday's session. >> Mayor Adler: Councilmember tovo? >> Tovo: I just want to [indiscernible] By no means am I implying the process was compromised in some way. I am simply saying because of some of -- there were some other [indiscernible] I think in answer to your question, councilmember pool it was not switched once published. [Indiscernible] >> Mayor Adler: We lost you, Kathie. >> Tovo: I was answering specifically the question councilmember pool asked. The process -- I completely -- the process absolutely to in no way was compromised, but the point I am trying to make is Ila -- I mean with the --

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right-of-way cost is that now that the staff have decided that doesn't need to be attributed to healthsouth, all of the proposal -- we should be able to -- that's a cost that any developer we elect to partner with doesn't have to bear, and so that changes -- I would argue that will change the numbers of affordable housing units that we can get on that site so that is great and again I appreciate AT&T's decision on that. I am troubled that it ever was as described outside of the council conversations through the project, but that's at this point a problem that has been -- now, the question is for staff and the applicants how might that have changed the proposal you submitted and how can it change the project and the partnership that, that we decide to move forward with? And regardless -- I am not sure any of us can go back and figure

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out how that might have changed the problem stalls we received or whether we would have received proposals from affordable housing developers that were -- felt they couldn't bear the financial requirements that were asked because of that additional \$3 million. You know, that is just speculation -- that would just be pure speculation at this point. What I know is now we removed that, we need to be able to achieve more benefits through this proposal. So that's the -- that's one of the conversations as a council we can have about, you know, what we would anticipate seeing. With that -- >> Councilmember pool. >> Pool: Yes. Thanks for that, councilmember tovo. And that's where I was aiming too, knowing that they have to pay the 3 million in in the street impact and alignment of red river, if the parties thought they had to pay that that would definitely have had some impact on the proposals they would submit to the city and so I was curious about the

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timing on when the parties were notified that they didn't any long very to pay that and then the subsequent cascade is can we see more affordable units in those proposals. If it looks like the process was run appropriately and properly, that's great. I had a bit of confusion about how all of this played out and would appreciate a little bit of additional briefing on it, but to the extent that we can ask the other - - to the extent that 3 million is no longer going to be on the ledger for the parties who want to respond 0 to the proposal I would like to know if that makes any difference in the -- in what their proposals look like. >> Mayor Adler: All right. We are going hold off on item number 40 until after lunch and bring it back up. We are going to do citizens communication now so we can let those speakers go and then we will take our lunch break and

[12:13:31 PM]

head into executive session. Clerk, Myrna, if you are with us can you call the citizens communication speakers? >> Yes. >> The firstspeaker is Jesus Mendoza. >> I think we have power speakers. >> >> Three called in. >> Three speakers. >> Uh-huh. Jesus Mendoza. >> Yes, ma'am. I am here, can you hear me? >> Yes. Go ahead, please. >> Okay. Mayor, city officials my name is Jesus Mendoza my telephone -- I have been homebound for more than seven years request a life threatening hypersensitivity eh ehs. I am sleep deprived and in pain all the time, every day it is a different torture, this is a horrible way to die, it proves my was called by retaliatory

[12:14:32 PM]

radiation, and harmful, has been recognized by federal and city agencies and by courts at the physical, medical condition and as a difficult anti-, it is estimated without knowing more than 50 percent of the population is having symptoms. Teachers, doctors, attorneys and even director of the world health organization are suffering from ehs, we have the evidence that despite the ehs, most doctors are in the dark or in denil and continuing misdiagnosissing with harmful drugs and unnecessary invasive symptoms. The symptoms disappear by avoiding microwave radiation. In November of 2016 the Texas attorney general paxton admitted in open court because of my life-threatening ehs -- and in response to lawsuits and by default paxton admitted he attempted to enforce by incarceration late child support orders to conceal the murder and

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conclusion of the governor of Texas Greg Abbott with the Ricardo Rodriguez and others concealed a mass medical malpractice and medication, medicare fraud conceal that microwave radiation is maiming and torturing to death, children, teachers and other defenseless and unsuspectses victims, furthermore evidence on the records proves the national security paxton, Rodriguez, outrageous prosecutors and members of the judiciary engage the other acts of domestic terrorism, including attempts to conceal the government responsibility for children and the mentally disabled to commit mass shootings and other acts of terrorism to justify the massive and harmful radiation surveillance of schools and homes and to conceal that government's responsibility in powerful radiation surveillance are being used to him and torture to death those who denounce government atrocities and other defense less and expected victims, ineffective

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the privacy of their home as they fail -- impeach these federal judges by the evidence and by the criminal complaint of domestic terrorism against Abbott, Paxton and Rodriguez, submitted to federal authorities, and -- wireless watch love.org, sharing this information with parents, teachers, doctors, attorneys, judges and leaders can save millions of lives, thank you very much for this opportunity. >> Force. >> Mat peck. >> Hello. I was in -- mayor and councilpersons thank you for allowing me to speak today, I was in the Beacon Ridge neighborhood in South Austin, my neighbors and I had a challenging experience with a person in a derelict and inoperable RV for about four weeks. My neighbors and I share

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concerns about the narrow intersections, visibility being hindered and trash and debris on the sidewalk and street around the R visit, they arrived on our street in October and immediately removed the wheels of both vehicles making them inoperable, removed in late November this is actually after I requested to speak to the council meeting here, since I only have a short amount of time spare all of the details that document was prepared with further information, if anyone is interested. So my neighbors and I do resolve this issue by contacting the 311 system, to code compliance department, APD as well as our city councilperson's office, it took several and a little surprised by the lack of response, the RV was removed by U-Haul truck and none of my neighbors received a city follow-up on their request, via the recording systems, I was just wondering if there was a different process we should be following as citizens for neighborhood concerns so that we

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can get a response even when the -- thank you for your time today and I will talk to you later. >> >> The Michael Oyler. >> Thank you so much and happy holidays, everybody. I am a resident of South Austin in the Galindo neighborhood and I have been a Healthy Street Captain since the conception of the program and I just wanted to talk to you all and voice my support of the program, I live a few blocks away from the Garden Villa Healthy Street and I know that the changes in how that street is used has been dramatic since Healthy Streets was initiated back during the Summer. Three years ago when we were looking for a home to buy in South Austin we looked on Garden Villa but opted to not move there specifically because it was used as a through street and

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clearly there were no sidewalks for safe walking of dogs, children or otherwise and I really feel that Healthy Street has made that easier and more accessible to the residents. And further I think you have an objective measurement tool in the form of the Prop B passing last month that indicates that the citizens of Austin have an appetite for more opportunities to walk, bike and run safely within the

confines of Austin. So with that, again, I want to just reiterate my support for the program and I know a lot of folks locally are also very vested in it and I hope to see more types of programs in the future. Thank you so much. >> #02: Mayor, that's concludes all of the speakers. >> Great. Thank you. All right. Colleagues. >> Mayor Adler: It is 1212. I would have us taking our lunch

[12:20:38 PM]

break now and coming back to executive session. I don't know that we have a lot of things to do when we come back. So I am going to suggest that we go to executive session at 1:30. When we come back out close to 2:00 we will take speakers on the afternoon work. We have about six speakers so pot very many. We can do the consent which looks like it would be all of the zoning cases except for maybe one or two. When we have taken the consent agenda on zoning, we can come back and finish the items that will still be in front of us. The items still in front of us will be item number 11, I will ask the staff to speak to us at the beginning as to councilmember Casar's question, we is a item number 40 which was the conversation we had just a

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moment ago, the issue in front of us is the fee waiver question, so it is relatively narrow. We also have the Austin finance corporation issues. And then two items and then we have the street impact fee issue. In addition to the zoning. So I think we ought to be able to get through all of that hopefully before dinner. With that we are going to now at 12:21 take a recess and then we will be going into closed session at 1:30 to take up two items pursuant to section 551071 of the government code we will discuss legal matters related to item 56, Austin tourism public improvement district and also pursuant to 551.072 we will discuss president matters, real estate matters related to item

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55, which is the healthsouth tract issue related to item number 9 that was postponed. Kathie, just give me one second. I will now ask if there are any objections or questions before we would convened in executive session at 1:30. Kathie? >> Tovo: Mayor a couple of the questions I have today I am still reviewing the proposals. So I have a fewer questions and could hold them unless my colleagues have them on the real estate fees item, but I do have some legal questions related to item 9. I do apologize if it is possible for you to -- >> Mayor Adler: It is. >> Tovo: Again depending what my colleagues want to do I could skip the real estate discussion for today and just state the legal discussion -- knowing that likelily want to have both of those next week. >> Mayor Adler: At this point I am going to amend our announcement to allow us to go into executive session to discuss legal matters related to

[12:23:42 PM]

both items 56 and 55. And also we already announced 55 is a possible real estate, until we get together we can make that decision. I am sorry, go ahead. >> Tovo: I am sorry. Do we have the right number for that. It is the healthsouth -- >> Yes. >> Mayor Adler: It is. It is number 9 is listed in executive session, executive session section is item 55. >> Tovo: My apologies. Thank you. >> And sorry, mayor. That is correct. So it is legal issues on item 55 it would be helpful if we are not going to do the real estate executive session to clarify that right now. So we can -- so we can have the real estate next week if people have questions but just go the legal issues that councilmember tovo presented Tuesday. >> Mayor Adler: I was honing to hear what the real estate questions were, but council, councilmember tovo suggests she can hold off on her real estate

[12:24:44 PM]

questions unless people want to hear them today. Do you all want to express a preference? I wish I knew what the questions were to be able to express -- >> Tovo:ly keep it short, mayor. I am happy -- it won't be a full list of questions but I do have a couple. >> Mayor Adler: So. >> Tovo: For consideration. >> Mayor Adler: Let's have the real estate question at the very least it will daylight for the rest of the council the issues that councilmember tovo has. Has. So we will go into executive session legal items on both 55 and 56 and real estate on 55. With that, it is now 12:25 councilmember Renteria. >> Renteria: Just want to let you know, let you know that -- in the community the contact team wanted to defer, postpone

[12:25:45 PM]

the item to next week on 64, south Austin apartment. There are just going to fax some documents and then come back and go on consent next week. >> Mayor Adler: Okay. Thank you. Anything else? All right. With that, then, 1225 we are in recess and two to executive session at 1:30 and see you all on that other channel then.

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councilmember Renteria earlier Dade neighbors -- yes, mayor. >> This is -- the neighborhood agreed to postpone request on 64. >> Mr. -- 64 is going to be postponed. >> Mayor Adler: 64 is going to be postponed. >> Okay. No other agenda item except for 64, correct? >> Mayor Adler: Well, 64 is being postponed, the rest of the zoning cases will be called. Some are being postponed and some will be heard. >> Thank you. >> Mayor Adler: Yes. Okay? Next speaker. >> Adam sharp. >> Yes. Hi, you guys hear me? >> Mayor Adler: Yes. >> Great. So my name is Adam sharp the president of a -- neighborhood association. Zone date has been working with -- design for months on this development, and this is the -

[3:07:34 PM]

case. It wasn't -- it wasn't clear, so this case was definitely postponed in August with a set of conditions on the table -- waited until mid November to contact us -- issued with us an ultimatum taking most of our conditions away. We still want to work with them but we don't get a sense that is where they are at. Please note, indicate they should return to the discussions we left in August. We have already had two zoning cases this year in our small neighborhood and were able to compromise with them on one of them on east mlk. We feel we need to tailor that carefully to make sure it will work for all and as utilized for housing of the scale and intensity presented. We feel that it is a reasonable stance and thank you for your time. Time.

[3:08:37 PM]

>> Andre go dei can't. >> Bodega. >> >> Hi. My name is Andre bonidilla. I am speaking on behalf of many of my neighbors on Anna Rosa loop. I am just here to support item number 73, the rezoning of with -- burnet road, we have come to a mutually agreeable agreement with the developer and, yes, I just wanted to be present to answer any questions that anyone might have as it pertains to this case. >> >> Mayor Adler: All right. Councilmember harper-madison. >> Harper-madison: Thank you, mayor. The I just wanted to offer some clarification for anybody listening and for my colleagues for the complicated case which is the Heflin lane case, 74, 75,

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I just wanted to get some clarity, it is my understanding there wasn't an ultimatum, I think it is important to clarify that what was provided was asked for by the mlk contact team. They asked for the options to be presented to the neighborhood in which case there was one presentation that said this is what will happen if we develop based on the zoning requests that we have before us. This is what will happen if we don't receive that zoning request, which basically many means what can happen by right, so there wasn't any ultimatum, they didn't say if you don't offer us the opportunity to get this zoning variance that you are going to have to take this. They were just presenting the neighborhood with facts which is what will happen by right if they don't get the zoning request and that was requested by one of the neighbors. >> Mayor Adler: Thank you. Next speaker. >> Zenobia Joseph.

[3:10:41 PM]

>> Thank you, mayor, councilpersons, I am Zenobia Joseph. Two cases that I signed up for. 58 and -- I just wanted to refer you back to the record, but I want to contextualize my remarks by reminding you that on November 12th you passed a resolution which spoke to the eastern crescent and specifically it talked about equitable land use practices the -- practices east of U.S. 183 and fm 969 area as well. And so I would just call your attention to the July 7th 2020 zoning and platting commission transcript where the applicant was asked specifically if he had a problem with the conditional overlay, which was for the service station and he said specifically, okay, if what you

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mean by service station is like gas station with the pumps, things that nature -- I have no problem. You all can put that in there. Okay. And then they asked him again, at the end of that hearing, and he didn't comment. So I don't know which -- I am just sticking to the transcript and what I heard. I would just call your. To your attention as well as the that the planning and zoning commission voted twice, they voted September 1st, 6 to three and July -- I want to answer councilmember alter's question, she asked about the neighbors. There is a pattern in this area, councilmember alter, fm 969 area. I have asked that question as well, usually about Craig wood residents and oftentimes .. The cases have been passed on consent agenda with no discussion, specifically the one with that was at mf -- fm 969 and U.S. 183. The same thing happened for the

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case, for the liquor store. So I don't know if anyone was notified in this case. Councilmember kitchen asked specifically about what the rationale was, I would say it was benzene, councilmember kitchen, there is no safe level of Ben even that, Ben seen that can, Ben 16 .. The issue you have five gas stations in a two-mile span. There are two in the descript of 5601 Nixon and there are three within a quarter

mile of fm 969 and U.S. 183. So while I certainly respect that Natasha harper-madison and a counsels for that area, councilperson testified there were environmental safeguards in the area and also mentioned the adjacent property .. Were able to have a gas station in the flood plain, I would just say that something is not working in that area if you have five gat gas stations and then I refer to

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councilmember alter, the 0 comments she made regarding regal Arbor and this is in 2017 where she read 25 uses into the record in a commercial area. >> Mayor Adler: Great, thank you. >> The only other thing I will state, the other case, mayor, I know my time expired, is -- was David chapel and all I was going to ask was for them to get input from the brachycommunity with that rezoning case since it has been postponed about 10 times. Thank you. >> Mayor Adler: Thank you. >> Mayor that concludes all of the speakers. >> Mayor Adler: Thank you very much. Jerry, can you take us through the consent agenda for zoning? >> Sure, mayor, Jerry rusthoven with of housing and planning department the first item is item number 57, this is case C 1420200096, I can offer this on consent approval on second and third reading.

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C 140057. I can also offered this for consent approval and second and third readings, item 59, in is postponed by request will will

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will continue. >> Item 65 is -- I am sorry, npa-2020-16.03. 66 is npa 2020-16- also consent on first reading. Mpa consent approval on all three readings. 2020-0 082. Offered for consent approval on all three readings, item 69, 2020-108, also offered for consent approval on all three readings. Item 70, 109, consent, consent approval. >> 202000 also offered for consent approval on all three readings. Item 72, 2020-0 091, I believe

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the councilmember harper-madison would like to have that case discussed. 73 is C 14 -- 992, offer that for consent approval on all three readings, item 74 is case npa 2019-0 015.01, a and the related case is item 75 question is case C 1420200022. I can offer these cases for consent approval on first reading and

recommended by both the staff and the planning commission, however, we did have a speaker we just spoke to and councilmember harper-madison just spoke to it as well, would you like to have for those on consent approval on first reading or have them discussed. >> #01: We will keep it on consent unless somebody pulls it off. Right now -- yes, councilmember harper-madison will pull 74, 75? >> You muted, I am sorry. >> >> Harper-madison:.

[3:17:54 PM]

>> #01: I can't hear you. >> Harper-madison: Will you unmute me? >> #01: Yes. >> Harper-madison: Harp thank you. I don't know why it won't let me unmute myself. I want to pull item number 72. >> #01: Okay. >> #01: 72 was also pulled by councilperson tattle. >> Harper-madison: Okay. >> #01: Did you want to pull 74 and 75 or keep those on consent first reading? >> Harper-madison: Keep those on consent first reading but I would like to discuss. >> #01: You want to make a comment about them but keep them on the consent? >> Harper-madison: Correct. >> #01: Got it. >> I don't think I pulled 72. >> #01: I may have misunderstood. Did you pull -- >> I will vote on 74, 75 but I don't -- I did not pull 72. >> #01: Jerry when you were reading 72, I thought you said somebody wanted that pulled. >> #02: My understanding was 0 councilmember harper-madison was wanting to pull it. >> Harper Madison, okay. Sorry. 72 is pulled by

[3:18:54 PM]

councilperson. >> Is there a motion to approve the con accident agenda? Is there a second? Pulled seconds. The question on consent agenda. Harper-madison did you want to speak to item 74, 75? >> Harper-madison: I am sorry. I can't do it myself. Can you -- I can't unmute myself. . >> Mayor Adler: I can hear you. >> Harper-madison: Thank you. We were hoping to convey on this one, I pointed out already there is a complex one, but most of the city, most of the city, this area is seeing some pretty rapid increase in housing prices and that there are frankly now homes in the neighborhood listed for over half a million dollars. And so much like the conversations we were having around healthsouth and so many other situations, we have to recognize if we don't provide more housing opportunities that the reality is, the cost of what

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is limited supply of housing in the city of Austin a it will only continue to go up, so that existing site is S f-4 and if this case doesn't pass and this is what I am making reference to for one of the communities advocates which by the way I was just offering clarity for my colleagues and anybody listening I certainly don't diminish the contributions of the neighborhood, they have worked tirelessly and I believe in good faith with the representatives for this case but if this case doesn't pass then the developer will move

forward with a project just using the existing zoning on the site. Knowing that the primary concerns of the neighborhood really have to do with developing the site under sf 6, they are concerned it will result in a project in line with the outcomes they wish to see, but it wouldn't, it would result in housing types that would have

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less impact on property taxes as existing family homes additionally I am really pleased the applicant formed a partnership with Habitat for Humanity, ten percent of the units at -- more affordable home ownership opportunities, the contact team is continuing to work with the applicant and the neighborhood association to come to an agreement, so I am comfortable with making the motion to pass today's staff and PC's recommendation on first reading only and allow for those conversations to continue and just really highlight the good faith efforts of both parties' parts to really have a comprehensive conversation about what frankly is a complicated subject matter, you know, everybody wants the best for the neighborhood and so I look forward to them having the opportunity to continue the dialogue. Dialogue. >> Mayor Adler: Great. Councilmember Tovo.

[3:21:57 PM]

>> Thank you, mayor. >> Tovo: Thank you, mayor. With regard to the consent agenda I want to be shown voting no on the two stone gate -- 50 -- Heflin lane. This is specifically I am voting now on first reading because there is more work for the developer to do with the neighbors asking for that -- for the development to do that. I would posit that ten percent of the additional units at 80 percent mfi is not that -- is not that affordable. I would be looking for more like 20 to 25 percent of the units at a much lower 50 to 60 percent mfi, if not lower. So if we are really going to talk about affordable we need to think in terms of what on 80 percent mfi salary is and I think that is maybe staff can correct me, but I think that is about \$70,000. At any rate, please show me on

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this consent agenda voting no on items 74 and 75. Thanks. >> #01: Sounds good. Councilmember Alter. >> Alter: >> Mayor Adler: Sounds good, councilmember Alter. >> Alter: I would like to be shown as voting no on consent on first reading for 74, 75, we have some questions and concerns that we are trying to clarify on the private agreements to understand what's being agreed on, I am not comfortable voting yes at this point. Mayor. Councilmember Ellis. >> Thank you, mayor. >> Ellis: I want to comment briefly some of these staff recommendations have the V recommendation that allow for more affordable housing. We in housing and planning have started talking about what that application is and

how staff is applying that. We know sometimes it is not on neighborhood input but proximity to transit corridors but I wanted to daylight for today's discussion we are looking into

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that as a committee with housing and planning to better understand where that -- where that is appropriate and where it is not and how we are working with staff to apply that. And I appreciate director truelove agreeing to doing that with us. She has been very helpful. >> Mayor Adler: Okay. Colleagues we have the consent agenda with just, 57 through 75 and pulled item 72. Further discussion? Those in favor of the consent -- yes, councilmember harper-madison. >> Harper-madison: I just wanted to point out that we have tried working with the developer and working with the community to get more affordable housing. This project has been going on since 2015 and at this point, you know, what they already paid into the project, I just would like very much to point out to my colleagues who are in opposition, and actually maybe not point out so much the

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opportunity to look at what the alternative is if this doesn't pass so if the goal is to achieve more affordability somehow, I can assure you that this is not going at the ten percent that is being offered, we won't get what it is that you are striving for and that would be unfortunate in my opinion. >> Mayor Adler: Councilmember Casar. >> Casar: To that point I think when we bring -- I would hope that it goes on first reading, but then on second reading it may be useful for us to lay out what the actual housing price would be on those units, because depending on the bedroom count and family size they are going to have different price points and so just describing it request gem as 80 percent of mfi for home ownership I don't think it is as descriptive for us and the community for us to say look, it is likely to be two and three bedroom houses selling at X

[3:26:04 PM]

compared to the market rate one selling potentially closer to Y. Because say there is going to be a \$200,000 house is -- I think way more descriptive than saying X percent mfi. So you can kind of compare it to housing prices nearby and I think that would be helpful and not something we can as easily do here as maybe on second reading get that information up to -- >> If I may mayor, I agree wholeheartedly and I think something else that is helpful to recognize or introduce into the conversation the relatively of affordability and bring back the conversation around missing middle houses. I housing. I think far too often when we talk affordability we are exclusively talking about a certain income level and completely sort of skipping over that missing middle eligibility segment of the population. >> Mayor Adler: Councilmember

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kitchen. >> Kitchen: I am going to support this on first reading. It is up for first reading, right; is that correct? I will support this. Just to -- using this to say again that along the lines of what councilmember Ellis said, we have got some conversations in housing I think it is going to be helpful in the future perhaps if we work with our housing staff to provide us some -- you know, to work toward providing us some sort of analysis that we can use in the future -- same page. Are you comfortable with this one I am comfortable with this one but I suspect some people may be bringing different perspectives so some day I hope to have a tool or some kind of analysis from our housing folks that can say to us, yes, this looks like the very best deal you get or no you might think about xyz, that kind of thing, we are not there yet, these okay

[3:28:05 PM]

and I am comfortable moving forward with this, this one. >> >> Mayor Adler: Any other comments? >> Can you hear me? >> Okay. I am going to support this on the first reading. I think that we are kind of fooling ourselves if we don't -- embrace these projects that are going on. The way that this Austin has gotten gentrified if we don't build anymore affordable ownership units we are not going to have -- we are definitely going to have a huge apartment complex city. So I don't want to give up any kind of affordable ownership.

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We really need it here in Austin. So that's why I support it. >> Mayor Adler: Okay. Any other comments on this -- yes, councilmember pool. >> Pool: -- [Indiscernible] I appreciate the opportunity for affordable ownership. The stakeholders have raised some other important concerns I would like to see better addressed in the ongoing negotiations and I look forward to seeing the same ongoing negotiations continue -- .

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>> Unless they agree to a private agreement because there is no way to require it. So they can tell us things at this point that give us the information, and the prices are reasonable and we need, we interpret them as low but we have no ability to require it or enforce it. This is an ownership -- in the Heflin case and so I would really like to -- I think that if the parties are able to strike a private agreement

that would have some enforcement teeth into it to ensure that the promises that are being made are enforceable and become reality, then we have got something to work with. But simply saying you are going to lease or sell a particular unit at a particular price doesn't amount to anything, and I will just point to the growth pulled as an example, we were

[3:31:06 PM]

told at the time it was being approved ten years ago those would be affordable houses and the majority of them are around a million dollars and the affordable stock has not yet been built and not been marketed. So easy to say stuff and so I am looking for a little more certainty when I make my decisions on these cases, particularly when it is being -- when the arguments and the persuasion is circling around affordability. >> Mayor, you muted. Now you are muted. >> Mayor Adler: Sorry. >> Now you are unmuted. >> Mayor Adler: Councilmember tovo, did you have something councilmember tovo? No. >> Tovo: I did. My hand is raised.

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>> Mayor Adler: Councilmember harper-madison. >> Harper-madison: I wanted to reply my colleagues. I think it is an entirely legitimate concern and I really appreciate having had more time to watch these cases come and go would give you, you know, more in the way of that institutional experience in which case I think much like what councilmember kitchen talked about just in terms of process .. And policy moving forward, I would encourage can that we have some sort of tool that helps to recognize, you know, with -- designs for example we asked multiple cases where they were their representative that came before us and so I would encourage us to allow for the applicants representatives to -- to have their -- speak for itself. So if we had had instances where they didn't follow through with promises made, I can certainly understand some hesitation to, you know, offer them the -- the

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trust that they will follow through but if they have, in fact, followed through in the past I would say that is worth taking into consideration also and maybe that is something we can include in our deliberations as a point of consideration. But I absolutely understand that concern. It makes sense to me. >> Mayor Adler: All right. Let's take vote. Those in favor of consent agenda please raise your hand. Those opposed. It is unanimous on the dais subject to the statements made by, that the councilpersons made. Let's do the Austin housing finance corporation agenda, this is quick and we can let some staff go. I will recess the house Austin city council meeting here at 3:33. Today is December 3rd, 2020 and I am going convene the Austin housing finance corporation. Meeting. We have a quorum of the DI

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directors present, 3:33, staff, do you want to take us through the agenda? By the way, there is there is backup on the agenda for item 2. >> Yes. Mayor and counsels this is Mandy de mayo, Austin housing finance corporation. The items on your agenda the first item is approving the meeting minutes from the last meeting on November 12th and the second item is a very important item which includes two late backup, which I will briefly discuss but this is authorizing staff to move forward with an agreement to enter into an ahab agreement, per in situation to housing assistant payment contract for the sparrow at Rutland -- housing project which we are a partner. The Vecino group and -- of

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austin as you all know -- will provide 171 units of permanent supportive housing, 101 of those units will go, will, in fact be dedicated to people experiencing chronic homelessness coming through -- the system. We are very excited about this project. The schedule follows as we anticipate, we should see ground breaking some time in the summer of 2021 with leasing in late 2022. This will of course provide this -- authorizing the launch of the inaugural program of our local housing vouch sore this will provide an ongoing annual operating subsidy for this project, the annual amount is \$650,000. We have a three-year contract for a total of 1.95 million, and we will bring it back every few years to hafc corporation

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provided funding is available for continuing of that contract. >> I am happy to answer any questions. I offer -- >> Mayor Adler: Is there a motion to approve the consent agenda? Councilmember Casar makes the motion. Is there a second? Councilmember Ellis seconds. Any discussion? Councilmember Casar. >> Casar: Mayor this this is another one that can just go on consent because it is such good work by our staff and I am sure support of the dais but a lot of work over time. I want to thank everyone on council and the councils before us for adding money to the housing trust fund. I know that has been something councilmember tovo has worked on for quite some time which supports a number of our programs, including kicking off a local housing voucher which I think we should all be proud of and for it to serve folks experiencing homelessness and addressing that very high priority for us is so important

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and I am excited it will be providing over 100 permanent supportive homes in district 4. We know what we need, we know we need to do so much more of this. Go through construction projects like this with one the housing voucher and through the hotel motel strategy I really appreciate the folks in the nearby community embracing this as we see that happen all across the city for this to be successful but really hats off to everyone and hats off to sparrow group. I have high expectations for this I think and expect will be met and we are really stepping up in a way where we saw the federal government recede on housing vouchers and public housing decades before this. I think stepping up in this way will start correcting a lot of what we have seen and it is a critical part of ending homelessness. Thank you, everybody for your work on this. >> Mayor Adler: Okay.

[3:38:15 PM]

Let's take a vote on the con subsequent agenda. So did we do that already? Those in favor raise your hand. Those opposed. Unanimous among the directors. >> Thank you so much. >> Mayor Adler: Thank you, Mandy, that's the end of our agenda. I adjourn the meeting of the Austin housing finance corporation here at 3:38 on December 3rd, 2020. With that, I reconvene the Austin city council meeting here on December 3rd, 2020, it is 3:38 Ann, is there a reason for us to go into executive session? Can we answer some of the questions? >> Mayor, we can answer some of the questions and then probably be helpful to refine the others. >> Mayor Adler: Okay. >> And I just sent you -- >> Mayor Adler: I see it. All right.

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So city council now will go into the closed session to take up one item pursuant to 55172 and 551071 of the government code question will discuss legal matters related to item 55, which is the purchase exchange lease value of real property on red river 606 east 12th formerly the healthsouth tract without objection we will now go into executive, executive session. 0 I don't hear any objection so we will go and come back out. The items we have remaining are item number 11, the temporary 380 program, we are going to begin with staff responding, then we will do item number 40, which right away is -- complex. And then we have the street

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impact fee matters. And then we have the pulled item on zoning which was item 72. With that, we are in recess and I will see you guys in executive meeting session. [Executive session]

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>> Mayor Adler: We have a quorum. I'm going to reconvene the city council meeting. We're out of closed session. In closed session we discussed legal matters and real estate matters related to item 55. Colleagues,, we'll back and work through the remaining things on the agenda. Let's start with item 11. I think we addressed the substantive issues. Greg, you had asked a question about funding. Manager, are you ready to respond to the funding request that was raised by councilmember Casar? >> I think, mayor, I think that councilmember Casar was able to connect with staff during the break and may have general direction for us to move forward with this. >> I think the general direction, mayor, happy to discuss or clarify here, if the manager in passing this I think we would -- my hope is a majority of us would like to see options to see

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this funded and what I would like is for the manager to bring back for our consideration as far as is possible at our -- before the close of the meeting, which I know we may have one left and 2015 canvas the elections and probably the opportunity is easiest next week. A way to fund this without having to encumber -- in a way that stays within our financial policies and isn't pulling funding that we needed this year which I think would be possible with chapter 380. Chapter 380 makes that possible in a way that other programs may not make that possible. So I think within our financial policies and without reducing any program we have scheduled for this year the manager may be able to bring back an option for us to supplement this

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program. >> Cronk: Thank you, councilmember, and I heard the phrase to the extent possible and we will do our best in the time frame we have unless there's something that Ed van eenoo, our newly appointed cfo. So I think this is our first chance to publicly welcome him into that permanent role. If he wants to add anything to that he certainly can at this time. >> No. I don't have anything to add, city manager. The direction has been heard. We understand it and we'll certainly to see what we might be able to come up with to get posted if possible prior to the meeting on the tenth. >> Mayor Adler: All right. Then is there a motion to pass number 11 as amended? Councilmember Casar makes the motion. Second? Councilmember Ellis seconds it. Any discussion in these in favor please raise your hand? Those opposed? I think everybody voting yes

[4:32:15 PM]

with councilmember Flannigan and councilmember tovo off the dais. Flan flan mayor, I'm here, I'm -- mayor, I'm here, I'm having camera issues. >> Mayor Adler: Then I think the only one missing is Kathie. That gets that taken care of. That gets us to 40 -- >> Mayor, very quickly, I don't see councilmember kitchen with us. >> Mayor Adler: Thank you for that. >> Tovo: Mayor, I was just having some -- I was also voting -- >> Mayor Adler: Do you vote yes on item 11? >> Tovo: I'm sorry, I switched to my phone and couldn't get myself back. I was also having technical issues. >> Mayor Adler: Everybody is voting yes except for councilmember kitchen who is not on the dais with us. Thank you, Paige. That gets us to item number 40. Councilmember alter.

[4:33:19 PM]

>> Alter: So I think my questions were answered. I'm still going to abstain because I'm just not comfortable -- can you hear me? I can't hear Steve. Okay. So -- now I can hear you. I am going to abstain and I'm obviously not going to make the motion, but I think it's fine to go forward today if it's important at council's discretion. >> Mayor Adler: Is there a motion to approve item number 40? Councilmember Ellis makes the motion. Is there a second? I'll second. Any discussion? Those in favor of item number 40 please raise your hand? Those opposed? Councilmember Flannigan is an aye. Those opposed? I see no hands. Those abstaining? Councilmember alter is abstaining. The others voting aye.

[4:34:19 PM]

This passes with councilmember kitchen off the dais. Okay. Councilmember alter abstains. That gets us past item number 40. I think that takes us then to items 51 and 52, which are the street impact fees. Councilmember kitchen, do you have a motion? Oops, she's not with us. Councilmember alter? >> Alter: Yeah, I'll move passage of both items. >> Mayor Adler: Councilmember alter moves passage of both items 51 and 52. Is there a second to that? >> Ellis: Mayor, I had a

[4:35:21 PM]

question about whether it was just second reading? I think that was what councilmember kitchen had identified earlier. >> Alter: I'm fine if the will of the council is to move forward on second reading. >> Mayor Adler: That would be my preference, I think. >> Ellis: I'm happy to second that. >> Mayor Adler: The motion is to move this forward on second reading only. Any discussion? >> Flannigan: Yes, mayor. >> Mayor Adler: Councilmember Flannigan. >> Flannigan: I have posted some amendments I think to the message board that may be distributed. It's fine to work with legal on those, but I will be urging those amendments. >> Mayor Adler: Does anybody have any objection to the amendments from councilmember Flannigan? Yes. Is there objection to those? >> Alter: Mayor? >> Pool: Mayor? >> Mayor Adler: Yes, I had

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some objections. Look at the amendments -- >> Pool: Yes, I had some objections. I'm fine with moving on second reading and having time between now and third reading and recommendations from staff on the amendments. >> Mayor Adler: Okay. Moved and seconded. Councilmember alter? >> Alter: So at the moment I'm -- unless something comes up I'm okay with the second amendment. I'm concerned about the first amendment because I'm understanding that will cost the city something like \$50 million and I don't have all that information. And I think that if we are going to entertain an amendment like that we need to have some analysis that goes with it that helps us understand what the costs are. And there's already some built in time delays for the effective date that are built into the base motion that the staff has put before us. And those already do create

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losses in the same order of \$50 million than if we had implemented them immediately. And so there's a compounding effect and there's already quite a bit of leeway in my mind in there. So I haven't done the analysis. I just have a little bit of information from staff right now. I would just ask that in the meantime if as you're formalizing those from a legal language perspective if we can also make sure that we're provided with good data on what we're choosing between and what it means. >> Mayor Adler: Okay. Councilmember kitchen. >> Kitchen: I apologize. I was having some technical difficulties so I just got on so I may have missed something. Did Mr. Spillar already present his perspective on what we're doing here? Because that's what I was going to ask. I know we were thinking in

[4:38:24 PM]

terms of perhaps just proceeding with second reading and I'd like to ask Mr. Spillar his perspective. >> Thank you, councilmember. This is Robert Spillar, director of transportation. Staff recommends second reading. We have some drafting edits to propose and we would like to read them in as part of the second reading. They consist of moving some minor items in the sign ordinance to the fee ordinance part, and if we could read those in, my staff personally Ann Miller should be -- Liane Miller should be on here and she can read those in. And furthermore, we do understand that there are some proposed amendments from councilmember Flannigan and we know that there's some community organizations that have raised questions. We would be happy to provide that analysis between second and third reading as requested to assist you in making those decisions.

[4:39:26 PM]

>> Kitchen: Yes, Mr. Spillar, thank you. Again, I apologize for being late if I was plowing some ground that I've already done. My request was I have seen amendments also and my interest was understanding them we are. So I don't want to take them up today. I wanted to ask Mr. Spillar to review and give us his analysis by next week if that's possible, just pass it on second reading today. That's what I was thinking. >> Mayor Adler: So we're going to pass it on second reading today. Councilmember Flannigan is holding his amendments, not making them today, so that they can be fleshed out. But I will ask Mr. Spillar to go ahead and read in the staff's changes so they can be incorporated into the second reading draft. >> Very good. I believe we have a single slide or two slides that would put them in front of you and I believe my staff

[4:40:28 PM]

person, Liane Miller, should be in the group here. >> Mayor Adler: She's with us. >> So if she could take over and present those, I would appreciate it. >> Mayor Adler: Councilmember Harper-Madison, did you have something first? >> Harper-Madison: I did. It may or may not be resolved by way of the slides but I wanted to go ahead and get it on the record that as a potential compromise I wonder if given the direct relationship that the criteria manual will have on these fees, I wonder if my colleagues would be open to implementing the fees the year a year after the staff posts the new traffic criteria manual rules. >> We will certainly provide feedback to you on a technical perspective on that, councilmember. >> Harper-Madison: I appreciate that, Rob, but I was asking whether or not my colleagues would be open to that compromise. >> Understand. My mistake.

[4:41:41 PM]

>> Kitchen: Thank you, councilmember. I would want to hear our staff's analysis. That's certainly one of the things I would think about and that's one of the things I would ask Mr. Spillar to review for us. So I hope that answers your question. >> Mayor Adler: Councilmember pool. >> Pool: Yeah, same. That's why I think the stponement or the wait until third reading to get the analysis from staff is a good move. Thanks for the question, councilmember harper-madison. >> Mayor Adler: If staff will make their review part of the plan began amendments and the things that councilmember harper-madison just raised. Councilmember alter. >> Alter: Thank you. I wanted to just ask if when you provide that review you can make sure that you're very clear about what grace

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periods are already built in. There's already quite a significant amount of grace periods in a couple of different ways that are built in and why you felt that was sufficient and why the impact advisory committee thought that was sufficient. I'm fairly certain that you were aware of the concerns that have been raised by abore and others, but you just not to incorporate those dates. Abor, based on your policy analysis, based on what you know is going on in other cities and based on what is happening with the cities. Part of what we're trying to do with this is make things more predictable and there's value in that as well for speeding things through and addressing things. So as part of any analysis, I want to make sure we understand clearly what is in the base, why you chose that and why you didn't choose the other ones. You need to provide us obviously an analysis of what happens if we were to adopt some of the other proposals, but I also want to -- I don't want it to just be, well, that's a

[4:43:42 PM]

policy question. I also want to understand what staff's recommendation is since you've already decided not to move forward with those additional delays. >> Understood, thank you. >> Mayor Adler: Mr. Spillar, did you want to take us through the slides? Ms. Fuller. >> Yes, I would be happy to do that. If you would pull up the slides, it's really two. One is to review the two items. There's an ordinance that is amending the land development code chapter twice-6, adding a section for the street impact fee. And the second item is item 51, which is the fee ordinance. So that is where the actual collection rate and fee schedule is located. So the changes as Mr. Spillar indicated are moving a few of those provisions from the code ordinance to the fee schedule. And so I can bring those up if we're able to bring up those slides.

[4:45:01 PM]

If we can go to slide 3, please. So these changes I can read them. In reviewing the ordinances that were approved on first reading, staff determined those provisions that should be moved to the fee ordinance

are intended for improved clarity and ease of future program implementation. I relate to the timeline for the initial implementation of the program, much of what councilmember alter was talking about when it comes to grace periods, as well as specific fee exemptions that council may want to adjust over time. So they're more appropriately placed within the fee schedule. So they are as follows. In items 1, 2 and 3, this is ordinance 25-6-663, section C, lines 276 through 278 would be moved to item 51, part 2-d1 after the Lyon 116 to read a street impact fee should not be collected from

[4:46:02 PM]

a new development for any building permit valuedly issued within -- validly issued within one year of this ordinance. And similarly moving from of 63d items 288 to 282 to item 551 part 2d after that newly inserted number 1 to read, for new developments with an improved traffic impact analysis on the effective date of this ordinance, a street impact fee shall not be collected for any building permit validly issued for three years of any effective date. And lastly this is in 25-6-677 fee, lines 358, 360 would move to item 51, part 2d, new section D -- new section 3 after the d2 section that says for any new development that does not increase net new trips compared to the existing land use by more than

[4:47:05 PM]

10:00 P.M. Peak hour trips the collection rate will be zero dollars per vehicle mile. The collection rate then in effect shall apply to a subsequent addition of service units. The last item is one change necessary to clarify eligibility for the affordability-related reductions, which is in item 52 draft ordinance 25-6-668-b1 to add the word or at the end of line 372 to read approved for local, state or federal funding for affordable housing as verified by the director of the housing and planning department or. And those are the four drafting changes that we would like to present today. >> Any objection to those changes being added? Hearing none, those are

[4:48:07 PM]

added. Councilmember alter. >> Alter: I just wanted to clarify on the part with the P.M. Trips, the 10:00 P.M. Trips, so that allows it so that if we make a change to the ordinance later on, then the existing rules apply, but if the rule is the same as it is now where it's zero, then those subsequent units would be zero dollars, correct? As written. >> Councilmember, are you asking about how it's written, where it is in the code ordinance right now? >> Alter: I was talking about the specific language as opposed to where it is in the fee structure or in the ordinance. That language seems to allow it to be whatever the prevailing fee is if you had 10:00 P.M. Trips or less. But if it stays at zero as the fee structure where we're starting it out, it would still be zero for the subsequent. It's just allowing us

[4:49:08 PM]

logistically in the future to change it if it were changed. But the default given it's time if it's zero at 10:00 P.M. Trips would be zero. >> I see what you're saying, that the way that the language is drafted that the subsequent -- the collection rate then is zero. That was not the intent. The intent was that the collection rate that was in place for residential and commercial would apply to any subsequent addition so that initial addition of service units would be at zero dollars per vehicle mile. But if you were then to add additional units after that initial that they would be under the collection rate that everyone else would be under. So this would be an initial exemption. So that's a clarification we could make. >> I know that's one of the clarifications that was asked so I was just trying to understand what the wording meant. And I would maybe ask about

[4:50:08 PM]

that and think of the few instances when it would happen. I don't think it's the intention to say if you had an Adu and you tear down the house and make a main duplex that you would have to pay it because you would be still under the 10:00 P.M. Trips and that would be counter to what we're trying to do. I wouldn't want you to be 10:00 P.M. Trips and you do 12 and 13 and 14 to the same property and then you don't pay. And I don't know what the appropriate language is, but I'm comfortable with that going in, but perhaps you can-- I think there's a distinction if it's going to be still below 10:00 P.M. Trips on what you're doing within a certain time frame anyway and then if it's going to go much more above that. I think it is a reasonable thing to not want to have to pay it if you did a duplex on top of it. >> That's correct. The example or scenario that you're bringing about is one

[4:51:09 PM]

that we were yes thinking that could be addressed by language that may be talked about the cumulative trips that do not exceed 10:00 P.M. Peak. We were trying to mirror the language that's currently in the ordinance in moving it over to the fee schedule so that language is not there because the intent originally was that this is a one-time exemption and so if you added an Adu and then later added another Adu that you would then pay the fee on that secondary. But we've heard from stakeholders that there's a desire for that second unit to also receive that exemption. However, the intent is not to allow for a larger development to incrementally add units over time in 10:00 P.M. Peak trip chunks so that you could receive an exemption over and over and over again. So I think that we need to make sure that the language is talking about the cumulative trips that are not exceeding that number. So that is something that we can provide. >> Alter: Okay. I think that would be a

[4:52:10 PM]

great clarification. Mr. Spillar, did you want to add? >> Yes. I've just been nudged to remind you that as you vote on this to maintain the public hearing open if it is so your desire. I think we should mention that in the motion. >> Mayor Adler: So the motion is to approve on second reading only, keeping the hearing open. And adopting the amendments as proposed by staff. Anything further on this? Let's take a vote. Those in favor of this item please raise your hand? Those opposed? It's unanimous I think with everybody on the dais. Yes. Okay. That gets us then to the last item on our agenda, which is item 72, pulled by councilmember

[4:53:10 PM]

harper-madison. >> Harper-madison: Yes, thank you, mayor. So item 72 -- let me grab my notes. That is the cold storage item. So this one is a difficult case in talking with the neighborhood, in talking with the applicant and a few other of our city departments. What has come to my understanding is that our local food industry could really use a public cold storage facility, but I also understand that we've had a steady decline in the number of sites zoned for industrial across the city. So I think that's a problem that deserves a broader conversation in the citywide planning process. I also have a lot of issues with approving an industrial site right smack dab in the middle of existing residential dwellings and I think that's a part of the problem that the neighborhood is having as well.

[4:54:10 PM]

This case proposes to put an industrial facility with semi truck traffic on either side of an established mobile home park and will line up against homes in a residential neighborhood. So I think it's safe to say that the community has unnecessarily bore the brunt of businesses that are not wanted, frankly in other parts of town. And I'm in complete alignment when they say enough is enough. And with their level of concern. And so that said, the community has already expressed their willingness to continue conversations with the developer to explore options that will more holistically enhance their community. So I would move that we postpone item number 72 to our January 27th meeting just to allow more opportunity for those conversations to take place between the applicant and the community.

[4:55:12 PM]

>> Mayor pro tem? >> Garza: I was just trying to second that. >> Mayor Adler: Okay. Councilmember harper-madison moves to postpone this item to the first meeting in January, which is, what, the 22nd? Is

that what the day is is. >> 27th. >> Mayor Adler: Postponed to the 27th. It's been seconded by the mayor pro tem. Any discussion? Councilmember pool? >> Pool: I'd be willing to postpone indefinitely if that would help with the circumstances and the conversation. Given the holidays in front of us. Harper-madison? >> Given the conversation that I've had with both the community and the applicant, I'd really prefer we do to the 27th because that was basically what I offered as a compromise and in working collaboratively I don't want

[4:56:13 PM]

to go back on what it is we agreed upon. >> Pool: Okay. I didn't know that was a promise that you had worked out. Okay, that's fine. Then I suggest we could even just make it indefinite so it wasn't the pressure on a date and then you could bring it back when it was ready to come back. But that's fine. >> Mayor Adler: It's been moved and seconded to postpone until January 27th. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Postponed to January 27th. I think that is everything on our agenda for today. We have a council meeting next week and a work session next week as well. With that then, guys, it is 4:56. Today is December 3rd, 2020. And this meeting is adjourned. Y'all take care.