

City Council Regular Meeting Transcript – 04/22/2021

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[10:07:55 AM]

>> Mayor Adler: Let's get started. We are starting with a moment of silence, but before we do i want to recognize councilmember alter. >> alter: thank you, mayor. I appreciate your indulging this moment of silence. I would like to say a few words and then i hope that we can remember those lost to gun violence in our community. Over 36,000. That's the number of americans who die from gun violence each year. Before the day ends today, an estimated 100 lives in our nation will be lost and cut short. Each of those deaths will leave survivors and many of those deaths would have been preventable. These aren't just numbers and statistics.and we know all too well thishappens in austin too.on sunday, we lost three people,amanda broderick, alyssabroderick and willie simmons iii. As we pause together to remember them this morning,

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Let's also consider today that hundreds more families across our nation will be impacted by the shocking pain and grief of gun violence. Let us also pause to remember those victims and their families as well as all of the survivors of gun violence in our community and in our nation. As we mourn, let us all recommit ourselves to be relentless in pursuing a world where we prevent deaths like these with common sense reforms. Today we lift up our thoughts and our prayers but we also take action and implore each member of our community and each member of our elected bodies to consider these senseless deaths and find the courage to join us to work to prevent them in the future. I would now ask my colleagues to join me in a moment of silence to remember amanda, alyssa and willie, along with other victims and survivors of gun violence.

[10:09:55 AM]

[MOMENT OF SILENCE] >> Mayor Adler: councilmembers, thank you. Um, i will save my comments until we get to the item on the agenda today that deals with gun violence. Thank you for your leadership in moving this item 59, which we will consider shortly. Today as we're getting ready to start this meeting, it is also earth day. Earth day around the -- around the world. A couple councilmembers have indicated a desire just to -- to speak on this quickly and i want to give folks a chance to do that. Councilmember pool did you want to say something? >> pool: i did, thanks, mayor. >> mayor adler: and councilmember kelly also and then i'll a say word, okay? >> pool: so today is earth day. It's the 51st year for earth day.

[10:10:57 AM]

The first one was april 22, 1970. Today i'm celebrating earth day in a new way, with gratitude for the biden administration and their commitment to restore us to a path dedicated to making progress on our climate goals. I called in on tuesday and joined a call with transportation secretary buttigieg and the environmental guru, jeana -- and i'm missing her last name, which is really embarrassing. Mayor turner was on the call -- mayor turner from

[10:11:57 AM]

Houston, he was on the call and the conversation was along the line of necessity and actions on all arenas to close in our goals, local, state, international to achieve policies that ensure a healthy planet in all respects for future generations. I was inspired as 1970 as a high school sophomore by America's first Earth day. I am newly inspired including by such fine organizations as the national league of cities and the group that has as its focus sustainability so I attended the U.N. Conference on climate in 2015 and I'm a member of nlc's energy environment and natural resources committee. I recently renewed the city of Austin's membership in the group and paid for the next two years of our membership, and I'm looking to the work that we lead on here in Austin to deepen and extend our reach as a role model to cities with the

[10:12:59 AM]

programs based in science and best practices. So we can advocate more deeply the need for fact based environmental policies globally. The work is hard and the progress is slow, but we have the heart and we have the determination to not just achieve our goals but to surpass them and so today we celebrate Earth day. Thanks. >> Mayor Adler: Councilmember Kelly. >> Kelly: Thank you. Today I'm wear the dress of Mrs. Friz he will from the magic school bus that helped introduce me to the importance of our world

and using science as a tool to help us make informed choices about our lives and world around us. Although she was a fictional character, the positive effect we can have is as real as it gets. Let's continue to preserve our environment, not all

[10:13:59 AM]

climate solutions help humans. We need to factor in how many more regulations will make it harder for things to get built. Today on Earth day, I want to help human families promote a strong economy and driving environment. Let's enjoy the world and in the words of Mrs. Freezing drizzle, I want to remind you to take chance, make mistakes and get messy. Thank you. >> Mayor Adler: Thank you, councilmember. Climate change is one of the defining challenge of our time. This Earth day I'm reflecting on our community's collective work to make our city more climate resilient. Climate is top of mind especially this year as we faced historic climate extremes and the vulnerabilitys that come with them. It is up to all of us to meet the challenge of

[10:15:01 AM]

climate change. Challenges that intersect and exacerbate inequities. Climate action looks different for each person, but our collective factions make Austin the great city that it is and one of the most climate resilient. As a member of the climate mayors and the c40 cities, I'm proud to represent our city and its leadership role as we make real progress to our goals, like the zero carbon emissions by 2050. In fact, this Earth day let's resolve to meet that goal even faster. Are we ready to move into the meeting? I'm going to call to order the city council meeting on April 22, 2021. This meeting is being conducted remotely. It is 10:15 A.M.

[10:16:03 AM]

We're going to do the changes and corrections. We'll make sure that we have the items that are being pulled. I have right now 18, 20 and 39, we'll do that in a moment. We have about 20 speakers to speak. We'll call them next at three minutes each. And then we'll see how much we can take care of before the noon hour. At noon we have four citizen communication speakers, and mayor pro tem, as we've discussed, I'm going to need to leave the dais just before noon. Hopefully then an hour after that work is done, we can reconvene if we're able to get enough time maybe in executive session to come out and finish work we need to do. Handle the executive session and then get to zoning. We have four citizen

[10:17:04 AM]

communication speakers at 2:00 P.M. It's the intent to call the 30 zoning speakers that we have. Some of the things they signed up on look like they have been postponed or will be postponed so we may not need to hear from all of those speakers. We need to work quickly. It looks like we'll be losing some of the councilmembers here this evening beginning at 5:00. And then others pulling off after that. So let's work quickly as we can today. Changes and corrections today. Item number 2, recommended by the resource management commission on a 6-0 vote with commissioner Brennan off the dais. Commissioners Babyak and Fralin and angoori absent. Item number 3 being

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postponed. Until may 6th, '21. I'm also seeing that item number 5 is also be postponed till may 6, '21. Item number 6 on April 13, 2021, recommended by the airport advisory committee on a vote of 8-0-0-2. Item 7 on April 13, 2021, recommended by the airport advisory commission on a vote of 8-0-02. Item number 8, 9 -- item 8 on April 7 is recommended by the water and wastewater commission on a 7-0 vote with commissioner Michel absent and commissioners Lee and Penn recusing. Item number 9 on April 19, 2021, recommended by the electric utility commission on a vote of 7-0 with commissioners Hadden and reed off the dais and commissioners Tuttle and

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Wray absent. Item 25, April 19, 2021, recommended unanimously by the electric utility commission on a 7-0 vote. Commissioners Hadden and reed off the dais. Tuttle and Wray absent. Item 25, April 19, 2021, recommended unanimously with commissioners Hadden and reed off the dais and commissioners Tuttle and Wray absent. I think there's a draft that has that at 36, it should be 26. Item 31 postponed to may 20th, 2021. Item 38, sponsors, councilmember Ellis is added as a sponsor to that item. Item 38 postponed to may 6, 2021. Item number 59, I've been added as a co-sponsor to that item. I'm showing three items so

[10:20:05 AM]

far being pulled off the consent agenda. Item 18 by tovo, item 20 by alter, and item number 39, I think has been pulled by the mayor pro tem. Late backup. Item number 6, 20, 36, 38, 47, 50, 51, and 52. Also there's late backup in Austin housing finance corporation, item number 1. If you all can help me remember to read that when we open that, I would appreciate it. We have 20 speakers signed up to speak. One of those speakers is speaking both on city council and on the Austin housing finance corporation, so she will speak last, then speak on the city council

[10:21:07 AM]

matter. Then we'll recess the city council meeting, convene the Austin housing finance corporation meeting so she has a chance to speak. We'll recess that meeting and then come back to the city council agenda. Anybody have anything before we get to speakers? Councilmember kitchen? >> Kitchen: I just wanted to add that to show me as pulling item 22 -- 20 also, not 22, but item 20 also because I have questions about that. >> Mayor Adler: Okay. Yes, councilmember tovo. >> Tovo: Thank you. Before the speakers start, I wanted to call my colleagues' attention to the revised I circulated this morning and it's posted on the council message board. And so I'll just summarize, if I could, the changes. I think there were a variety of questions about the resolution and what code amendment was being initiated. And so you'll see from the revised language that the

[10:22:07 AM]

language to repeal has been struck from the resolution, so now it says we are initiating a code amendment to amend. There's also some additional language later in the draft to make it clear that the fees that would come back to us soon like in the next couple weeks would be interim fees, and there's an initial be it further resolved directing our manager to engage -- to whatever means are appropriate to update the -- to update and calibrate or take a look at those interim fees that were done for us by eco northwest and bring back any suggested changes. August. That was -- that last piece was captured already in the resolution, but I don't think people were seeing it. In moving our fees to the fee schedule and taking them out of ordinance, those would be updated on an annual basis and that would

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happen during our budget process. But I think that clarifies some of the questions we were getting. Again the three changes that were made and this is posted on the message board remove the language, that language would go away if the decision is to amend, but again, that's a code initiation process. I think that too was something there was confusion about. We would be initiating a code amendment just on the piece of the density bonus program that speaks to projects that request to exceed F.A.R. And those would go through the normal process of going to planning commission and then coming back to us for review and conversation. So repeal is gone. The word interim has been substituted before the two fee waiver with regard to residential and commercial. And then additional direction at the bottom asking our manager to update those fees and return to us in August with any recommendations.

[10:24:15 AM]

>> You are muted, mayor. >> Mayor Adler: Sorry. Councilmember Kelly. >> Kelly: Yes, if I believe I heard you correctly, mayor, you said you wanted to speak on item 59. Could we pull that so I could speak on it as well. >> Mayor Adler: We don't need to pull it. You can just go ahead and speak to it. >> Kelly: Thank you. >> Mayor Adler: We'll do that before we take a vote on the consent agenda. Councilmember Casar. >> Casar: As it relates to the able airport items which I think are getting postponed on consent, I have questions about the date and also about what's getting brought back. It might take long enough that it might be worth pulling as opposed to trying to hammer that out on consent. >> Mayor Adler: How many of those items do you want to pull. >> Casar: The loan in particular. >> Mayor Adler: Which I guess -- >> Casar: The loan and bylaws. >> Mayor Adler: Number 3 and number 5. Those two items slated to be

[10:25:18 AM]

postponed we'll now pull items 3 and items 5. >> Casar: And to be clear, I support postponing them, I just want to discuss to which date and what's coming back when they come back. >> Mayor Adler: Okay. Councilmember pool and then councilmember alter. >> Pool: So I too want to pull items 3 and 5. I have a comment on 3 and a little bit of discussion on 5. Do you want me to wait for those to be pulled to make those -- okay. And then I would like to add my name as a co-sponsor to councilmember alter's item 59. >> Mayor Adler: The record will reflect that. >> Pool: Thank you. >> Mayor Adler: Councilmember alter. >> Alter: Thank you. I will speak to item 59 later, but I wanted to call attention there is a revised version in the back Jerusalem that was sent this

[10:26:19 AM]

morning. We were -- backup. There are changes to it. It's all in the same spirit with a lot more of the detail because unfortunately we've got a lot of experience with gun violence to reference. >> Mayor Adler: Thank you. Councilmember kitchen. >> Kitchen: Can you hear me? I know many of my colleagues will be interested in that, but would also -- thank councilmember alter for bringing forward item 59 and would like to add my name as co-sponsors. >> Mayor Adler: The record will reflect that. Let's go ahead and get the speakers. If the clerk is with us, call the speakers. Call the speaker last who is also speaking on the Austin housing finance corporation matter. >> Okay. The first speaker is Carlos León.

[10:27:20 AM]

>> Carlos León I don't even. First and foremost, thank you for letting me speak to item 24. Backup materials say life renewal will provide personal development services including behavioral services, counseling, mentorship and soft skills to minors to keep them out of jail and improve their mental

health. Make sure interacting with police 101 is part of the curriculum so students know how to interact with APD to maximize positive results. For example, if they get pulled over in a vehicle, tell them to turn the car off and take the keys out of ignition, lights and seat belts on and hands in plain view. At night turn on inside cabin lights. Before slowly reaching for or opening in front of the cops say what you are getting and what it is. We adults do this to clearly communicate to police we are not enemies. Teach teens what and how to say. Model clarifying questions like am I being detained, am

[10:28:23 AM]

I free to go to help them learn, exercise and defend legal rights. Following the law to protect themselves and how would accountable any law breaking cap or Minnesota agent. If Dante Wright had followed these rules officer potter would not have shot him. From the body cam footage, driving while back did not get him killed. Physically resisting arrest for outstanding warrant by quickly and aggressively going back inside his car without warning did. Video replay shows he was trying to flee by driving way. However, in chaotic realtime, potter probably worried Dante was going after a gun. Still in the heat of the moment, his skin color and agendaer my have sub consciously triggered a latent bias in her causing her to grab her gun though she thought taser was in hand. Life anew should work with APD and office of police oversight to avoid it in Austin so law abiding public

[10:29:24 AM]

and cops get home safe every tonight. Whenever possible cops should explain what's going on and give you a chance to respond before reading rights and cuffing you. Use social media to speak out and disseminate exculpatory evidence to win in the court of public opinion. File come commendations to reward and keep good cops and punish and remove bad cops because all lives matter. In Jesus' name I pre. Thank you, lord, god bless Texas, the United States of America, constitutional law and above all. [Speaking in foreign language] God's word. President trump won the 2020 election in a landslide. Defend the second amendment. Defeat climate change tyranny and Maxine waters shut your big ugly mouth. Out. [Buzzer sounding]

[10:30:28 AM]

>> Next speaker is Mo masuud. >> Good morning, city council. I thank you for allowing me to speak today. I'm CEO of city ambulance service. I'm calling today for the approval of item 15. The ambulance service sunshine agreement to operate ems services in Austin and Travis county limit. We are eager to help the community and look forward to servicing the citizens of Austin and Travis county. Once again, thank you for your support and have a great day. >> Next speaker is Peggy Morton. Peggy Morton, please unmute.

[10:31:39 AM]

We will call her back. Next speaker is Katherine Goodwin. >> This is cat Lynn Katherine Goodwin. I just wanted to say I was at the meeting of the reimagining public safety task force and I want to thank the council for that. I continue to be astounded by the breadth and depth of the recommendations of the reimagining public safety task force. They have told us exactly what we need to do in very concrete and practical ways to create public safety by decriminalizing traffic errors, by decriminalizing the use of public spaces and dechristianizing the treatment of mentally ill people. By using community workers

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who live in neighborhoods they serve to provide non-violent intervention. And using health care workers in hubs to provide medical care and rent assistance in specific neighborhoods. There has never been such a great opportunity to change the police structure created in 1865, which is still in place in many ways. Whose original purpose was to control and punish ex-slaves. To a structure that meets the needs of all citizens of Austin and respects them no matter who they are. A system that helps cadets and current police officers to confront their own racism and teaches them about black trauma, white trauma and police trauma. Please act now to implement what the task force has worked so hard to create. Thank you.

[10:33:42 AM]

>> Peggy Morton. >> Hello? >> Yes, go ahead, please. >> Hello, mayor Adler and city council. I'm Peggy Morton and I've lived in Austin for 40 years. 25 of those in the same house in district 8. Just last Friday a group of us appreciated our time meeting with councilwoman Ellis about the reimagining public safety recommendations. I'm here to speak enthusiastically for item 20 to revamp city funding and improve communication, particularly for communities who speak other languages than English and all communities of color. They for the most part have been forced into the lowest paying jobs in our city with the lowest level of health care, housing and access to food security and city

[10:34:42 AM]

services. While the city wastes too much money paying police to surveil them, threaten them and use unnecessary force on them. It's time -- excuse me. We reimagined public safety for my fellow Austin residents who don't have the same privileges I have as a white, west Austin woman. I have to say as a

woman and public school teacher, I have fought for my rights while seeing low pay and not seeing new elected officials who who like me. I've learned much volunteering in our immigrant and formerly incarcerated communities. Compared to communities of color in Austin, my life has been a cake walk. My greatest teachers have been those I've met over my last 11ers 82 of retirement. People of color who invited me into training with undoing quite supremacy Austin and get financial assistance for immigrants pursuing political asylum and honor the dear

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contributions formerly even cars incarcerated mechanics. I want all city council elected officials to follow all the recommendations from the advisory committee that include city staff in the diversity department which is too small, communities of color united and grass roots leadership. They are better informed than I am and I want you to trust and follow the recommendations. I've read them and appreciate the background and reasoning they've explained quite thoroughlyly. I look forward to Austin improving our city to make it a safer place for everyone including my grandchildren and their friends and parents who are people of color. My friends of color remind me to be better, not bitter. And that's what we all must strive for once these recommendations are implemented. Thank you so much.

[10:36:44 AM]

>> Anna Stewart. Anna Stewart. Okay, we'll try her back. Eliza Epstein. >> Good morning, mayor and council, Eliza Epstein, settler on indigos land, member of d5 for black lives. Thanks for taking the time to hear us this morning. And I hope you are listening, but as Kathie

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Goodwin and Peggy Morton said, more importantly I hope they are listening to the recommendations from the reimaging public safety task force. Task force members in partnership with volunteers from community invested hours and weeks of their time to think through questions about what it means to be safe in this city. And they gave recommendations. Recommendations that included investing money in neighborhoods where existing policies and generations of structural racism have fostered high levels of poverty, limited access to health care and a dearth. Life sustaining possibilities. They've asked you to invest in ten hubs managed by grass roots organizations and collaboration with Austin public health. They've laid out how to spend money, \$10 million immediately and 7 to \$9 million annually in the ten neighborhood hubs to address both short-term

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needs and long-term transformative activities. I know that you read the recommendations, listen to again especially from me, the people who did this work know better. They gave very profound and thoughtful recommendations. But listening again, we can stop, we will stop calling if you listen to the people you ask. Bringing people to the table and asking what they think, that's one step in a functioning democracy. But proceeding with creating budgets without rye or advertising those recommendations, recommendations that would provide a remedy to the policy driven inequity that continues to harm black and brown members of our community, it's wrong, it's unjust and it's not forgivable. I thank the task force again for all of their work and I ask you to please honor it. Thank you very much. >> Anna --

[10:39:53 AM]

>> Can you hear me? >> Yes, go ahead, please. >> You can, okay. My name is Anna Stewart, district 1. I'm a former educator and Texas advocates for justice and undoing white supremacy Austin and I had the privilege to discuss this issue with councilmember harper-madison. I've followed the reimagine public safety task force and I'm so grateful for them for doing this work that will be vital to transforming the culture into one that provides real safety and security for all austinians. Everyone wants to feel safe, share a sense of belonging and have enough resources to live without food or housing insecurity. I want this not only for my child but for black and brown children too. For all people. I want black and brown parents to not have to fear each time their child leaves the house. These are basic things that a city can provide for its citizens if it chooses to

[10:40:53 AM]

allocate money fairly instead of upholding race policies that perpetuate the oppression of black and brown citizens. It can provide these things if it contracts appropriate people for roles that provide safety and security. APD has proven over and over they do not keep austinians safe. They terrorize, harass and kill. They waste public money on overtime terrorizing painful protesters. The facts are in, stop paying a racist violent institution and support housing services and ems, family violence shelter and protection, violence prevention, workforce development and other programs that support and lift up our communities especially those who have been historically oppressed and continue to face displacement from rapid and ruthless gentrification. We demand city council not move on any other budget items without prioritizing the funding of the task

[10:41:53 AM]

force recommendations. It's a huge disappointment and betrayal council moved to reinstate the cadet class and is considering giving money to APD. As for public transparency to see how recommend legislation are being implemented and acting on and if there are recommendations not being immediately implemented, we ask for time lines for implementation being made public and reasons for postponement. The task force recommendation will make the city better for everyone. If you are just concerned about money, your own family and property this will benefit over the status quo. Ultimately it will save public money and create a culture of safety, belonging and abundance everywhere, not just rich neighborhoods. Let's be a model for other cities as we dig into this truly transformative work. Thank you. >> Paul Robbins.

[10:42:54 AM]

>> Good morning, council. I'm an environmental activist and consumer advocate. I'm heretofore mally oppose the gas rate hikes you will be voting on today, items 32 and 33. Here's an overview. In round numbers, residential gas customers in Austin amount to about half of the Austin energy electric customers. In the round numbers, the average residential gas bill in this area represents roughly half of the cost of an average Austin energy bill. Overall residential gas bills in this area represent about 125 million a year, which is a quarter of what Austin energy grossed in residential bills in 2019. This is obviously not a trifling sum. In the city of Austin, Texas gas service, which just

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applied for another annual rate increase, represents about 95% of gas customers, the balance are served by two companies here today asking for their annual rate increases. Between 2019 and 2021, at most will receive a 36% rate increase. That is the gross amount from which the company derives its profits. Center point will receive a 13% rate increase. Texas gas service just applied for a 25% rate increase. Average inflation over the last two years is 4%. There's a double standard here. If Austin energy or Austin water asks for a 25% or a 36% rate increase, this would dominate the headlines

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and council attention. When gas companies ask for this kind of rate hike, the city's regulatory bureaucracy approves them on an almost routine basis. These three gas companies have horribly regressive rates that discourage conservation and hurt the poor. These companies provide insufficient amounts of money to help the poor with their bills. Their Austin area carbon emissions amount to 20% of emissions from Austin energy, yet there is no practical plan to produce them. This double standard cannot stand. Again, I urge you to have a city commission review these companies' rates and policies and urge you to open their franchises up for competitive bids when they are up for renewal. Thank you.

[10:45:57 AM]

>> Lynn bosswell. >> Good morning, mayor and council. I appreciate the time this morning to speak. I am speaking in favor of agenda item 37, the resolution to ask the governor and the legislature to pass federal covid relief monies intended for k-12 education along to the [inaudible] In Austin and statewide. My name is Lynn bosswell, a resident of district 10. I'm also an aisd parent. I'm a co-leader of just fund it Texas with councilmember alter and I'm a trustee of Austin ISD. These federal covid relief funds came in three bills, March 2020, December of 2020 and March of 2021. The remaining two that have not yet been allocated have \$17.9 billion, billion with a B, for k-12 schools in our

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state. In austinist impact will be 241 million to schools to pay directly for covid-related costs like improving ventilation in buildings, offering academic [inaudible] To students, strengthening mental health services for students who have experienced trauma, creating after-school programs and summer programs that not only support students but can serve as support to our local workforce and families in our city and more. Regionally in the Austin metro area, the amount that is due to schools from these bills is more than 540 million -- half a billion dollars. It is important to know the first of the three allocations had \$1.3 billion. The state money, they gave 1.3 billion in federal funding to our schools. And then withheld an equivalent amount of state funding in that gear gain to

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schools. That's not what congress intended. Advocates statewide including the chamber of commerce in Austin, Austin ISD and other advocacy groups and districts all across the state and from our business community are fighting to make sure this money reaches schools as intended. I appreciate councilmember alter's work to create this resolution, to see clearly the connection between the health of our local school districts and the health of our city as a whole and also to recognize money that comes to our schools to support students and the people who work in our schools and families in all of these ways is also money that comes to our community. These are essential parts of the rescue plan. These are the same pieces of legislation that offer paycheck protection programs that have helped our small businesses and large businesses and the people who work for them locally. They are the same pieces of legislation that have offered extended unemployment benefits and support to families in the form of checks during the

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pandemic. They are the same bills that have flowed money directly to our local government. [Buzzer sounding] And the city and county governments and schools have yet to see this money. Thank you to councilmember alter, councilmember tovo, councilmember pool and councilmember Fuentes for supporting this, for sponsor this and thank you to council for considering it. >> Laura Yeager. >> Yes, hello. Good morning, mayor Adler and city councilmembers. My name is Laura Yeager and I am co-funder along with Lynn and Alison alter of just fund it tx. Also the director of that group at this time. We're a grass roots advocacy group that started here in Austin, parents and students fighting to approve funding for Texas public schools. I want to thank councilmember alter for sponsoring and councilmembers Fuentes, pool

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and tovo for co-sponsoring agenda 37 recommending governor Abbott and the T.E.A. Assure all funds flow to school districts as intended. We greatly appreciate councilmember alter's attention to the school funding. Three rounds of federal stimulus dollars have been allocated for Texas k-12 schools totaling \$19.2 billion. The first round was used to supplant state funds all-intended to supplement them T second round of 5.5 billion and two-thirds of the American rescue plan 12.4 bill are available to Texas and intended to go to schools but none has been sent. Only Texas and New York of all the states in our country, only Texas and new York have flowed zero additional dollars to schools. With the passage of the house bill 3 in the 86th legislative session, text moved from 43 per student funding to maybe 41st or 42nd, but that leaves us

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in the bottom ten states. Additionally more than 60% of Texas students are considered economically disadvantaged and have great needs which have been further exacerbated by the pandemic. It is urgent the remaining \$17.9 billion the federal stimulus funds intended for schools be sent to the districts immediately. Thank you again for this important resolution and for working to make sure that Austin and all Texas students receive important recovery dollars. Thanks again. >> Kendrick Garrett. >> Good morning. My name is Kendrick Garrett. Thank you mayor and council for speaking on item 39. I'm speaking [indiscernible] Concerns from a letter we submitted earlier this week. We agree that the in fee in lieu -- to maximize

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community benefit as stated in the second be it resolved section. However, we still don't support repeal or amend to go the city code to which gives offers to provide community benefits for additional F.A.R. We are worried about changes that would reduce community benefits from the density bonus programs. Also looking at the revised resolution, I'm a bit confused about the need for interim revisions. I guess I would suggest be directing the city manager to do a market analysis and come back to council for all the items listed in the second be it resolved because it's a downtown town [inaudible] Program. Finally reiterating from our letter, if council is to initiate amendments to the density bonus programs, we ask that a comprehensive review of all density bonus programs to ensure goals are aligned with Austin strategic housing blueprint,

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that fee in lieu is set to maximize community benefit and includes expanding production for renters. Thank you for your time and consideration. Have a good day. >> Michelle van heift. >> Good morning and happy Earth day. Mayor Adler, mayor pro tem and councilmembers. My name is Michelle, vice president of urban dine with downtown Austin alliance. I'm speaking about item 39 that could initiate changes to the downtown density program and the Rainey street benefits time donated program. I'm presenting recommended changes to item 39 that are jointly supported by these six organizations. The downtown Austin alliance, the Austin board of realtors, the Austin apartment association, the real estate council of Austin, the home builders association of greater

[10:54:06 AM]

Austin, and environment Texas. Yesterday a letter was sent to you outlining our recommendations. We request that you only pass item 39 if you make the following changes to the resolution. Retain a method for projects to exceed current F.A.R. Caps. Remove or edit the first be it resolved clause to ensure any future changes to the city code section 25-2-586, subsection b6. Do not negatively impact participation in the programs. Which could result in fewer market home -- market rate homes, fewer affordable how many and less funding collected to support permanent supportive housing. Calibrate the for updating fees. Contract with a third party consultant to update the 2019 calibration model using current market conditions and current land development code. Only after this necessary

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work is completed, return to council with a new set of fees in August. We believe these changes are necessary if council intends for the downtown density bone must program to be a viable option. Revised fees should only be -- modeled through an independent verification study. This allows the program to address new market trends and not to diminish actual yields. If the fee is set too low, the risk is that the

city may not generate as much funding for affordable or permanent supportive housing. If the fee is set too high, the risk is greater. The developer may choose to build less or build elsewhere. Resulting in the city losing out on affordable housing fees and the long-term tax dollars that are exported to other parts of the city and cover critical services year after year. We support a deliberate calibration process. It should be performed by third-party consultants,

[10:56:07 AM]

understand and apply current market conditions. It should be tested with the development community using real data and proforma. It must recognize that costs and risks increased with added density and should only be done as frequently as staff recommends for efficient use of time and funding and predictability. That current recommendation is every three years. [Buzzer sounding] Downtown density bonus fees are dedicated to permanent supportive housing and must be continued to directed to low barrier approaches to permanent supportive housing for the chronically homeless. Now more than ever. We prefer this funding to go toward building new homes. >> Speaker, your time has expired. >> We respectfully request request -- >> Scott turner. >> Hello, mayor and council. This is Scott turner, and

[10:57:10 AM]

I'm here to speak about item 39. I'm a resident of district 10. We are in the housing emergency as you all know and in general doing anything to limit our housing supply during this time is like throwing gas on the fire of affordability in our city. So I was happy to see that the resolution had been amended to make sure that we aren't doing something to limit our housing supply. I'd like to speak to the eco northwest calculations from 2019 during codenext. There were only two meetings at the end of codenext with stakeholders to review those models. I was at both meetings. There were acknowledged issues with the model based on a more housing friendly code, but that process, that code, codenext ended a few days later. So after years of work, those numbers were never calibrated for any code, and if they are not calibrated, they are not going to maximize affordable housing. And clearly maximizing

[10:58:10 AM]

affordable housing is our goal here. And in order to do that, developers have to participate for it to work. 10% of every project is a lot more bonus housing than 15% of two projects. So the success of a bonus is directly related to the number of opportunities to use it. And I would encourage you to incorporate those kind of participation goals this the resolution today. Calibration is just essential to the success of any bonus program both in terms of participation and in terms of affordable housing created. Uno is a perfect example of that. I think it's the city's most successful bonus program. Certainly one of the most. Because it has a formal recalibration process that has increased participation and the

outcomes in terms of affordable housing over time. The rest of the bonus programs, to my knowledge, including the downtown programs, don't necessarily maximize affordable housing

[10:59:12 AM]

because they aren't regularly real baited. I think the Rainey street bonus program is a good example for the need for calibration and the impacts it can have. In my opinion, the best thing you can do to maximize affordable housing is to include a formal recalibration process in your resolution because if we had had that for downtown in 2013, we would have a lot more bonus housing by now and we wouldn't be here talking about it today because our program would already be working. So please don't make the same mistake twice. Let's get this right and let's he set it up. Don't just pick a number, set it up and calibrate it and recalibrate it over time. Thank you very much. >> Greg Anderson. >> Good morning, council. Happy Earth day and hope we're all relying on transit walking and biking as.

[11:00:12 AM]

As possible. Calling about item 39. There's a lot of frustration around this area. There is little on nor desire to add -- it's hard enough to build in Austin and definitely no reason to continue making it worse. Glad that that portion has been struck and hopefully we can strike the whole first be it resolved and not adopt outdated fees. We have a limited amount of land remaining downtown for redevelopment as these sites get smaller and more expensive, we must add additional limits to Austin's neighborhoods. The rest is done in a partial and non-political way. It makes zero sense to use fees from 2019 when we thought we would shake our oppressive land use code and office space and sublettability space skyrocketing. To ignore this is willfully stop development.

[11:01:14 AM]

Let's get a third party group to do that. Good density bonus programs work to entice developers to utilize these tools and we cannot change rules mid stream because we don't like them. People will put deals together on the best information they have and to change the rules halfway through chips away at the best -- at the trust we need to build into these programs. Very happy that councilmember Casar and harper-madison have reached out to the broad housing community about either implementing the rest of nhc's memo or finding other solutions to the housing cost disaster unfolding around us. I hear another councilmember has chimed in on the message board with interest in being a part of that. It's wonderful. Hopefully we can be honest about how bad our rules are for the density bonus yield citywide. As well as critical needs

[11:02:16 AM]

for more market rate housing. In a nutshell, it must be an honest effort to maximize density bonuses. How many areas in Austin need to be completely unaffordable to the vast majority of austinites before we take this crisis more serious, I'm not sure. Hopefully zero. Hopefully we're ready. Hopefully we're all there. So we have a lot of work to do to be more inclusive and affordable and sustainable. And again, happy Earth day. Let's do it. >> Michael Cargill. Nicole golden. >> Good morning. I'm Nicole --.

[11:03:21 AM]

>> Nicole, we lost you. We can't hear you. You are cutting out. >> Sorry. >> Okay, go ahead. >> Can you hear me now? >> Yes. >> Great. Sorry about that. I'm Nicole golden in councilmember alter's district speaking in support of item 59 calling on our state and federal leaders to protect our communities through common sense gun violence prevention measures. I know some of you on the dais well and you know of my long time work with moms demand action for gun safety in America. State pre ems laws have made it challenging for you as well as local leaders to enact the safe gun laws we so desperately need. I'm here to tell you this resolution today matters. It matters to the women,

[11:04:21 AM]

mothers and survivors, even the movement [indiscernible] Extremists. It's matters for the three people murdered near my [inaudible] On Sunday and neighbors whose children were hiding in nearby bathrooms. It matters to the loved ones of the 100 Americans shot and killed every single day in this country. I'm so grateful to councilmembers alter, tovo, Ellis, Casar as co-sponsors and to your dedicated staff for taking a stand today. Together we can end the devastation of gun violence. Thank you all. >> Michael Cargill. >> Yes, this is Michael Cargill. Owner of central Texas gun works. Eat actually speaking against this resolution. Just so you know a little B

[11:05:25 AM]

but my background, I'm owner of a gun store, teach safety, most licenses out of any store in the stacks. We interact with people when it comes to safety and things of this nature. It's not up to the city council to actually regulate firearms. That is reserved for the state and elected officials on the state level to regulate that because we have a preemptive law in the state of Texas. Hello? >> Yes, go ahead. >> Okay. So we actually have a law against that. You know, from -- people on the city level actually interact with trying to come up with new laws and things of that mate. It's very clear what you can and cannot do in

the state of Texas when it comes to firearms and guns. Everyone knows that is legal without a license to have a handgun in your vehicle. You can have one -- you can

[11:06:26 AM]

have one in your vehicle without a license. That's legal. When it comes to a license, people, you know, people have to take a class, they have to learn gun safety and sit in a classroom in order to carry a firearm. The people you see committing these crimes around this city particularly are people that are homeless who have not taken a class, people that have already started, the spree on crime at a younger age and have never taken a class. For us coming up with a law, only thing we're going to do is target, you know, the law abiding people. We're going to target the people that have interest intentions. Let's not focus attention on that, let's focus focus on the problem not the tool. We have so many people who have been stabbed in this city. One week in Austin more people had vehicle accidents

[11:07:27 AM]

and were subjected to vehicle extents in one week than the entire month of March. But we don't focus ongoing to the car dealership and trying to ban cars or, you know, trying to come up with things to target the dealership. Instead we focus on the individuals and what they are doing with the vehicle whether it's alcohol or on their cell phone. We focus on the people, not the tools because people can commit crimes with a lot of different tools. Once again, my name is Michael Cargill, owner of central Texas gun works. >> The last speaker for -- I mean consent is Zenobia Joseph.

[11:08:31 AM]

Zenobia Joseph. >> Thank you, mayor, councilmembers. I'm Zenobia Joseph. My comments are specifically related to item 17 and 21, which I'm against. And item 23, which I am for. Item 17 is specifically the one million dollar el embassy Buen which would provide payments to -- my opposition is specifically related to the fact that since the rise of fund relief in state of emergency, they have the benefit of funding strain through the city of Austin and there is no equivalent for African-American non-profits. I want you to recognize that el Buen samaritano was the spotlight and they specified that their population is 90%

[11:09:31 AM]

Latino, 93% under 200% of the federal poverty level. Number 21, that specifically the working space easement. My opposition is because of it specifying it's a northeast desired development. I would ask you to recognize there's no transportation to the northeast area, applied materials, Harris branch and Samsung, and there's a need to actually plan holistically and to restore the \$4.7 million project connect, metro rapid on Parmer lane between Samsung and am he will to serve that area. As relates to item 23, I'm for the extension contract for fairfieldish and sweets, a 30-day extension for the covid relief. So it's just an extension for emergency housing. I will just close by calling to your attention that mayor pro tem Natasha

[11:10:32 AM]

harper-madison two days transferred before the transportation committee and mentioned the Harris county lawsuit, which is a U.S. District court related to transportation. But I want to remind you that title 6 of the civil rights act of 1964, and I quote, no person in the United States shall on the ground of race, color or national or origin be denied benefits of or subjected to discrimination under any program or activity receiving federal financial assistance. I know that you will be discussing later today homeless issues and you will rely on the American rescue plan as you are relying on other federal funding. And the fact black people still wait 60 minutes for the bus in the area which is specifically specified in item 21 and that there's no transportation in northeast Austin, that is discriminatory by design and I would ask you to recognize that you have an opportunity through these infrastructure dollars to rectify this

[11:11:33 AM]

wrong. If you have questions, I'll gladly answer them at this time. [Buzzer sounding] >> Mayor Adler: Thank you. Colleagues, let's go ahead -- excuse me -- here at 11:11, and recess the city council meeting. And also at 11:11 here on April 22, 2021, let's go ahead and convene the Austin housing and finance corporation meeting. A quorum of the directors are present. I would point out that there is backup, late backup in item number 1 on our agenda. It's the minutes. We're going to take the speakers that have signed up to speak today on the agenda. I think we have one. And if the clerk would please call our speaker. >> Zenobia Joseph.

[11:12:36 AM]

>> Thank you, mayor, councilmembers. I'm Zenobia Joseph again. My position on these two items 2 and 3 are stated neutral in the official record. I would ask you to change the position to against. I have since reviewed the documentation and I want to call to your attention that cairn point Austin is 5612 Springdale road. That is directly across the street from the reserve at Springdale. The reserve at Springdale is 292 units, 60% area median family income, and it is specifically predominantly African-

Americans. I want you to understand there's no bus stop there. The 300 rolling lane bus as eliminated. There's no stool tripper to pecan and councilmember harper-madison has gone nothing to restore capital

[11:13:37 AM]

metro service there. There's a pickup zone but Monday through Friday. This is for senior citizens but it's permanent supportive housing so 30 to 30% I told you you were putting another property of 60 percent median family income in the reserve at Springdale across the street from the library. Please diversify Austin. What I would ask you to recognize as well, 315 manor is off of the area that is that is Rogge lane as well. And even though it's more units, I want you to know the students have to walk one mile to the Mueller area. So the bus service serves the people who are wealthy in Mueller and this would serve people who are actually low income. I want you to understand there's a whole lot of space on the westside of loop 1. So I want to ask you once again to put a moratorium on

[11:14:38 AM]

permanent supportive housing in east Austin. I want you to realize you need a mapover lay so you can identify the number of units west of mopac and you also need to look at the median family income when it's 80% median family income through the housing authority of the city of Austin largely. It's 30 to 60% area median family income, which about a 12-dollar job or below, which is east of I-35. I also I want you to recognize that Travis county commissioners' court in project year 2019, all of the nine projects really east of I-35. And so if you look at these projects individually, it appears that you're doing a great job. But when you look at the big picture and you start to put the overlay, you will see that you have very few items or projects that are west of loop 1. And specifically I'll just one you give example on the lakeline, the metrorapid actually it's only 128

[11:15:39 AM]

units. When you go east of I-35 you start to see 300 units, almost 300 or 390 units so have you more density. And that's inequitable. So let me close by quoting precedent. So the inclusive communities project sued the Texas department of housing and community development over the sight of most low income housing tax credits and these properties were predominantly in black communities in Texas and this is the holding in that case. In Texas department of housing and community affairs versus inclusive communities project, this was in 2015, justice Anthony Kennedy delivered the court's 5-4 decision and it held that disparate claims are recognizable under the fair housing act of 1968. I would ask you to keep that in mind and that these are disparate impacts because we are concentrating poverty -- [buzzer]. That is not going to be the solution to trying to get

[11:16:40 AM]

3,000 people housed in three years. >> Speaker, your time has expired. >> I thank you for taking my call and if you have any questions or comments for me, I will gladly answer them at this time. >> Mayor Adler: Thank you. >> You're welcome. >> Mayor Adler: Those are all the speakers we have? >> Yes, mayor. >> Mayor Adler: Okay. Effective while we're here, there are three items on this agenda. I think they're all three consent items. >> Yes, mayor, they are. >> Mayor Adler: Do you want to see if we can take them through? >> Happy to do that. Mandy, do you want to lay them out? >> Absolutely. This is Mandy de mayo, Austin housing finance corporation, we have three items on this agenda, the first is approving minutes from March 25th and April 8th. There is late backup for

[11:17:40 AM]

these items. The second is improving an inducement resolution for private activity bond financing of \$20 million for a proposed project on Springdale road. It's a senior -- 130 unit senior housing project that will provide permanent supportive housing for folks between 30 and 60% median family income. And then the third item is authorizing us to move forward with the acquisition of an almost half acre parcel at 3515 manor road. We are utilizing general obligation bonds for that. It is \$1.1 million including closing costs. I'm happy to take any questions. I offer those on consent. >> Mayor Adler: Is it there a motion it to approve the consent agenda? Mayor pro tem makes the motion. Councilmember tovo seconds any discussion on the consent agenda? Councilmember tovo. >> Tovo: It's actually a

[11:18:41 AM]

question about -- with regard to the acquisition of the parcel, it's my understanding that there's also appear intent to purchase an -- a parcel from public works. >> That is correct. >> And that's not part of the tract that's on our agenda today, is that correct? >> That is not. We are currently in discussion with the public works department this particular parcel is a privately held parcel that we are asking to move forward with the acquisition of for one million dollars, 1.1 million with closing costs. We're in active discussions with public works right now about the acquisition of the slightly larger pal sell and the insent is to do a land combination in that area. >> Tovo: I am interested to know how the city department is going to value that land. Basically what price tag is going to be on it. Is it going to be the price at which they acquired it or

[11:19:43 AM]

will it be market price? We've had that conversation before when we have a city department purchasing land to what is in essence another city entity. Obviously the housing finance corporation isn't a city department, but it's a city entity. Maybe just a note I would like some information about that. I hope we're given the best price possible to when it's being purchased by another city entity. >> Absolutely. And council member, those are the discussions we're having with public works right now. I believe that parcel was purchased with certificates of obligation, so we're working with the mechanism that we would use for those funds. >> Tovo: That's an exciting acquisition. >> They are very excited about it. Thanks. >> Mayor Adler: Any other discussion on the consent

[11:20:45 AM]

agenda? Hearing then let's -- yes, councilmember alter? >> Not for ahfc. >> Mayor Adler: Okay. Let's take a vote on the consent agenda on the Austin housing finance corporation. Those in favor of the consent agenda please raise your hand? Any opposed? It is unanimous on the dais. >> Mayor, thank you. >> You're very welcome. Thank you so much. >> It passes unanimously. >> Mayor Adler: I'm going to adjourn the Austin housing finance corporation meeting here at 11:21 and we will reconvene here on April 22nd, the regular city council meeting. We've had all our speakers speak now. I'm speaking the pulled items -- I'm showing the consent agenda being items 1

[11:21:45 AM]

through 39, 52-56 and 59. 1 through 39, 52-56 and 59. The pulled items are three and five, 18 and 20 and 39. Is there a motion to approve the consent agenda from the council? Councilmember alter makes the motion. Councilmember Renteria seconds it. Any discussion on the consent agenda? Councilmember kitchen. >> Kitchen: I want to reiterate that some of the items on the consent agenda are consent to postpone, so I think you read those in, right? >> Mayor Adler: Yes. I'm not sure that we did if it wasn't otherwise on the changes and corrections but we have item 31 that's being postponed and [indiscernible] Being postponed. Three and five have been pulled and those are postponement items. >> Kitchen: Thank you.

[11:22:46 AM]

Yes, councilmember alter? >> Alter: Thank you, mayor. I wanted to speak on three items. I was wondering if we can make our remarks on 59 collectively, one right after another, so that it's together if other folks want to. >> Mayor Adler: Speak to 59. We'll ask other people to speak on 59 and then we'll come back to speak on other items. >> Thank you, I appreciate that. So one just that's look at the headlines to see Austin is not alone in its struggle with gun violence. On average over 3,350 gun-related deaths occur in Texas each year. And the United States centers for disease control and prevention

report that gun violence claims over 30,000 lives annually. With item 59 we as a council will be saying allow and clear to our federal and

[11:23:46 AM]

state electors, we don't have to live this way. This isn't normal. Common sense gun violence prevention is both possible and necessary. We cannot afford to waste any more time. I've lost count of the number of times that I've had to publicly acknowledge and express grief over another senseless act of gun while while in office. I did so after Las Vegas, after Southerland springs, after parkland, after Santa fe high school, after tree of life synagogue, after the municipal building in Virginia are beach, gill roadway and. >> Ellis:. And I thought we had done enough for our state lawmakers to do enough, but they didn't. Now I stand here after

[11:24:48 AM]

Atlanta, Boulder, Indianapolis and yes, Austin, district 10. The number of mass shootings this calendar year is simply overwhelming. I can't even count them. As elected officials, we often find ourselves trying to solve problems that don't have clear answers. This is not one of those issues. This is something we tonight have to learn or figure out. We know how to fix this. Gun violence is a public health crisis and we need our state and federal leaders to treat it as such. With this item we direct our city manager to ensure that we are working closely with our partners at the county level to have a robust firearms surrender protocol and it also calls on the state and national leaders to act. Inaction is simply untenable. I want to conclude by thanking my co-sponsors, mayor Adler, council members Casar, Ellis and tovo as

[11:25:48 AM]

well as council members kitchen and pool. And I want to thank all my colleagues and my staff for our past work together, including establishing the task force on gun violence and the office of violence presentation which came out of the recommendations of that task force. Today for Alyssa, Amanda and Willie, let's remain relentless in preventing more senseless deaths and injuries. We will keep asking because the impact is real. Thank you. >> Mayor Adler: Thank you. Councilmember Kelly. >> Kelly: Thank you. This week's incident at the arboretum was nothing short of a tragedy. I've spoken with our city manager and my understanding is that APD is reviewing their classification of calls so that active shooter situations are clearly labeled and judiciously used so as not to cause unnecessary panic. I respect my council colleagues and the hard work they've done in order to put together this resolution, however, I firmly believe we've run into trouble at the municipal level when we

[11:26:49 AM]

try to work against rights that our country's founding documents make clear are for all Americans. There is an explicit right mentioned in the United States constitution and in the Texas constitution and that is the right of individuals to keep and bear arms for lawful self-defense. If people want to affect firearms policy they would be more effective when speaking directly to their federal and state local representatives. Because I do not believe this resolution to represent the work we should be doing on a municipal level, I would like the record to reflect I'm voting no on this today. Thank you, colleagues for all of your hard work. People who commit crimes and steal guns need to face certain justice at the hands of a strong community. A robust police force, focused district attorneys and a fair and humane justice system. Criminals don't care about gun laws, but improving gun laws for those who find themselves in life-threatening situations can be a matter of life and death.

[11:27:49 AM]

Thank you. >> Mayor Adler: Colleagues, we're 122 days into 2021 and we have already experienced 156 mass shootings nationally. So far this year we've had 17 alone in Texas. Three in Austin, including this past weekend where three people tragically lost their lives as we noted at the beginning of our meeting. I believe it is proper and important for this council on behalf of our community to implore our Texas legislature, governor and lawmakers to adapt red flag laws, gun reform, do what they were elected to do, serve the will of the people, since these proposals are overwhelmingly supported. We see nationally that the majority of Americans support law enforcement and family members to urge judges to remove firearms

[11:28:51 AM]

from those posing a threat. For the Broderick and Simmons families, this simple act alone could have possibly prevented their loss just as it could have saved and will save countless others. We must do better. This is a playing on our society and we must treat it as the deadly scourge that it is. Colleagues, anyone else on this item? Let's open up the consent agenda. Otherwise, council member Casar. >> Casar: I appreciate, councilmember alter, you included me early on in this and the work to so ask state and federal officials to do the right thing on gun

[11:29:51 AM]

violence and to also remind us of our continued work and commitments as a city. We funded in this last year's budgets gun violence intervention programs that in other communities have shown to really

reduce gun violence before it happens because we know so many shootings are preventable. And we don't have robust programs like other communities do and it's about time. So I urge, manager, that we do the best we can to accelerate implementation of those important programs that we worked on together in the budget. And we also, I believe, in may will be bringing forward funding for family violence shelter and protection because we know that -- and I know in my own district that there are so many cases of people calling in to our existing family violence programs and there's a waitlist and there isn't space and there are people who say that they fear for

[11:30:51 AM]

their own health and safety. And our current non-profit providers have to rank how close you are to potentially getting killed to determine who comes off the waitlist. And so I know that we will be bringing those contracts and funding for it here in the coming weeks and appreciate again this council coming together to do that work. So we must urge those state and federal officials to do the right thing. We have to accelerate and expand what we can do here at the local level as we mourn the victims of these murders, as I reflect on the families and victims that I have met in my own district because every murder is too many. And the increased number of shootings in our community is unacceptable and we have to bring that number down and we need help from every level of government to do it. And I know we're all committed to doing it

[11:31:51 AM]

together. So thank y'all to all the co-sponsors and to everyone on the dais for your work on this. >> Mayor Adler: Colleagues, we have a motion and a second on the consent agenda. Further conversation on the consent agenda? Mayor pro tem. >> Harper-madison: Can you hear me? >> Mayor Adler: Yes. >> Harper-madison: Thank you. I appreciate you being recognized. There are just a couple of items I wanted to speak to briefly on this one. Item number 11, which is a super exciting project. Staff provided my office with some renderings and designs and I have to say these are some really sorely needed improvements. Red river is such a vital part of Austin's identity. The pandemic really has been an absolute gut punch to the people who make red river what it is. They've spoken to us and we've heard them and we know that that's the case.

[11:32:53 AM]

I'm extremely happy to move forward with this project so that we make it a safer, more accessible place for all people. I just really want to hammer home that the need to get this work done is important, but to get it done in a timely fashion is important. We'll hopefully get to see the floodgates open soon and the moment we hit that herd immunity that Dr. Escott talks about and our health experts declare that

it's safe to reopen, those bars and clubs that have been sucking wind for the past year, you know, they don't need any extra disruption from construction work that goes on longer than expected. So I hope we do everything we can to prevent any unnecessary delays as far as that item is concerned. Item 55 represents a great strategy to leverage federal dollars to help us get closer to our 50/50 mode split goal. Over the years we as the city have been on a roll

[11:33:55 AM]

when it comes to safer, more accessible modes of getting around. Even though they're each in specific parts of town, residents and visitors alike all over Austin will benefit from them. I just want to take a second to point out that the needs for these kinds of projects are still pretty great across the city and these two aren't the only ones that are up for consideration. By way of example, my office helped to draft letters for support of federal funding for completion of colony loop drive. That missing segment of the street is absolutely crucial to building out the colony park sustainable community vision. That vision is all about making major investments in an historically underinvested part of town and it will unlock the big mobility projects such as the green line and metrorapid expo line. These are bigger than balance sheets but I hope we will continue to dig between

[11:34:57 AM]

the seat cushions and fund the projects that we've unanimously confirmed are our priorities. Thank you. >> Mayor Adler: Councilmember Fuentes and then councilmember tovo. >> Fuentes: Thank you, mayor pro tem. I want to build off your comments in relation to item 55, the Bergstrom spur, most of which is in district 2 and is a tier 1 urban trail. I'm excited about the opportunity to have additional funding, much needed funding to have this east to west connection and it will provide my neighbors here in district 2 vital connections to transit, schools, employment centers and the like. And I also want to mention that we -- as you mentioned that there are a number of other projects that we are seeking support for and there's another one in my

[11:35:57 AM]

district, Ross road, and ensuring that we have as much funding to bring much needed safety and improvements to that area. So I'm really excited about item 55 and happy to be a co-sponsor. >> Mayor Adler: Great. Councilmember tovo I think is next. >> Tovo: Thanks. I wanted to comment on a couple of items on today's agenda. Item 34 follows up on the resolution that I brought to provide funding for -- to waive the fees for the banners. And I just wanted to appreciate downtown Austin alliance foundation and Molly Alexander in particular for her leadership on this project in addition to the other partners she worked with I think the banners that are recognizing governor Ann Richards and providing inspiration Al

quotes up and down congress avenue are just really a wonderful and inspirational set of moments in our downtown and much

[11:36:58 AM]

needed. If you haven't had an opportunity to see those yet I encourage you to take that walk along congress avenue and enjoy them. And I am also excited, I want to note for the manager, I'm excited the other part of that resolution was to ask our economic development staff to work alongside the foundation on different ideas to revitalize and to provide additional exciting opportunities for people to come downtown and return to downtown in safe and social distanced ways. So thank you and look forward to hearing the rest of that work. Item 11 as my colleague mentioned are the improvements along red river in the red river cultural district. And I'm very excited to see it. It's taken awhile. The red river cultural district was passed under 2013 and created in 2013 and really beginning right around then the red river cultural district association and business members started talking with economic development department and identifying

[11:37:59 AM]

our economic development department staff, especially Nicole worked really creatively and innovatively in improvements that would enhance the red river cultural district. So thank you, Nicole, for your leadership, thank you, Cody Cowan of the red river cultural district for your leadership and that of your members in really identifying and helping our economic development department create a menu of options that would really enhance that area. We did do a series of amendments to make this happen in both 2017 I brought an amendment and in 2019 brought another amendment because the work still hadn't happened and still hadn't been funded. So I'm glad to see it moving forward. Some of that work already has happened, but this will push forward some of the additional pieces and I'm glad to see that we're using the good streets funding as the council directed.

[11:39:00 AM]

Thank you, colleagues, for your support when we had not fully funded and had not been able to see the improvements that we had directed back in 2017, you joined me in support for using great streets funding for that and that has made a difference. For those members of the public interested in tracking the work, you can see the improvements with the trash cans APD other things we discussed including murals and other great things with more to come. So thanks to our staff and to our community members for advocating for that. And I want to close by recognizing councilmember alter for her leadership both on item 59, but also the other work that you've done laying the groundwork for today's

action, including the resolution to create the office of violence prevention. I know that will help our community become safer and

[11:40:00 AM]

certainly this week has reemphasized to all of us, but I hope to many at our state level the need for more common sense gun regulations and much stronger protections to keep all of our community members safe. So thank you again, councilmember alter, for your leadership. >> Mayor Adler: I want to touch real briefly, I want to join the other -- item 11, I want to join the other voices, I want to thank you, councilmember tovo, for working on the red river district issues over time. I appreciate the opportunity to be able to work with you on those in the last several years, but the call to try to get this work done, manager, before there are people around, we don't want to miss the opportunity to do this work while we don't have a lot of traffic in those areas. So I would urge staff to accelerate that work. I also want to thank councilmember alter for the

[11:41:02 AM]

resolution about education. So much must be, hundreds of millions of dollars for just aid alone from congress meant to augment education funding being used by our state to cut education funding so that the funding remains level instead of as congress intended is just outrageous. And that money should be put to the augmenting and enhancement of education and as it was intended to be by congress. And then finally, credit to our community on item number 22. It's three purchases in the Barton springs recharge zone that is happening now just because of the popular vote at the bond election for this purpose. So thank you for community for its work on that issue. Councilmember kitchen.

[11:42:02 AM]

>> Kitchen: Yes, I'm excited about item number 55. I wanted to speak to that and acknowledge what the mayor pro tem and councilmember Fuentes says. It is exciting to have federal funds available for these projects and other projects. The Bergstrom spur is something that we've been champ championing for south Austin for quite some time. Thank you, councilmember Renteria for all your work on that. And thank you, you, councilmember Fuentes, for all your work in supporting this. The Bergstrom spur represents a piece of land that has long been dour the man that has huge -- that has long been dormant that has huge opportunities for multi-modal opportunities between south Austin and the airport, with pedestrian, bike and potentially in the future transit options. I'm really excited that we're taking this next step to -- and that we are able

[11:43:03 AM]

to take advantage of some federal funds to help make this happen. So thank you, councilmember Renteria for bringing that up. And I look forward to working with my fellow south austinite colleagues as we know there's much more to be done to bring that project to fruition. And then also I'd just like to echo what the mayor said with regard to 22, item number 22. It's huge to be able to purchase these water quality lands, and so with the intent of the voters and the designation of the funds we're able to do that. So I wanted to call that out also. Thank you. >> Mayor Adler: Okay. Councilmember Renteria? >> Renteria: Yes, mayor. I'm really excited about the opportunity to get the funds for the Bergstrom spur. This is going to be an opportunity where we're going to be able to invest

[11:44:05 AM]

some of the extra money that we have left over on other trails and parks but I'm also excited that we're going to also try to complete the trail that goes through east Austin and we'll be able to connect the trail and go underneath airport all the way to Tillery and hopefully that when metro redesigns the headquarters there because they are planning to move to downtown, that we could connect that trail and complete it all the way to the Armstrong trail so that we could connect. This trail will connect the whole city. It will complete the loop that goes all the way around Austin. So this is a great opportunity for people to be able to take advantage of a cheaper alternative way of going to their jobs and riding their bicycle.

[11:45:07 AM]

It's an excellent mode of transportation that will not only save you time to get to work, but also help you in your health because of the activities that you will be doing. So this is really great. >> Mayor Adler: Thank you. Councilmember Kelly and then councilmember alter. It's 15 before noon. I'm going to need to step off about seven or eight till. We have the opportunity to take care of I guess two or three things that would be quick on the non-consent agenda as you go into your noon sitcom and then coming back at 1:00 or 1:15 to do the pulled items. Councilmember Kelly and then councilmember alter. >> Kelly: If you. I would like the record to reflect that I will be voting no on 2, 16, 17, 24 and 59. Thank you very much for the discussion about the consent agenda today, everyone.

[11:46:09 AM]

>> Mayor Adler: Councilmember alter. >> Alter: Thank you. I'll try to be quick. I wanted to speak briefly to number two and to 37. So item two authorizes -- establishes a pilot program and issues incentives for

alternative on-site water reuse systems for large new commercial and multi-family developments. First I want to express my appreciation to the community members and my colleagues who have worked collaboratively to advance these efforts and to our staff who have been working to implement them. I think these pilots and incentives can be a tremendous catalyst to our other ambitious efforts to ensure water reuse. I do want to use this opportunity to indicate to Austin water staff and to my fellow Austin water oversight committee members that I would like for us to get reports and process at our committee meetings at the appropriate time. That was not specified in the resolution, but I think that we should regularly be hearing about these at the Austin water oversight

[11:47:11 AM]

committee. And then lastly, I want to speak to item 37 and thank my co-sponsors, council members Fuentes, tovo and pool and to thank trustees for the details on the funding situation. It is safe to say there is a lot at stake. \$18 billion for our state schools and studentsment here in central Texas we're talking at least half a billion dollars. For aid alone as has been said it's about 240 million to help our teachers and kids to return to school safely and address learning loss. With this resolution we speak on behalf of the children of Austin, their parents and their teachers. These funds are desperately needed. They've been needed for many, many months. They will fund safety and ventilation improvements, after school programs, mental health supports, school nurses, technology and address learning loss and provide supports for

[11:48:13 AM]

students. These funds were sent to Texas from two very different administrations and Texas is only one of two states not deploying these funds as intended by the federal government. These funds as was mentioned will be spent in our community and they will multiply out to help us recover from covid in personal and economic ways. So I appreciate my colleagues joining with me in support of item 37 so that we can lend our voices to the many calls to make sure that this funding reaches our schools and our children. Thank you. >> Mayor Adler: Thank you. Colleagues, are we ready to move on? Let's vote for the consent agenda. Those in favor? Those opposed? It's unanimous on the dais -- oh, councilmember Kelly, did you raise your hand? With the notations, it's good. And the mayor pro tem as well. So it is unanimous on the dais on the consent agenda. I would note for the record

[11:49:15 AM]

that item number 41 was for public hearing only. We have now taken the public hearing testimony so there's no action for us on item number 41. I'm going to turn the dais over to you, mayor pro tem, and suggest that you take action on item 47 and 57 and that should get you to citizens communication

speakers at noon and then I recommend that we come back at 1:00 1:15 to handle the pulled items. Mayor pro tem, I turn the gavel over to you. >> Harper-madison: >> Harper-madison: Thank you, mayor, I appreciate it. Colleagues, if you could bear with me for just a moment.

[11:50:43 AM]

All right. As per the mayor's suggestion we'll take up items 47 and 57 before we take cit-comm at noon. The time is 11:50. On item 47, which is the Springdale pud item, public hearing and approve an ordinance amending city code title 25 rezoning the property locally known as 1011 and 1017 Springdale road. That's at boggy Greek and Tannehill branch watersheds. So the applicant's-- >> Excuse me, mayor pro tem. I think maybe the mayor misspoke and you should probably go to item 57 because 47 is for our 2:00 item. 57 is approval from a

[11:51:44 AM]

municipal civil service commission. >> Harper-madison: So 47 is for two P.M.? >> That is correct, mayor pro tem. >> Harper-madison: Ms. Alter? >> Alter: I was going to say I can make a motion for 57 because it was from the audit and finance committee if you would like. >> Harper-madison: Thank you, I appreciate it. >> Alter: So item 57 is approving the appointment of members to the municipal civil service commission so at the most recent audit and finance committee meeting we interviewed candidates for the mcs commission. We selected three nominees and I will make a motion that we appoint Mckenzie Frazier and Andy Mormon to new full terms and Kevin Mullan to fill the remainder term of the municipal civil service chair, Pamela Lancaster's position. >> Harper-madison: Councilmember alter makes the motion. Councilmember pool seconds?

[11:52:44 AM]

>> >> Pool: Yes, I want to second it and I want to note that we're not saying that Mr. Mullan is going to succeed as president. It just happens that Pamela Lancaster was chairing that municipal civil service commission -- >> Alter: I think my notes are wrong and I think that Theresa wisely is currently the chair and Pamela Lancaster was the chair for many, many years. So the motion should be to appoint mccanecy Frazier and sandy Mormon to new terms and Andy to fill Pamela Lancaster's -- [overlapping speakers]. >> Thanks, councilmember alter. >> Harper-madison: Thank you, both. I appreciate it. We have a motion on the floor, seconded by councilmember pool. Is there any discussion on this item, number 57? Hearing none -- oh, councilmember alter? >> Alter: I just want to thank the folks that are taking on this responsibility as well as

[11:53:45 AM]

those that applied. I don't believe there is any other volunteer position in the city that takes as much time and as much commitment as the municipal civil service. It is critical for our employees and just want to thank the folks who did apply and are participating in this. If you are interested in pursuing this commission in the future, I believe that we will have another opening next year. Thank you. >> Harper-madison: Thank you, councilmember alter. Colleagues, if there's no further discussion on this item number 57, if you are ready to take a vote, all in favor? It appears as though we are unanimous on the dais with mayor Adler off. And with us taking up -- I'm sorry, Ann Morgan? >> I apologize. I think somebody else is off. I believe it must be councilmember Casar. >> Harper-madison: Thank you. I appreciate that. For the record, mayor Adler

[11:54:46 AM]

and councilmember Casar are off the dais otherwise a unanimous vote for item number 57. I was going to propose that since we're taking up cit-comm right at noon and I believe there are no other items that we can take up in the interim, are you guys comfortable with a five-minute break before we take on cit-comm? Hearing no objections, I'll see you guys back here right at noon. Thank you.

[12:02:43 PM]

>> Harper-madison: It looks like we have a quorum again. I think we should go ahead and start to take our citizens communication. >> Okay. The first -- I'm sorry? >> Harper-madison: I didn't hear you. >> Oh, no, we'll go ahead. The first speaker is dusty Monroe. >> Hi, thanks for having me. My name is dusty Monroe and I'm the founder and chairman of humanize Austin. We're a brand new 501(c)3 non-profit tech start-up here in the city. And while the mayor and city council and other business leaders have proposed some really fantastic ideas to assist those experiencing homelessness, I feel like many of the solutions are receiving significant push-back from members of the community. And I firmly believe that our organization, humanize Austin will help change the understanding of homelessness and remove many of the stigmas that the community has about those

[12:03:43 PM]

experiencing homelessness. Something that I read from the American institute of health, they said that the general public perceives though as experiencing homelessness as not fully human. Think about that for a second, not fully human. And our goal as humanize Austin is to change that perception in hopes that the community will embrace some of our city leaders' fantastic ideas and peculiar put -- and we can

put an end to this crisis together. So what exactly do we do? Our approach is simple. We currently provide select homeless participants an online profile on our platform that contains a video of them telling their story which is often times very heartbreaking a button where prospective employers can hire those homeless and a button where members of the public can donate to them in a contactless way. One other thing is that we also give our participants a custom sign with a qr code that members of the public can scan that takes them to the page or we give them

[12:04:44 PM]

business cards so they can raise awareness about their story. So we hope to be able to allow our participants to tell their stories through our platform, to humanize homelessness and most importantly humanize Austin. We've already received great exposure through KXAN, spectrum news and other on online outlets, but in order to scale and really make a big impact we need the city's help in hiring one full-time employee. We will be applying for various funds and grants from the city, but hope to get awareness and catch the ear of a passionate city leaders who might want to assist. You with go to our website, humanizeaustin.com and contact us today. I think that's it. Thank you. >> Harper-madison: Speaker, just a minute. I believe that councilmember kitchen has a question for you. >> Kitchen: Thank you for presenting this. I would just ask you to reach out to my office. I'd like to discuss this with you further. >> Okay. That sounds great. >> Kitchen: Thank you. >> Thank you, Ms. Kitchen.

[12:05:46 PM]

>> Harper-madison: Thank you, speaker. >> The next speaker is Ethan Smith. >> Hey, good afternoon city council. I have provided a couple of documents, a couple of pages, two pages from my thesis, which will be ready in probably three to four week. And it's the same sensitive portion. My thesis is about housing and equity at UT and it's a comprehensive plan which I believe the university will be required to consider as a, a race neutral Terry that obtains the benefits which flow from diversity on campus. And ultimately that would, for example, having more housing if there are students who are auto admits from like the third ward in Houston who are self-selecting out of attending UT and going to the university of Houston or Texas southern, this

[12:06:48 PM]

would -- I believe it would raise the rates of those students that decide to come to UT, which is the flagship university in the shape. And so I know it doesn't quite make sense what does an above market public-private partnership with health south, I thought we had a deal going forward. I want to recognize that and this should work for every partner and it's kind of meeting the public, the developer would make even more money and constituent and the state would both unlock additional equity bonuses. So

I'm just trying to enter the marketplace with free ideas with this one and compete with the idea of mfi as a way of getting equity. It certainly is a way. I believe in this instance you're not going to get device the equity, you might get 10 times the equity. I hope you will check it out. And I would also like to register my support for anything that happens with Kenny Durham's backyard that

[12:07:50 PM]

makes it a real focal point of positivity. And I think that's something that will make sense to people, but I look forward to continuing these conversations and I've been fortunate to meet with councilmember tovo and her office and also curt in councilmember alter's office. And I was a part of a very special meeting Tuesday morning between the black president's leadership council at UT and president Hartzell and I'm upbeat that something positive is going to come out of that. And I'm pleased that they're considering housing as a priority. So I just wanted to give y'all the update. And oh yeah, one more thing. The timetable at UT, everything is leading up to August. It's like a flower that blooms every five years. We've got a new president, we're going to be raising billions of dollars. What for hasn't been decided yet. The books are open as far as getting ideas in there. So I would ask everything with Brackenridge side tracks and health south just

[12:08:51 PM]

wait until August and then all the ideas will have a chance to get out there. Thank you. >> Harper-madison: Thank you, Ethan. Next speaker. >> Mayor pro tem, that concludes all of the noon speakers. >> Harper-madison: Thank you very much. I appreciate that. Colleagues, I believe that brings us to our lunch break if I'm not mistaken. Feel free to correct me if I'm wrong, Ann. >> I think that would be fine and then you can come back and take up pulled items if you would like to do that right after lunch. >> Harper-madison: I got the impression that's what the mayor was expecting that we do. Okay. -- Councilmember kitchen? >> Kitchen: I'm sorry, you were probably about to say this. Is it 1:15 that we said? What time do we come back?

[12:09:54 PM]

>> Harper-madison: 1:15 sounds good to me. I thought he said 1:00, but it's 12:09 now so that would give us 50 minutes. Let's do 1:15. We're going to take lunch at 12:09. See you guys son, bon appear teat. Bon appetite. [Music]. [Music].

[1:20:18 PM]

>> Mayor Adler: Okay. So let's go ahead and reconvene today's Austin city council meeting, April 22, 2021. It is 1:20. Council, thank you for moving forward. I understand that the consent agenda has been passed and so we're going to go to the non-consent items on the agenda. That leaves us then just the -- the four pulled items. Well, 3 and 5. And then 18. And then 20, and then 39. We have an executive session. Let's see how rapidly we move. At 2:00 we'll try wherever we are to pull back and see if we can get to speakers. But let's begin then with the pulled items. 3 and 5 were pulled by Casar.

[1:21:20 PM]

You want to start us off, councilmember. >> And I also pulled them. >> Mayor Adler: Okay. >> Casar: I'll pull out my questions without having the staff to answer because I haven't spoken to councilmember pool, and I don't know the councilmember's questions might be the same or different. But my primary question is that since our work session I heard that the hotel operator has offered to meet with the union to answer questions through the month of may, through several meetings. And so, you know, I think that it would be easier to for the council time if those get worked out before bringing it back. So my primary question is what the issue would be of bringing the questions back after those meetings have concluded through the month of may, rather than bringing it back at the next council meeting. So I'm most interested on the impacts of that and which parties might be impacted since

[1:22:21 PM]

my understanding is that a lot of the loan payments are either coming to the city or going to the hotel. And if the hotel operators are having these meetings, then I would be interested in whether we just wait. But, I'll leave it to councilmember pool to see if there's other issues or questions that she might have. >> Pool: Great, thanks. We talked about it on Tuesday and I wanted to today to confirm that staff is postponing item 3 and we'll return with follow-ups to reflect the new language as councilmember Casar has lined up that would -- well, I don't know if this is what councilmember Casar had lined up aside from talking with the union, but it's important that the new language requires council approval on not only new management agreements but also on any extensions of the management agreement. And I do think that is one of the items that our union friends were concerned about. And I wanted to thank the staff for working to get that done and I'm open to a date that maybe

[1:23:22 PM]

councilmember Casar might offer for that one. And also for item 5, are we talking about both of these items right now, mayor, or just 3? >> Mayor Adler: Both items. >> Pool: So on item 5 I'm supportive of

postponing this one as well and several questions have been posed and our staff is working on responding, but I'd like to spend a little bit of time reviewing the responses. As I said on Tuesday, and from what I have heard from my colleagues, we need more time to be comfortable enough to vote on this one and the line of credit that is contemplated. So I would support the additional time past may 6th for that review. And I also mentioned on Tuesday, and this is really important, I would like to schedule a presentation from staff at audit and finance committee on the financial state and the stabilization plan for this hotel and establish a regular recording framework if we're able at that committee. And then more generally, I'm working to ensure regular reporting to council through audit and finance for all of our

[1:24:23 PM]

quasi governmental entities that will establish more transparency and good relationships. And I'm seeking a comprehensive list of these entities and a description of their governance to see what the similarities and differences are among them for the committee to review. And then that would be a discussion on a framework for regular oversight. >> Mayor Adler: Councilmember tovo. You are muted. >> Tovo: How about now? >> Mayor Adler: It's good. >> Tovo: Thanks, councilmember pool. I appreciate your leadership on that and I'm really interested in the topic and I'm really glad that you're doing the work on it. So I look forward to seeing the results. Do you think that it makes sense in that case to wait on item 3 for the moment since it's also related to the structure of that organization? >> Pool: Yes. Both 3 and 5.

[1:25:23 PM]

I was looking to councilmember Casar for a possible date some time after may 6th, maybe in June. >> Tovo: I missed that piece that we were potentially postponing 3 as well. Okay, thank you for clarity. >> Mayor Adler: I think that items 3 and 5 were proposed by staff to be postponed -- sorry -- being proposed -- both proposed by staff to be postponed until may 6th meeting. And I think that we're pulling it to see if that's the date that we wanted to come back. I think that is the operative question in front of us. >> Casar: Of the staff -- because it sounds like the hotel operator is going to be meeting with the union over the course of the month of may what the impact would be to bring this back at the end of may or the beginning of June, given that it

[1:26:24 PM]

looks like most of the payments are going to that hotel in the first place. So while they are meeting, is there an impact of not approving this until they're done meeting? >> Mayor Adler: Okay, so the questions that I would have too for staff is whether there's a difference in the items. In other words,

what is the impact of the (indiscernible) And 5 has both a loan and a credit line. And whether there are different sensitivities with the loan and with the credit line. And then part of what councilmember Casar is trying to figure out is what the tie is -- because I'm just missing it -- between the union and the issues associated with the loan and the credit line. That need to be worked out before we should consider -- either the governance -- in the governance thing, I understand that it's supposed to be amended to say that both extensions and

[1:27:25 PM]

contracts come to council. So I'm trying to figure out what it is that comes with the -- a longer delay. What is it in the conversations that deal with the loan and credit line, and whether those two things should be handled differently. And whether we should be postponing to a date certain, or postponing it until the board thinks they're ready to come back to us, given all of the conversations that we have had and then let them put it back on the agenda. So I have all of those questions. >> Mayor, I can speak to some of the questions that you have. >> Mayor Adler: Yes. >> Okay. We are -- for item number 3, they expect that it will happen and so we'll bring that to the able board to approve it and bring it back for council. As far as number 5, the postpone

[1:28:25 PM]

that we requested yesterday was because there was a couple of questions from the Q. And a. That we are working with the law department to give us more clarity on specifically, and we would like to bring it back to may 6th on the date -- if I need to delay it further, I will, definitely, but I would like to stay focused on bringing it back may 6th because there's contracts and invoices tied to that loan amount that we're doing in. . In the recommendations that we put on our calendar yesterday, we met with the union right before council meeting this week and as far as our knowledge there was no other follow-up questions or issues that were brought to the table to discuss. So I would like to create a balance of more just stick to the schedule for may 6th, we'll be happy to continue talking to the union, but we have already addressed their issue of doing the extensions on item number 3,

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and definitely the q&a answered a lot of their questions and I'll bring back what the law department gives me on the outstanding questions. So I would like to stay on may 6th if you guys don't >> Casar: My primary question is -- I appreciate that and sounds like there's going to be a month worth of meetings and rather than spending time going through some of the issues here, my question is what is the -- what is the actual impact in the bills are due primarily to the folks that are having the meetings. Is there -- is there an impact of not bringing this back until that month of meetings is done? I understand that it's

your preference, but I want to understand what -- what the negative consequence, if any, is of bringing this back after that month of meetings. >> These -- sorry.

[1:30:26 PM]

We get penalties or late fees assessed on -- there's also part of this coming back to the city for payment that we have deferred for a while that -- the city back. Then, of course, the franchise for the hotel. I'm not sure if holding the hotel hostage because of the meetings with the union. Again, we provided the meetings for a month long to just continue the discussion with the union, but we have not heard of anything specific from the union that they really want to address with the help and staff or operations. It's unclear what union is asking. I'm not sure if postponing much longer will do anything either to the discussion. >> One suggestion, mayor, council, if I may, is just to postpone indefinitely and that way if it's ready by the 6th, we can repost. If it's ready for the next cycle, we'll repost then.

[1:31:31 PM]

But it allows for flexibility. >> I would be happy with that, manager. Appreciate it. >> Casar: Do we have a sense of the amount? Some of it is paying back ourselves at the city which is our judgment and our call. As far as late fees that would be assessed, you're saying that the hotel, even though they've agreed to meet over the next month, the motel would still charge late fees even with this month delay during the time in which they would have those meetings about the items? >> I don't have the exact list of all the invoices and what late fees could be possibly. That's something I will be continuing to work on in the next few days. And I can have a better understanding what invoices are outstanding to which vendors. So I can bring that back. >> Casar: Yeah, because it would be use actual to know in our postponement decision if the folks that are willing to have that meeting are still charging us late fees while that's determined

[1:32:32 PM]

or not. Because my hope would be while they have those meetings and have those conversations, they are not charging us late fees for meetings they've offered to have. Is there an impact of us, like the mayor mentioned, a difference between the line of credit and the loan? If we don't have the line of credit before us for some time, what's the impact of that? >> I know Tracy is on the call if she can jump on that or -- >> I can speak to that. So just to give you a little background on this, and I think that's what is missing a little bit is, you know, last year when we looked at the financial state of the hotel, there was just enough cash to ethnicity good us through January, February of this year. -- To get us through. And we met with the rating agencies and that was their assessment too. The only reason we were able to keep the lights on at the hotel was all these

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deferments that these parties were willing to make. And so Hilton is the major vendor and they have already charged \$3,000 in late fees. The management company has actually offered a 50% cut on their management fee for six months, just to help the hotel out. So all these bills have been due all this time and that's where, you know, we came up with this resiliency plan so that finally with city council approval we'll be able to catch up on all these bills. So I mean the question is we will incur more late fees, I mean there could be some unintended consequences with, you know, people who haven't been paid for a year can stop offering their services. I mean, I don't know why they would continue, but -- so I mean those are the things that if you postpone

[1:34:34 PM]

indefinitely, there's going to be some -- there might be some consequences. >> Casar: Is there a difference on the line of credit versus loans to pay past due invoices? >> Yes. So little very possible that the hotel may not need the line of credit going forward. Because our projection when we put together the budget was that the hotel [inaudible] By July, but in March since the traffic at the airport has picked up enough and the occupancy rate of the hotel has improved. We turned cash flow positive in March. The reason why we offered the whole \$2.6 million is in case there's a recurrence in the pandemic and there is, you know, further hesitancy on people to travel and stay at hotels. This line of credit was just in case a hotel needed to draw on it. That's it. They may not even need that line of credit. We hope they don't have to because, you know, I speak on behalf of the airport.

[1:35:35 PM]

I'm not on the able board. There's not one penny that I want to give to the hotel if I don't have to from the airport, right? So we are -- we will review those processes, the hotel is supposed to provide a three-month forecast and justify why they would need any additional amount other than this initial amount to pay off the past due balances on the accounts payable. And, you know, that's the path that we intend to take going forward. Hopefully that helps. >> Mayor Adler: Colleagues? I'm uncertain, councilmember Casar, as to whether the people we owe the money to and haven't paid are going to be in the conversation or not. >> Casar: I think some of the money we're paying to

[1:36:39 PM]

prospera, is that right? >> Yes, some of it it is. And they have taken a 50% direction in the management fee -- reduction in the management fee for six months and that expires as of March of 2021. >> Casar: And they've offered to be in that conversation over the course of the next month. >> Yes. >> Casar: My question is if we were to say, as the manager suggested, that you could come back to us with the loan item if there is an ex circumstance, that you bring that back to us at the appropriate time. I wouldn't expect that you would bring back to us the loan dollars that are due to prospera if they are in the middle of the conversation with the union. My sense would be if they were trying to talk for a month, they should talk for a month then a not say -- if it's what the conversation is about, the conversation

[1:37:40 PM]

becomes moot. If suddenly that bill is due that has been -- that everybody has waited on because of the pandemic. And then that the line of credit that you bring that back to us in June at the conclusion of those conversations as well. Does that make sense? Where the line of credit doesn't seem exigent for may, so bring it to us in June. And the loan, if something comes up that suddenly you say look, this actually has to get paid even though conversations are ongoing, I wouldn't expect you would bring to us the prospera loan dollars if they are in the middle of conversation. But for example if there's a food vendor that comes up and the payments, you just bring us that piece. Does that make sense? >> I mean, it makes sense, but, you know, most of those operational type of vendors we are paying already, you

[1:38:41 PM]

know, through the operating revenues that are being generated at the airport. Or -- the bills outstanding are just these admin fees. The Hilton hotel franchise fees and the royalty fees and the prospera fees, the Greg milligan management fees, those are the big items. I understand from the city perspective, those items are fairly small, only like a couple hundred thousand dollars. And actually the city rent, it's lower on the flow of funds that without even meeting the -- you know, filling that service of the debt service reserve fund, we can't even pay that. So the flow of fund dictates what we can pay. So -- but to your point, the line of credit definitely, I mean I don't see a reason

[1:39:43 PM]

why we can't defer that. We may not, like I said, that is on an as-needed basis. >> Casar: So we could have the line of credit before us in June. We could have the -- the first meeting so they can meet during may. We could have the -- and then the fees or the loan it sounds like it's to Hilton and prospera, who are in these conversations, is my guess as the hotel, and I would hope they would defer while conversations are ongoing. Then Mr. Milligan who I understand the questions on the recusal item that hopefully get addressed. And then attorneys that I don't know, but I think that if there was an exigent

circumstance, you would bring that to us because I don't think the issue is associated with the attorneys.
>> Noted.

[1:40:48 PM]

>> Mayor Adler: Councilmember Renteria. >> Renteria: I'm kind of confused. What are we actually trying to achieve here? You know, if we give them a loan, if we back the loan and they pay their payment, is that the goal, is that we're trying to get to or why -- why are we delaying this, so just the union can negotiate with -- I don't know who they are negotiating with. With the management. And what is their end goal on their -- what they are trying to do? I'm kind of confused about that. I don't have a problem, you know, looking at this on May 6th, but I still want to know why are we want to delay it to the end. What kind of negotiation are they going through. And really our position to do the negotiation for the union and the management.

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I'm kind of confused there. >> And I also would like from staff the union does not represent the [inaudible] Employees. They do not have a relationship with Hilton. So we also would like to understand what is the issue that the union is trying to negotiate and ask for because we have coordinated several meetings and we haven't been able to get to specific questions from the union representative. >> Mayor Adler: Councilmember Casar. >> Renteria: That's what I was confused. If someone could enlighten me what really the problem is. >> Casar: Yeah, I mean I wasn't in those meetings nor am I in any set of negotiations. I can reiterate what I said in work session, my question

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or concern is when we extend the line of credit using public credit at low interest, that's a benefit, that's something that we are going to go and do to help a company, and we've done that throughout the pandemic and I think that's a fine thing to do. It just when the question comes up about who is -- where the benefit is overwhelmingly going to and it is the hotel operators and the hotel national franchise chains and the consultants, when we're in an economy where tourism employees have taken a really hard hit. I defer and believe that we can actually get more out of it for the front-line working staff. And if there isn't actually a harm in holding off for a while to see if conversations can actually lead to better conditions on the other side of the pandemic as things improve in tourism, I'm happy to see

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how it goes. Because it still hasn't been clearly -- I still haven't gotten a clear sense of what we lose by waiting for those conversations to happen. Because it sounds like the main people we're paying out of this loan are actually willing to have those conversations with the union. Those are the people we're paying and they are willing to have conversations for a month and so I would rather pay the money at the end of the month rather than before they have the conversation. That's it. >> Renteria: And are we - are any risk, is the hotel at risk of any kind of late fees or any kind of suit that these -- these management that owns the hotel there and the franchise with the hotel, I'm assuming it's the Hyatt. Are we at risk where they can come in and sue us or

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demand that they want immediate payment or is there any risks? >> I mean, Hilton has demanded immediate payment, and we've had to make one of the oldest payments, you know, to kind of appease them for that, you know, for what was past due. And they are also charging late fees. We've incurred \$3,000 in late fees already to Hilton. Our hope was with the loan and the payment to them, we can ask them to waive those late fees if we make a one-time past due payment on everything that is due. But, you know, they -- so we just have to negotiate with them, you know, and see, you know, what the options that they provide us are. >> Renteria: Can you bring us that information on may 6th? >> Sure. >> Renteria: I think, you know, hear it on may 6th

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and we're still not happy with their response from the staff, then we can defer it to the end of June. But, you know, I'm very concerned if we're going to have to be paying late fees, you know, and I don't know the benefits of delaying it, but if it's -- I'd like to get some more information. I can see it be put on may 6th on the next agenda. >> We can also [inaudible] The meeting between the hotel and the union. We've asked the union to come up with a specific agenda of items they would like to discuss and we can also brief the council on that meeting for what happened. >> Mayor Adler: Councilmember Fuentes. >> Fuentes: Thank you. Thank you to the airport and the team there for initiating conversations with the union and proposing

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those four meeting dates. I really appreciate that. I feel really comfortable at the very least postponing item 2 to allow for further conversations between the union and airport. So I would be comfortable to delay it to June 3rd meeting. And councilmember Renteria, I think that will also give us time to ensure

that we as a council are fully briefed on the issues and concerns and really to better understand what the union's concerns and issues are as well and have them clearly communicate that to the airport. So I would like to make a motion to postpone to the June 3rd meeting. >> Mayor Adler: Okay. It's a walking motion. You are supposed to make the motions first before you debate. We'll come back to you. But I didn't hear your debate though with respect to you were saying you were advocating for a postponement till when? >> Fuentes: To the June 3rd city council

[1:47:54 PM]

meeting. >> Mayor Adler: Okay. Does it make sense for us to divide these things up? I mean I'm uncertain what it is we're dealing with. Sounds like the loan is a different issue than the -- than the line of credit. Again, it seems like there are a lot of people -- some people that are being covered by the loan that aren't party to the conversations. So I'm not sure why we would not do the loan so that those people can get paid. I mean, I think that staff has heard the -- kind of the conversation here, but I would be okay just postponing these things indefinitely and saying don't bring this back until they are ready and feel free to bring us back the loan separate from the -- from the line of credit.

[1:48:56 PM]

And I'm just -- I'm having some of the same trouble I think that councilmember Renteria is. We just don't know enough to know what the ties are, so I support a postponement. I'm just kind of uncomfortable with us not paying for people that we know are [indiscernible] And sounds like the by law change was just to fix the recusal issue and it sound like when they fixed the recusal issue, they should bring that back with the change in the -- also having to -- back to council. I'm curious why we would be postponing that unless there are other issues. Councilmember Casar. I'm sorry, Ann. >> On the boy bylaws there's

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a question that needs to go to the able board and it will come back to council then. If I might recommend an in definitely postponement or withdrawal of item 5 would help us recraft the questions and come back as soon as they are able to be presented to council. >> Mayor Adler: Okay. >> Casar: I was going to say the reason for the bylaws coming back at the same time at the tail end items is in case anything requires a change in bylaws it would be good to know what stems from that as well. That's why I think potentially -- again, I still haven't seen the harm and still waiting to see the harm in waiting except for potentially late fees being incurred by the parties that are negotiating with during that month.

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>> Mayor Adler: All right, councilmember Fuentes, do you want to make a motion? >> Fuentes: Yes. Thank you. I'd like to make a motion to postpone indefinitely -- thank you. >> One second. >> Mayor Adler: Councilmember Fuentes moves to postpone. >> Casar: I would be interested -- my issue is when it's indefinite, are we sending different messages as to when to bring it back. I think it might be useful for there to be some indication to the staff about if it's indefinitely postponed, when to bring items back. So for example, the city attorney suggested if we indefinitely postpone the bylaws, they could bring it back as soon as able is doing taking their vote. But I'm interested in bylaws likely coming back at the end of the month-long

[1:52:00 PM]

conversation with the union in case there are other things that come up where we might need a by law shift. So that's -- councilmember Fuentes, I have no issue with the motion being indefinite postponement. I worry that we won't have resolved as a majority here how indefinitely it should go and when it should come back. >> Mayor Adler: Part of that seems to have been what the issue is. If I knew what the issue is, I would know better. I think giving the instruction to staff it's indefinite, but to the degree you don't need to bring back a line of credit and other stuff in play, keep that in mind when you bring that back to the degree you are bringing back by law change, if there are pending discussions about bylaw changes, take that into account and let us know that too. We're going to try to avoid having the same conversation we have again and I think we're asking staff to help us avoid this conversation again.

[1:53:02 PM]

Councilmember -- [inaudible] Councilmember pool, did you want to say something? >> Pool: Maybe we could go ahead and call the vote. >> Mayor Adler: Councilmember Casar? >> Casar: My session is could we have some direction into this that we should just bring everything back on June 3rd because by then the conversations should have happened. But indefinite means you could bring something back if it's really exigent because something has shifted or changed. I wouldn't anticipate prospera is going to say we're going to accelerate this and be adversarial if they've offered to have this conversation over the course of the month. If the attorneys involved know that they are really not a part of the conversation and they can wait until June 3rd, great.

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But if it becomes exigent and emergent and because they are not really party to all of this, they could bring that back. The point being let's set the goal post at June 3rd, but you can bring something back earlier if it turns out that, like, it's a real emergent-type information. But then I would assume everything comes back on June 3. >> Certainly we hear that and I do believe that the parties involved are trying to move the item forward and have heard the instructions you've given, all of you, include councilmember Casar. >> Mayor Adler: A motion and second to postpone indefinitely. Let's take a vote. Those in favor raise your hand. Those opposed? It's unanimous on the dais. Postponed indefinitely, bringing it back consistent with the conversations you've heard.

[1:55:04 PM]

And the work to be done. Good. All right. Let move on to the next item. Next item is item number 18. Councilmember tovo you pulled that. >> Tovo: I asked questions, so the backup information didn't indicate very much about this item so I did ask some questions in the Q and a and have some follow-up questions. I'm still trying -- as I understood from the Q and a, this is a legal agreement to help negotiate a real estate transaction. So my questions in the Q and a asked what kind of warehouse we're seeking, why, what kind of parameters, what existing city properties have been considered and why we were engaging a law firm to assist with a real estate transaction rather than use the city's real estate offices. There's some additional information, thank you for that, staff, in our backup

[1:56:07 PM]

including the 2017 facilities plan presentation that was done before the ae committee. >> Excuse me, can you speak up a little? It's kind of hard to hear you. >> Tovo: Oh, sure. Do you want me to go over that again or pick up where I left off? >> Alter: You can pick up where I left off, but I would like to hear for clearly. So as I understand from the backup, the intent is consolidate several warehouse functions at different tracts within the ae portfolio. And thank you for the specific details about how much square footage should be allocated to each one. It's not clear to me where we are in the process. So the rca talks about executing to get the -- for the real estate -- where are we in the process?

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There's been an rfp and now there are tracts of land, is that right? It talks about respondents being in the eastern half of the city, predominantly north and south with some central. Are there particular landowners or tracts of land now under consideration? >> Thank you, councilmember. We do have Alex Dale who will start and I know other staff is available to answer. >> Thank you, mayor and council. Alex Gail, for the office of real estate services. That's correct, councilmember tovo. We issued -- we've been working with Austin energy actually for several years on looking for warehouse space and then finally

moving towards an rfp to find them this warehouse and service yard space. And so we issued an rfp back in November of 2020. We received proposals at the end of January of 2021, and

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then have been working through those proposals to where we have narrowed that down to two locations and working on final evaluations two of those potential locations. Our plan would be to bring an item to council at some time, hopefully either in may or June for council consideration as we would potentially move forward with a exclusive negotiating agreement with one of the proposals. >> I think you are muted. >> Tovo: Thank you. When this was presented to the ae council committee in 2017, it discussed the rfp. Do you know why it took three years to actually do the rfp? >> So originally when we - when Austin energy came to the office of real estate services for looking for space, we went through a

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process to see if there was potential to either buy or lease to purchase. Through those processes or even looking at city-owned land as well. So we kind of went through that process over that time period. We had actually were planning on moving forward with the lease to purchase location, but decided going through a competitive process to find this warehouse service yard space would be the best process as we move forward, especially as we had found success with our pdc and Austin energy headquarters utilizing that similar process that we've done with those facilities. >> Tovo: So when it -- the answer back to the question about what city-owned properties were considered, you've noted a few here, Johnny Morris, Kramer, east Riverside and grove were considered as well as a private development proposal. What is the -- what does that mean, the private development proposal?

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>> I believe that refers to one of the lease to purchase options that we had gone out as just a -- to see if we could lease a property and see if there would be welcoming to a lease to purchase option. >> Tovo: I see. Let me just note that when this comes back to us for potential purchase, I would be interested in seeing some of the information and the analysis that went behind the decision not to proceed on one of the city-owned tracts. I just think as a matter of course we should always understand why we're purchasing more land rather than using some of our existing land. And it may be location, the value -- some of these are in kind of prime development areas and maybe the highest and best uses isn't warehouse. Those are all really good and thoughtful and right decisions, I just don't know what the thinking is. And I would like to see that when there's a recommendation for an

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acquisition. So one thing I want to point out, it talks about there is a comment that the need to replace operations at Ryan drive necessitate a short -- I think meant to be shorter time frame which p3 approach has proven to deliver. Certainly that's the case, I'm super excited to hear there are proposals being evaluated for the Ryan drive. But I do just want to remind everyone that this has been a conversation that has gone on at least since 2013 when I brought the first resolution to look at redeveloping Ryan drive. And that was following up on a recommendation from a task force back in 2002 to look at renovating Ryan drive. So it's not -- this isn't -- it's not new that there is, you know, a higher and better use for Ryan drive. And so, you know, I

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appreciate that at this point we now have to put speed in, I'm not sure why that beginning work -- in fact, I know back in 2013 our manager and general manager at ae were already talking about locations for the pull yard and the reclamation center. I think that's the right name for the work that goes on there. So I'm not sure what happened to that past work and that past analysis of where those two functions should go and why -- and why in 2021, eight years later, there's now an urgency that doesn't need to exist. It's been probably since the day the crestview station went on right -- ran up right next to the pull yard, it was that conversation started right about how we could use that tract next to it for purposes that would be really supportive of that redevelopment in that area. Support -- for the pull yard

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isn't. So at this point, again, I understand there are proposals underway and thank you, councilmember pool for your leadership in that 2017 resolution that kicked off the work of really getting that process started again. I think I'm still not clear on why -- why we're doing this with an external law firm. Can you help me understand when we did the planning and development services building, wasn't that -- was that done with an external law firm or just done with -- I know we had an outside party, but I thought that was cbrls. It was my sense that model was going to serve as future model. If we're going a different path in terms of the assistance we're engaging, can you help me understand why. Please. >> Of course. And I know Kate from the law department is on the line so she could correct me if I say something wrong. But we did use outside

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counsel to help us with the permitting and development center process as well as the Austin energy headquarters building, so both of those used outside counsel to help us because of the specialization and this new p3 approach. And so that's why we are hoping to partner with another outside counsel firm that has that experience to help us down this path. >> Tovo: Okay. Thanks. The response to my question in the Q and a talked about the Austin energy building. So I would be interested to know if we did just this very same sort of thing with the planning and development services, that is useful information. >> Yes. >> Tovo: Is that accurate? >> Yes. >> Tovo: Was it the same firm or different firm? >> It was a different firm that we used for the pdc than what we used for the Austin energy headquarters. >> Tovo: But similar kinds of expertise. >> Correct.

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>> Tovo: Was it a similar cost? >> I do not remember. I apologize. >> The cost for the two firms that we utilized for permitting and development center and Austin energy was about the same, the permitting and development center one ended up I believe about \$20,000 more as it was the first time we utilized this process and so there were additional costs and the learning curve of educating the city to utilize this process. We're using the same firm or proposing the same firm that we used for the headquarters building for Austin energy. And we expect to see a cost savings which is why we've asked for a smaller contract because the attorneys working on the project from that firm do not have familiarity with the documents and city processes. >> Tovo: Great. Thank you.

[2:06:17 PM]

Mayor, I'm prepared to move approval of this item. >> Mayor Adler: Thank you. >> Tovo: Vote against it because I had -- I didn't have the right information. So thank you. This is very compelling and useful information. >> Mayor Adler: Councilmember tovo moves -- unless there is further discussion, then I go back to councilmember tovo so she can make that motion. And moves passage of 18. Is there a second? Councilmember pool seconds that. Any discussion? Those in favor of 18 please raise your hand. Those opposed? I think it's everyone on the dais so that passes. Colleagues, we're going to move over to the consent agenda on zoning so we can call speakers. We have two items on the pulled agenda that we'll need to return to. That being item number 20 and item number 39. Before we do that, Jerry,

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take us through the consent agenda. >> Mayor, Jerry rusthoven. Would you like me to read the consent agenda before we go to speakers? We have a couple of postponements. I don't know if you want to -- >> Mayor Adler: Let's do the consent agenda first so that speakers know what it's looking like is going to get postponed. >> Will do. Item number 43, c14-2020- c14-2020-034. Postponement request to may may 6.

Item 44, a can offer this for consent approval on second and third readings. Item number 45, I can also offer this related case to consent approval on second and third readings.

[2:08:18 PM]

For those cases when a public hearing is open, item number 46, c14-2020-0152. Consent all three readings. Item 47 a discussion case. Item 48 as indefinite postponement case. Item 49, also a postpone request by the applicant. Item 50, this case has a postponement request by the applicant to May 6, 2021. And item 51, this case I can offer for consent approval on all three readings. >> Mayor Adler: Jerry, thank you. The consent agenda are items 43 through 51. All of which are being offered on consent.

[2:09:20 PM]

Only 47 is pulled. Postponements on 43, 48, 49, and 50. Any discussion before we go to speakers? All right. I think we have 30 speakers. I don't know if we have people that have signed up to speak on items that have been postponed, but if you signed up to speak on an item that's been postponed, you might want to speak on the day when it's coming up. 43 on May 6th. 50 on May 6th. At this point no reason to speak on 48 or 49 because it's being indefinitely postponed. Hopefully some of the people signed up to speak on things that won't be before us will give us some time back. The clerk will take us through the speakers. >> Mayor, the first speaker,

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and these -- I'm going to go in order of item numbers. First speaker Mario Cantu. >> [Inaudible] Can you hear me? >> Yes, go ahead. I just appreciate the postponement. Councilmember Fuentes and we will continue talking. Thank you. >> Mayor Adler: Thank you. >> Gwen Julis.

[2:11:36 PM]

Mayor, one second. We're having some technical issues. >> Mayor Adler: That's okay. At one point, colleagues, I think there were 13 people in the queue. That number could change. >> Hello? >> Yes, go ahead. >> Yes. In agreement that we postpone this item as we have more work to do and discussions with the councilmember, the applicant and the contact team to get to a more satisfactory agreement on this project. Thank you so much. >> Next speaker is Anthony

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Macgregor. Anthony Macgregor? Mayor, one second. >> Is that better? Can you hear me now? >> Mayor Adler: Yes. >> Sorry. I was just speaking and then I realized you couldn't hear me. [Indiscernible] Nichols avenue, just calling about the Lott development. I just wanted to let council know that we have worked with the developer and have an agreement in plays with

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some restrictive covenants. The main reason why I'm joining the call is commending the developer to work with the neighborhood and putting plans in place to alleviate our concerns. The neighborhood is happy enough to say that we are willing to let this development go through and thank you, council, for working with us, especially the mayor pro tem's team, Lauren, she did a great job in helping educate the neighbors on some more interesting legal conversations that we might need to know and just general council regulations. So thanks to all involved. That's it. >> Next speaker is Carl MC clenden. >> Mayor, members of council, this is the applicant for item 46. I don't have anything to add other than if there are

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questions, I would be glad to speak on that. It is proposed for consent. Thank you. >> Jerry -- Jeremy kitsman. >> Yeah, hi. I'm calling in about item 47. I'm a Mel of the govalle neighborhood. I wanted to speak against it. Specifically the height variance that's been granted. I believe the building that's being proposed is about 90 feet, which is way out of scale with everything in the neighborhood. I have no problem with tall buildings, I'm not trying to be a nimby, we definitely need for living, housing in Austin, but the developer hasn't work with the neighborhood to make any of the public amenities like a boardwalk on the property accessible to the community. It feels very backyard deal, not being presented to the neighborhood. Which is an historically

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black and brown neighborhood so it's seems fishy. I just wanted to call that to council's attention and request the developer work more closely with the neighborhood. If not, it could be quite an eyesore without really any positive impact on the neighborhood and I don't think that's what anybody wants. I just wanted to speak out against that item. Thank you. >> Harrison Hudson. >> Yes, this is Harrison, the civil engineer on the Springdale project. I'm here if anyone has questions on item 47. >> Mayor Adler: You are with the applicant, you said? >> Yes. Here on behalf of the applicant. >> Mayor Adler: Okay. Hold off when we call that item, we're going to give the applicant a chance to be

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able to address the council. >> Samuel Rodriguez. >> Good afternoon everyone. Thank you for allowing me on this call. I'm calling in in regards to item 47, Springdale green project. Myself and my neighbors are the closers families and as one of the closest neighbors to the development, I'm asking you that you fully support it. I've been engaged with the team proposing this development since the very beginning and we've seen it good through many evolution. Personally believe it is at a point where the community would benefit greater than any of the things we've seen and clearly superior to what we would get otherwise. As mentioned, I live within 100 feet of the property and

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have been in discussions regarding the height variance to 90 feet. And also on localized flooding solution as there are two significant issues we face in our block around flooding mitigation and drainage capacity. My neighbors and I have experienced flooding issues for the last several years. Drainage in the area was never great, but it's gotten worse recently, and our house, specifically mine, actually flooded and was an absolute nightmare. Until this point there has been no long-term solution until now and the Springdale group has worked to alleviate the water situations we encounter. This development is committed to a real solution that creates a community benefit that is going to help several families and several of the blocks in the neighborhood. On top of that, there are many positive aspects of

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this program that I would like to call attention to. We've gone in discussion with this group many times prior, but they are doing things to increase our native tree planting, removing evasive species, working on a pipeline removal. They are creating storm water capture and reuse. They are implementing sustainable building strategies. There is a green water quality infrastructure going on. In addition to them putting money and investing in our neighborhood through the east often conservancy, the park improvements, urban trail plan, Saucedo street. Overall this project has many positive attributes. There was someone on the call prior that feels this group has not been taking into account the neighborhood dynamics and have not worked properly to get more people's insights. I would just point out that my experience has been entirely different than that.

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They have been in contact with us several months. We've been part of these discussions in an ongoing fashion and ultimately they are trying to alleviate the flooding issues that so many of us face who are directly near this property. [Buzzer sounding] -- That I personally hope you would subpoena support on - - >> Speaker, your time has expired. >> Mayor Adler: Thank you. >> Jessica Elling. >> Hi, I'm the co-chair of the govalle neighborhood association. I just wanted to clarify, as you can hear, there's a bit of a disagreement. There is not neighborhood support for a 93-foot building. None of the neighbors want 93-foot buildings. We like the other aspects of the project but not the height. We feel like if city council

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is going to allow this height exception, it's going to start a precedent and start maybe a second downtown in our backyard and we just feel like if you are going to make an exception for this project and allow 93-foot buildings, it should be done with more consciousness and a better plan for what can happen in the future rather than letting this project roll through. I love the flood mitigation. I love all the cleanup that they are doing. I would also point out though that that -- those are basically amenities for whoever is renting that office space. The public is not going to have access to that. They lift the millions of dollars they are spending on a Leed certified building, the public is not going to have access to that. So when the developer the flashing this \$6.7 million of community benefits, have a closer look and drill down. A lot of this is just stuff watershed would make them do anyway and isn't necessary

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aan add-on. There is no neighborhood port for -- support for a 93-foot building. If this developer can't make it work at 60 feet, I promise you the next one will. We're about to be surrounded by cranes. You can't tell me another developer is not going to make it work with the codes all over the city. I don't see why this dolor should get the exception and be able to build higher than what every other developer is "Loud. Be thoughtful and considerate if you are going to allow this exception. I personally would love it if you allowed the case, but not the height restriction. It's fine, it's just about the height. Thank you. >> Ben Ramirez.

[2:22:54 PM]

>> I am speaking on behalf of the Johnson terrace govalle neighborhood. Our position the project would support the current zoned height of 63 feet. I want to add I was recently informed there have been some letters of support that have been retracted making the backup that much more confusing. It needs to be clearly stated the Springdale green project has no community support from any neighborhood associations or contact teams. On the contrary, there have been neighborhood associations and teams that have spoken out against the proposed 93 feet. There's a consensus in the community to support

the project only at the current 60 feet. It's my belief by the council siding with the community it would increase the -- neighborhood associations and contact teams working with the city to build an Austin that we collectively envision. The lack of compatibility is

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also of concern. The nearest would be at plaza saltillo over three miles away. Community benefit does not come close to matching the project at 800,000 square feet of office space. What good would it do for community benefit if it can only be utilized by tenants. There will not be public access, as for sustainable development. Housing the neighborhood benefits are only a drop in the bucket. Flooding should not be used as a bargaining chip when the Springdale or city should be responsible for fixing the problem they created. I visited the site yesterday and saw large trees being knocked down which does not seem right. They haven't even entered site plan yet. There's a concern for standing precedence creating the domino effect that would magnify 2 gentrification right now. It feels like the downtown projects should be better

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left downtown and not in our working class single-family neighborhoods. Thank you for your consideration and please, please side with the community on this. I appreciate your time. Thank you. >> Noah Elias. >> Hello, I'm calling on item 48. I understand that the applicant has asked for indefinite postponement. So I'm just thanking the city councilmembers that stood with our community and expressed their opposition to this upzoning. I also want to thank the neighbors that signed a valid petition. I want council to know that whenever these developers come to our neighborhood and they try to enrich themselves by displacing our neighbors, we will fight this development will have

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caused massive displacement because it's not only the neighbors that lived in the houses demolished, but everyone in the community would be affected. Rent prices would rise and property taxes. We're a strong community and we know what we want, what we need in our community. So we ask council to oppose these type of developments. Because we oppose the displacement of our community. I hope that council continues to stand with the working class community. If you believe that we have a housing crisis in Austin, you should understand the working class, black, brown, indigenous we'll be the most affected. We need to build more low-income homes for our working families. So thank you so much for standing with us and we keep fighting. Thank you. >> Kristen Gorebell.

[2:27:01 PM]

>> Hi everyone. Kristen Gorebell and I'm speaking in favor of approving the proposal on item 47. For context, I live at 1100 Saucedo Street, the closest house to this development so literally my next-door neighbor. This is why my neighbors and I took a deep interest in making sure this project gets done right from the start. There's been a lot of excitement about the [indiscernible] Given the history of it being a tank farm. The developer has been in ongoing communication from the beginning to get our feedback and really integrate that into their development. Through the discussions we've made three requests. Provide for a step-down in height closer to our homes. We do support the full 93 feet of the height across most of the site, but only ask it step down to 75 feet of height between the

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85-foot and to 140-foot from my property line. So that still provides that increase in height that the property developer needs, but also helps provide a transition towards the smaller [inaudible] Along Saucedo. Our second request was for Saucedo Street to be able to serve as access to the site. Given we are a small cul-de-sac, that's against the developer's plans and they are going to be orienting toward Springdale Road instead. We did ask the developers provide a solution to the existing flooding problems that my neighbors and I experience today. I think you heard maybe from Sam earlier, but for background, our house plus some of our neighbors' houses do back up to Springdale general, which was built a few years ago. By the way that storm water retention works, it collects from seven acres of

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impervious cover and releases all that great water into our backyards or directly into houses. That causes a lot of property damage and every time it rains we're expecting what do we need to do to the yard, the air conditioning, et cetera, to prepare for any additional flooding that might come our way. At the start of this we asked the developer for the project to help us find solutions to flooding problems and they have been working with us. Really in-depth the general site develop a plan to divert that storm water go a different infrastructure. With these three requests and the list of environmental and community benefits they passed along to us and offered, my neighbors and I are on Saucedo asking you to pick up part of this project. We do live closer than anyone else in the development and we believe that although they are asking for the additional height, they are also

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offering significant community benefits and the opportunity to move on from it being a tank farm. [Buzzer sounding] I ask that you vote to approve and thank you for your time and consideration. >> Mayor, the next four speakers registered to use their time to show a video. >> Mayor, council -- >> Sorry about. That the next four speakers registered to use their time to show a video. Michael, Daniel, Kendall, and Jeanette. So they have 12 minutes for this video. >> Mayor Adler: Thank you. >> Mayor, mayor pro tem, council, Michael speaking on item 47, the Springdale green pud on batch of the applicant. We have a few speakers who will be speaking with you about the community benefits this planned unit development offers and

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Michael whellan will be giving the full presentation later on. Before that I wanted to give you a broad overview of the proposal and some background on the site. As you are likely aware, the project is located on a former tank site near airport and Springdale. The pud seeks to -- through an ambitious plan for environmental restoration, sustainable building and landscaping and other key neighborhood benefits. Staff, the environmental commission, the planning commission and closest neighbors all recommend you approve this project. Before we get into the community benefits, I want to discuss the site's history. This is the site as it existed in 1940 prior to become becoming a tank farm where oil companies stored fuel and environmentally damaging chemicals. It was still expanding even as late as the 1980s. The end of Saucedo street, this is 1984.

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You will see by 1987, a large new tank has been added right next to nearby homes. In fact, the tank farm companies were poised to expand yet again in the early '90s when neighborhoods to clear out these damaging chemicals. They succeeded. The tank farms are gone, through the site is in pretty bad shape. Even today, it still stands as a legacy of Austin's environmentally damaging past. We're here to present a plan we believe makes a break from this past and move forward in a way that restores the biodiversity and sustainable and offers key housing and neighborhood benefits. With that I'll turn it over to Daniel. >> Mr. Mayor, mayor pro tem, es seemed council. I'm the president and design director of dwg that is handling the landscape architecture on on

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Springdale green. Help restore the site's natural beauty and biodiversity. One of key strategies will be restore 15 acres of environmentally sensitive creek and pulp areas which will be -- floodplain areas which will be accomplished with over 400 canopy trees and 2,000 under story trees. And importantly with an invasive species management plan. There are a number of invasive species on the site today.

Such as Johnson grass, Japanese honeysuckle, and a significant strand that are impacting the site's native bio diversity. Our plan will help restore this diversity and enable it to flourish. As you might expect, the site still has old pipes and concrete remnants from the time that it was a tank farm. As you can see here, we will be clearing these out, helping correct the site's

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industrial past. We're also committing to a 50% impervious cover limit. Reduction from current entitlements. Springdale green will also be on the forefront of innovative landscaping techniques. Providing one of the largest uses of silver cells, structural soils, in the city of Austin. Serving 15 significant trees. Silver cells are large modules that look like rather like large egg shells, and as you can see here, they support healthier tree growth by providing an uncome bacteria healthy soil system for the roots to grow in. Often urban settings end up restricting soil areas and impacting how trees grow and develop. But the silver cells help create the space needed with that uncompacted soil under the paved areas and allows for move robust growth and

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significant healthier trees. In addition, our project will also provide tree mitigation above and beyond what code otherwise requires. 50% above baseline. Now, permit me to hand it off to Kendall to talk about the sustainable building and landscaping,. >> Mayor, mayor pro tem and council, I'm helping swine thepud. I'll be speaking about Springdale green sustainable building landscaping ago water quality strategies. One of our major strategies will be to provide extensive water recycling and reuse cistern that allows to significantly reduce irrigation water. Through the strategy, we'll be able to meet at least 50% of all irrigation needs through recycled water. Springdale green will be participating in multiple certification programs that require us to meet high

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stands for sustainable development practicing related to instruction, operations, energy usage, efficiency and more. We will be achieving a three star Austin Austin energy green building program as well aisled and environmental design or Leed certification and sustainable sites initiative. Implementing green strategies, electrical vehicle charging stations and more. We will also be utilizing innovative water quality strategies and will be manage our water volume, 100% through these forward looking and innovative management practices. Including rain gardens and water quality pond plantings. The current standard is for treating 50% water quality volume through green water quality controls. We will be providing the full 100%. I will hand it over to Jeanette. >> Mayor, mayor pro tem, council, my name is Jeanette and I'm the chief operating

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officer of Jay Paul company which owns the site. We're proud of the environmental restoration you just heard about which we believe will correct for the site's past as a tank farm. We realize the housing needs and priorities and I wanted to discuss ways we will help deliver on those as well. We see affordable housing is a major focus because of the site's past as a tank farm, the Texas commission on environmental quality prohibits housing anywhere on this site. Instead we are proposing an office project and although this is an office project, we still recognize Austin's focus on affordable housing. And so we will make a \$700,000 contribution to the city's housing trust fund. In addition to that, we will donate \$75,000 to the east Austin conservancy. Which will be used to provide property tax assistance for long-time east Austin residents. Another key neighborhood benefit involves helping fix

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pre-existing localized flooding issues. Early on we learned nearby residents were experiencing flood problems on Saucedo street. We have proposed an inner basin transfer from the Tannehill creek watershed that will require to double the size of retention facilities in order to accept additional storm water to relief the flooding issues impacting residents today. We will sieve storm water from approximately 7.4 acres of off site impervious cover. This represents 19% of the adjacent drainage basin. We will help the city build out urban trails network. The city has an existing urban trails project south of this property. We will contribute \$250,000 to help the city build that out for the community. And finally we will contribute \$125,000 to the Austin parks foundation to help fund improvement to the

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nearby dogwood park. All told these strategies, sustainable development and housing and neighborhood benefits are significant commitments that go above and beyond and our team's valued these commitments as Michael Whellan will detail later. We're proud of the vision we've put forward. We found a site and one of the first things we learned was the history of a tank farm. So that was our starting point. From early on we started thinking through ways we could address the site's history and challenges. The proposal you have in front of you today is the result of that effort. It's been a complicated project to work on, but also a compelling one and I hope that has come through in our presentation. Thank you again for your consideration and I hope you will vote to approve the Springdale green plan. >> Mayor, mayor pro tem, council, Michael --. >> That concludes all of the

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speakers. >> Mayor Adler: Great. Thank you. Colleagues, let's see what we can handle here on the agenda. First let's take a vote on the consent agenda. Consent agenda is items 43 through 51. 47 has been pulled. Is there a motion to approve the consent agenda. Councilmember Renteria makes it, seconded. Discussion on the consent agenda? Let's take a vote. Those in favor please raise your hand. Those opposed? Kathie, I didn't see your vote. Kathie, are you there still in got you. Voting aye. Unanimous on the dais. The consent agenda passes. While we're here, we just have the one item, let's go ahead and handle 47.

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We're going to now consider that. Let's begin with the applicant and give the applicant five minutes to start us off. Jerry, unless there is something you need to say first on this item. >> No, mayor, I was going to lay out the case number. C814-2020-0104. Request to pud on Springdale road. The property 30 acres located Springdale and airport. The stuff I was going to cover has already been covered by the presentation you just had. So I'm available for any questions. >> Mayor Adler: Great. Thank you. Is the applicant available? >> Michael whellan. If somebody could let me know when the presentation is visible, that would be great. >> Mayor Adler: Councilmember alter, did you have something?

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Okay. Councilmember kitchen? >> Kitchen: I have a question the applicant may be planning on responding to. If I could just state it. >> Mayor Adler: Go ahead. >> Kitchen: My question has to do with the [inaudible] By the neighborhoods to the green space on the site. >> Mayor Adler: Is our clerk working to pull up the presentation? Senators. >> Yes. >> Mayor Adler: Did you hear the question, Mr. Whellan? I did. I didn't know if you wanted me to respond now, but I can quickly -- >> Mayor Adler: Okay. The tcex prohibits public parks. It has been remediated to the commercial stands, but

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residential uses on prohibited and that broad category includes public park space or public spaces as has been suggested. I might add unfortunately. I mean that's just a reality of what his ban there and what we're trying to, you know, transform, but that is a piece of it that is prohibited. >> Kitchen: So just for clarification, the only people that can be on -- are those that are working at the -- in the office building. Is that what you are saying by regulation? >> Unfortunately, yes. That's the restriction on the property. >> Mayor Adler: Okay. Go ahead. >> Thank you. Mayor, mayor pro tem, council, Michael whellan on

behalf of the applicant. Next slide. As speakers discussed earlier, Springdale green is a proposed office project

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covering over \$6.7 million in community benefits for such as funding for affordable housing parks and urban trails. Public parks are prohibited at the site. Staff, planning commission and closest neighbors all support this pud and the environmental commission recommended it unanimously. Next slide. The site was used for decades as a tank farm where fuel was stored and environmentally damaging chemicals. Today, however, while the site has been remediated, it still bears many of the scars from its time as a tank farm. Our pud seeks to turn the page from this site, for this site through a rigorous program of environmental restoration and sustainable building and landscaping practices. Slide five. As you can see, the site sits in an imagine Austin center at the intersection of two imagine Austin corridors and is expected to be walking distance from a

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project green -- excuse me, project connect green line rail station. This is not in the contact team area. It is in the east mlk combine neighborhood contact area that's taken a neutral position given the support by the closest single family residents, two of whom you've heard from today. Slide six. In other words, this pud would help deliver on the comprehensive plan's vision for managing growth and would do so in a way that is superior. So what does that superiority mean in practice? Slide 7. We've organized our community benefits into three themes, environmental restoration, sustainable development, and housing and neighborhood benefits. You've heard about these in-depth earlier. So I'm just going to provide a quick recap for each theme. Slide eight. First, Springdale green will commit the applicant to an extensive environmental restoration program that helps correct for the site's history as a tank farm. Slide 9. This includes 15 acres of creek and floodplain restoration with

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thousands of new trees. One of the largest uses of silva cells in the city to date. Removal of invasive remnants to support native biodiversity and thousands of tree plantings all at a total value of nearly a million dollars. Slide 10. In addition to correcting for the site's path, prostitution ring spring will also chart a new sustainable future for the property. Next slide. It will accomplish this through an ambitious water capture and reuse system featuring a 600,000-gallon cistern that allows us to meet at least half of the landscaping needs on the site. It commits to one hold up% of innovative water quality.100% of innovative water quality. Finally, we'll be offering meaningful housing and neighborhood benefits to

help meet other city goals and priorities. These include helping fund affordable housing, preexisting problems, which you've heard a great deal about, and I would

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encourage you to look at the city's flood pro system to see how prone to flooding this entire 41-acre drainage area is, funding parks and urban trail improvements and contributing to the east Austin conservancy to provide property tax assistance to longtime east Austin residents for a value of over \$1.5 million. Slide 14. Altogether, this package offers a total value of over \$6.7 million in community benefits that go above and beyond what would otherwise occur under traditional zoning. These would not be required under the current zoning at 60 feet, which is what we have. Slide 15. To make all this happen, we're asking for three types of code modifications, though really, the major modification we've requested is the ability to do 93 feet of height, which is a six-story office instead of a four-story office on the buildings. This is the major code modification that helps make everything else possible, and as you've already heard, the closest affected single family residents support this. Slide 16. We've also requested an increase in the width of a portion of the

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trail. Environmental staff supports this. Slide 17. Finally, we are asking to codify several subchapter E alternative designs that would otherwise be achieved through alternative equivalent compliance. These have already been worked out with staff and approved by staff through the site plan process. We're seeking to have those codified. Slide 18. So, the Springdale pud offers expensive and meaningful community benefits and requests only a small number of targeted code modifications in order to make all of this happen. As a result, we have earned the support from city staff, the environmental commission unanimously, the planning commission and from the neighbors who lived the closest to the property and who are most affected by our one major request for the additional height. With that, I would ask for your support and I'm available for questions. I would also say we do concur and have agreed to the request for the stepdown, and for the prohibition of access to

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Saucedo, which is an existing prohibition under the current zoning ordinance. Thank you. >> Mayor Adler: Thank you. Council member Renteria. >> Renteria: Yes. This is a very difficult development. But I really appreciate the community benefits that we're going to get out there out of that. And I saw the environmental cleanup. This is a tank site, especially commercial jet fuel that got into our drinking -- into our well water, and it was discovered by a person that lived down the street from there. Just south of the tank where he was using well water to water his grass.

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And the yard started dying. So that's why the community demanded it be removed from that area. We also know that you cannot build any kind of housing on that piece of land, it's so contaminated. And it's been like this undeveloped ever since they moved the tank farms out. And this will give us an opportunity to clean up that location. I really -- I know that the fear -- people don't like the density. I tell people that -- [indiscernible] Senior housing. So I never noticed that it was that tall, but it had 16 floors. But, you know, that's -- I really -- you know, this is difficult because it's pitting neighbors against neighbors.

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But the saucedos came to me last year asking for help, because their land was flooded and they couldn't do -- they owned two lots there that they couldn't do anything with it. So I've been trying to figure out what we can do to help this family out. This would be a perfect solution where the city doesn't have to go out there and buy out these affordable units there. But like I said, I would -- my colleagues -- I can get it on the first reading. We can give the developer time to talk it over, and see if they can come to a consensus. >> Mayor Adler: Council member kitchen. >> Kitchen: I have another question, and that has to do

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with the height. 93 feet, usually thought of as more than six stories. So can you just delve into that a little bit for us and let us know if the request is for six stories or if the request is for 93 feet, or just explain that for me. >> Michael Whellan on behalf of the applicant. Because it's an office, multi-family typically will have a floor to ceiling or floor-to-floor area of 11.5 to 12.5 feet. Office is 14.5 feet typically. Which gets you to 87, and the ground floor is typically 17 feet, which is the additional three feet. We've also asked for 93 because the city measures height by the natural grade along the building, and because of the

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size of the slab, it's unclear whether it will be measured as 90 feet or at 93 feet. It will be six stories, but the height number is the result of the way the city measures height. So I don't know if that helps. >> Kitchen: Yeah, that answers my question. >> It's six stories, though. We would do a four-story office, and

so this -- a shorter, you know, floor to ceiling, five-story office, but this is going to be a six-story office. >> Mayor Adler: Is there a motion on this item? Council member Renteria? >> Renteria: I move that we pass it on first reading. I feel like that we need to have

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a discussion, just further, and then bring it back on may 6th. >> Mayor Adler: Okay. Do you want to keep the public hearing open, or was today the public hearing? >> Renteria: I feel like, you know, we can keep the public hearing open. Yes, let's keep the public hearing. >> Mayor Adler: Council member Renteria moves to approve on first reading only, keep the public hearing open. Is there a second to the motion? Mayor pro tem seconds that motion. Is there any further discussion? >> I just want to clarify that that includes the setback from Saucedo that Mr. Whelan has agreed to, the 75 and to the 93 feet? >> Mayor Adler: Yes, it includes those. Council member Ellis, you were the first to raise your hand. >> Ellis: Thank you, mayor. I'm not sure if this is for the

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applicant, or I see our environmental officer. I'm curious about the floodplain issues. And I want to make sure that I understand what would be required under current zoning would not be what the applicants are doing, which is going above and beyond the flooding situation with the neighbors. That's something that's specific to this pud and the added community benefit. >> You're correct. It would be not just complying with no adverse impact and providing for the necessary detention facilities, but providing additional funding to help resolve the existing local flooding problem that's occurring in the vicinity today. >> Ellis: I see. Thank you for that. I think this could be a good example just knowing that we're having to update our floodplain mapping quite often these days. And that over the life of a building and the way it would exist in that environment, I think a lot of people should weigh that in their planning and to understand that the more that people can do to accommodate

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future flooding issues, the better and more resilient we can be as a city. So I do really appreciate that above and beyond approach to a floodplain mitigation. >> Mayor Adler: Thank you. Further discussion? We have a motion and a second. Mayor pro tem. >> Harper-madison: Thank you, mayor, I appreciate being recognized. I didn't get a chance to say so earlier, but on this item, I feel like it's so fitting that we get to vote on this project on Earth day. The poster child for the environmental injustice. Much like my colleague council member Renteria said. 30 years ago, this was the site of the notorious tank farm, and I find the name super ironic, because nobody was using this land to grow food that could be used for

nourishment. This is gas and oil storage and they just poisoned the ground and polluted the air. I really appreciate that we acknowledge that whether it was black or brown people or

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industrial polluters, that they were right in the middle of a neighborhood, because somebody decided a long time ago that we would just put everything at the that the west didn't want on the east side of I-35. So I'm really looking forward to seeing how things go as we move forward. So, for now, what we have in front of us is that proposal that redeems this former brown field site. I think it helps to expand our urban trail system and more. So it pays into account our -- it pays into rather our affordable housing fund and provides taxes to east Austin residents. Those are some of the things that really stood out for me. This site has come a long way. A stockpile storage site. I'm really pleased that this collaborative outcome is one that we're all going to go for in first reading today. And a great outcome for environmental justice.

>> Mayor Adler: Thank you. Did you also include that

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there's no access out to Saucedo? >> I was just about to do that. No access to Saucedo and the step back in the height to 75 to 90 is already agreed by the applicant. >> Mayor Adler: Sounds good. Thank you. Further discussion. Council member tovo and council member kitchen. You're muted. >> Tovo: I have a couple of questions for Jerry. Jerry, can you help us identify on the chart what you see as kind of the top benefits, the top community benefits that are examples of superiority that would not be required by current code? >> I would say one would be the reduction in previous cover from 80% down to 50%. The other would be the increase in open space from six acres up to 20 acres. As well as the addition of the internal trail system on that open space.

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After that, I would say probably be the bike improvements along Springdale, and the potential up to \$700,000 in the money for the housing trust fund. The ultimate dollar amount would depend upon the amount of square footage that they built, but if they built the maximum that's allowed under the proposed plot, it would be \$700,000. >> Tovo: Those are all elements not required by the tier 1 provisions, nor by the tier 2. These are -- >> Most of those are tier 2 and the affordable housing is tier 3. Tier 1 is nothing that I mentioned. >> Tovo: What do you mean -- yeah, I gotcha. In other words, the things that you mentioned are none of their tier 1, which are all the basic requirements. All right, thanks. I might need a little bit more back and forth on that particular point to understand it better before second reading. But thank you very much.

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>> Mayor Adler: Council member kitchen. >> Kitchen: I think council member tovo asked my question. I just want to make sure I understood. Are you saying that there would be no affordable housing requirements? >> There would be no onsite affordable housing requirement because the site is not allowed to have residential because of the past. They would be allowed a certain entitlement under the proposed pud of a certain square footage, and if they achieve that maximum square footage, the maximum that they're requesting in the pud, that would be because of tier 3, because it exceeds the baseline requirement of the existing zoning, would result in a \$700,000 payment to the housing trust fund. We would wait to see if we built that amount before they got that check. So they're not required to cash that check right now. >> Kitchen: Well, I have some more questions about that. I'm not sure how that's secure. So, what you're saying is that -- maybe I didn't hear you

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right. I apologize. The additional height is what triggers the contribution. >> Yes. So there's three tiers in the pud process. There's a tier 1, which all puds are required to comply with. There's tier 2, the total of the things that they're doing that are superiors, and there's tier 3, which is the affordability requirement. Tier 1 is required of all puds and tier 3 is required of all puds required of the baseline. So the tier 3, the up to \$700,000 payment, that would be absolutely required under tier 3. Included in the tier 2 superiority, but it is something we could only do with the pud because of state law. The superiority items does not include the affordable housing payment, but understanding that that is not something -- that is something we can only do through the pud process.

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>> Kitchen: But it said at a level equivalent to the height. Not a level more than what they would have to have. >> That's correct. It's the amount that's required under the pud ordinance. >> Kitchen: So with the affordable housing, not an additional amount over and above what is required. >> That's correct. >> Kitchen: Okay. All right. What about the contribution -- the 125,000 contribution to the nearby park? >> That's not required by city code. And then the last question then, it might be -- I guess it might be a question for the applicant. So, you know, we -- from two neighborhoods, the Johnson terrace neighborhood association, and one of the things they mentioned was the concern that the community benefits were not really accessible to the neighborhoods. And so there's that. And then they expressed concerns

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with the additional height. So my question to the applicant is, to what extent have you worked with these neighborhoods, and do you feel like you can -- can you spend additional time and do you think that there's a path to working with these enableds that would get them to a point that this is something they think they could support? >> Thank you. Michael Whelan on behalf of the applicant. Certainly open to continuing the discussion with go valley across from the area. We've met with go valley at least one time on this project during the development assessment period. Made myself available and happy to continue doing so. Definitely open to if they've got some ideas about other community benefits that we could provide that won't violate the

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law and the restrictive covenants that have been imposed on this property, certainly open to doing that. I think when you look at the list of things, the environmental stats on here, and they can tell you that silva cells and trees are not required under tier 1, 2, or 3. And removing invasive species is not required, along with the cistern, and going from 2 star to 3 star. These are all tier 2 items, not required. So the \$6.7 million does represent a list of things that are not absolutely required, certainly not required under the current zoning at all. But we're open to continuing the discussion with go valley. I'm available. I'll make myself available any day, any evening, from now until we have it back here on may 6th and would hope that they would be open to thinking about other community benefits that the owner could consider. >> Kitchen: Thank you very much for that. Let me tell you what my concern

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is. I do really appreciate the improvements that you've talked about from an environmental perspective. I think that that is really important. But I'm hearing that they are -- well, of course, that kind of environmental community benefit is important for our community as a whole. But it is something that will be most immediately of benefit to the people who are in the office park. So, I hear the concerns of neighbors about that. I also hear that something that is a top priority for our community related to affordable housing is perhaps the level that is required and really not much more than that. So, I am -- I can support this moving forward on first reading, but I would be reluctant to support it past that if there continues to be concerns from

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the neighborhoods. >> Mayor Adler: Okay. Council member alter. >> Alter: Thank you. I have a question for Jerry. Is the ordinance for this pud drafted? >> No, council member, it's not. >> Alter: Okay, thank you. So, for me, I say, you know, definitely some merits in this project. Do you think it's important to form this tank farm into a property that can be an asset for the community. But absent an ordinance, it's really hard for me to really pass the community benefits that will be delivered as opposed to what we're being presented with, which I appreciate. I think there are many things there. I would also underscore what council member had said about trying to find ways for those

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other community members to be able to benefit from the community benefits, if we're going to call them community benefits. I think they should have access to those, and I don't fully understand that piece of it yet. So I'm going to abstain for this vote. >> Mayor Adler: Okay. Been moved and seconded. Approval on first reading only. Keep the hearing open. Along with the additional elements that Jerry read into the record. Going to take a vote? Those in favor, please raise your hand. Those opposed? Those abstaining. Kitchen and alter and Fuentes abstaining. The others voting aye. Passes. All right, colleagues, Jerry, thank you. Thank you, everybody who participated. >> I believe council member Kelly was off.

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>> Mayor Adler: Thank you. Let the record reflect council member Kelly was not with us. Okay. Colleagues, that gets us now to the two remaining pulled items that we haven't dealt with yet. Also have the executive session thereafter. That gets us to item number 20 at this point. This was pulled, I think, by council member alter. Council member kitchen? >> Kitchen: I pulled it off also. We both pulled it but I'm happy for council member alter to go first. >> Mayor Adler: Council member alter. >> Alter: Thank you. Is he available? >> Yes, council member, he's moving over.

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>> Alter: So, I pulled this on Tuesday, and we didn't have an opportunity to talk about it. You know, we are engaged in a very important and critical, but also complicated exercise to be thinking how we're organizing some of our public safety work. And this is an amendment that brings together a lot of different strands, and I wanted to pull this because I think it's important that we are transparent and clear about what we are doing and what we are not doing. I think, unfortunately, we experienced a lot of misinformation and mischaracterization of what we voted on in August, and this amendment -- because it is tricky in order to accomplish what we are trying to do in rethinking how we're restructuring the department, can easily be misinterpreted,

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and because of that, I wanted to ask Ed to speak to a couple things. I will note that we would be working off of the revised backup, and I want to thank Ed and his staff for working through. And I think some of ray's staff of working through some of the questions on the pieces with me to make sure that I had a clear grasp of what was going on. Transparency is important. So, a piece of item 20 references a passthrough component, where money is transferred into the APD budget as part of its allocation to support services fund. Can you explain this budget policy and how it works so everyone can understand it? >> I will certainly try, council member. Thank you for the question.

[3:12:08 PM]

It does get a bit into the under the hood of the budget and budget wonwonkiness, but the city of Austin follows a fun accounting approach to structuring our budget. As you know, we have lots of funds. General fund, Austin energy, Austin water. Development services fund. Lots of funds. We also have internal support departments, like mayor and council, and like the budget office, like the human resources department. There has to be a mechanism to allocate those support functions out to all these different funds that are being supported. That's required under federal guidelines. The office of management and budget has guidelines for how we do that allocation to make sure we're in compliance with grant restrictions, on costs that we reimburse. Those cost allocation plans routinely get audited, including by agencies such as the FAA, who want to make sure we're not inappropriately allocating cost

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to the airport, of course. So, it's kind of wonky, and it's important, but just know that this is a standard approach in our budget. We take these costs and we allocate them them out to the departments. As you know, we're moving a lot of costs out of the decoupled fund and into the support services fund. There are cost centers being moved into the financial services department, the financial services component of the Austin police department will become part of financial services and report to me, the human resources personnel will report to the human resources department building services, et cetera. So, by moving those functions out of the decoupled fund and into the support services fund, we've increased the size of the support services budget, which means that the allocated costs have to get allocated back to the department they're supporting. In this case, to be in compliant, so in this case,

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those functions are supporting the police department. So there's a line item in the police department budget that's called transferred to the support services fund. That line item will be going up, which is, you know, kind of unexpected result of all of this. But it is different than when those staff line. That is a line item, a transfer to the support services fund, the police department has no control over that line item. It is automatically buy our controller's office 1/12 of that line item is allocated from the police department budget to the support services fund every month. I may have lost a lot of people on all that wonkiness, but I do agree with you, transparency is really important, and so that's why we wanted to take some time this afternoon to lay that out. And I'll be happy to answer any questions and go over it again if I lost some folks. >> Alter: Thank you, Ed. So I want to just kind of summarize a little bit.

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At the end of the day, because of the way the support services stuff works, for those who are trying to follow all of the little numbers, there are also a couple contracts that are moving over to financial services that affect the numbers, if you're trying to add it all up, that are just being moved over and going back into APD's line; is that correct, Ed >> That's correct. There's two large contracts and also an interlocal agreement with Travis county that the financial services folks and police department, they manage those contracts. And so all those contractual dollars are also moving into the financial services department. >> Alter: Right. But at the end of the day, with this move, with respect to the support services portion, which is moving hr functions, financial functions, Pio functions, and facilities functions, and then the

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administration, we will see a line item in APD's budget for support services that will go up to 17,081,555 I believe is the right number. In that ballpark. >> Yes, it's in that ballpark, and you will see that line item go up. But again, it's a transfer out line item that the department has no control over, but it needs to be there for accounting purposes. >> Alter: Okay. But we will see over 200 fte positions being moved out. >> That is correct. You'll see their position count go down by more than 200 positions, and the position count of all those departments you listed will go up equivalently. >> Alter: Okay. As a board, asking whether we are organizing our resources in the best possible way, we are essentially centralizing those

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functions for support services as is done for most other -- you know, a lot of other departments, but we have to have an accounting mechanism to do that. And I want to just -- you know, as another way of trying to explain what we're doing, I think it's important to think about the fact that in August, we kind of had four buckets that we were talking about as we were taking the city manager's budget for police

and figuring out what our next steps were going to be. We had one bucket that was the APD bucket. We had one bucket where the things that we were reinvesting, and those largely didn't go into APD. They went to things like EMS and for the shelter and for substance use and for the office of violence prevention. Mental health kinds of stuff. Then we have the decouple fund, which is mostly what we're talking about today, which were the things that we thought as a

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board might be better served under a slightly different management structure. And then we had the fourth bucket, which is the re-imagine bucket, and we have a little bit of the money today that's coming out of that section. And so, what we are doing is we're saying -- we're making some decisions today about where we think these services can be best functioned, and then we're taking the accounting steps to do that. So that's with respect to the support services, which is one component of it. And then there's the piece of emergency communications department. And, again, in none of these cases are we spending any less money on public safety and these functions. We are moving where they are accounted for and the reporting structures for that. So the other big piece here to Chemois that we are creating an emergency communications

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department. You still will call 911. All the people in 911 are still hired in 911. They will be moving over into this emergency communications department, and that 60,085,640 is coming out of that decoupled fund and being moved into the fund for emergency communications department. And so if you go back to the resolution that we started with, we have the first part that is creating this emergency communications department. A second part is that is transferring the FTEs and the funding to do that. And then we have a third part that is transferring the FTEs and the money for doing the support services piece of it. And then we're telling it which funds these are coming out of our different buckets, and we're adjusting the support services buckets for HR and finance, et cetera, so they can take on

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these roles, and then there's a piece of support services that's going to DSD, so that the permitting for alarms can go into there. Spending exactly the same amount of money, all the people I hired were doing the same safety functions. The hope is that over time, this is going to lead to us delivering better public safety and gaining efficiencies. But at this stage, that is what we are doing. And I would just invite Noria to confirm if I'm understanding that or if there are things you would like to add. I think obviously a lot of possibilities with moving emergency communications into the department that allow us to make significant improvements. But I just think it's really important that we're clear on what we're doing and

how this fits into what we actually did in August as opposed to the misunderstandings that are out there. >> I appreciate that.

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Deputy city manager. I think Ed laid out all the wonkiness as he -- only he can do in such a great fashion as we move forward. And I will say that as we have staff have moved forward on being thoughtful about decoupling, if you will, really looking at those administrative functions, that perhaps others in the enterprise could do, really allowing the police department to known on their core law enforcement functions. And as we thought about emergency communications, but we certainly believe there is more conversation to be had as we think about what other folks could be called upon to do crisis response. But this starts the groundwork for thinking about the establishment of its own standalone department that could really be thought of broader and be bringing in some of those additional sort of mental health conversations. We heard from the task force about the potential to deploy

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community health workers, if that is something that we move forward in the conversation. But to your point, council member, all the current services remain as they are, and everyone should feel really comfortable, as always in calling 911 for whatever their emergency need is. >> Alter: Thank you. And I wanted to add if you could please write a little bit up about what's happening with the support services and provide that in a short memo so that people can understand that it was not particularly clear with the changes that were made in the numbers over the course of the revisions. I just think it would be helpful for people to have that in writing. So we're thinking about what actually happened from an accounting perspective. This does still change the management and whatever structures. And then I had a question I

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think for -- about the re-imagining process. One of the areas I didn't -- don't see in this and I'm not seeing as part of the formal process, is the status of the public safety wellness center. So, part of it is run by APD, part by AFD, and other departments. Is the wellness center part of the discussions related to decoupling or re-imagining, and are there any APD ftes assigned to the wellness center? >> I appreciate the question, council member alter. I believe that as we're looking at all of the possibilities, we had to start here. And so as we prioritized, we had not yet gotten to the wellness center and discuss what needs APD might have. We certainly have had some early conversations about that we expect to continue more. But for now, we decided to move forward with some of the items that are administratively easier

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to identify. Certainly, the conversations about emergency communications come up first, but we will be getting to that with an analysis with pd in the future. >> Alter: Thank you. Again, I just want to thank Ed and staff for going through all the numbers and stuff with us so that we could more clearly articulate what we're doing. Thank you. >> Mayor Adler: Thank you. Council member kitchen. >> Kitchen: Thank you. That was a helpful explanation. I appreciated that. So, I have a motion to make for an amendment. So, mayor, I'll make that motion first, and then explain it. I think that's the order. >> Mayor Adler: Yep. >> Kitchen: Okay. So it's post on the message board and also in your boxes. And the amendment is to the backup ordinance and it relates to the section -- first section about emergency, the creation of

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the emergency communication department. The amendment is to add to the end of the clause. This is a clause about the -- that relates to the responsibilities of the emergency communication department, to add to the end of that clause in line 33, including options related to alternative response to mental health crisis emergency calls. So the whole item reads, just so people will have that, this is bulleted list of responsibilities for the emergency communications department. So it reads right now, reception of all 911 emergency calls for the city and disposition of such calls to either the appropriate city public safety operations or other disposition as determined by the nature of the call, and here's what I'm adding. Including options related to alternative response to mental health crisis emergency calls. The other piece of the amendment

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is to line d1, and it adds to the words criminal justice, public safety. So it reads criminal justice and public safety purposes identified in this ordinance. And then just by way of explanation, what this does is it just -- it clarifies the intent that we just talked about a minute ago. And that council member alter asked for clarification on. So it clarifies and makes it clear in the language of this ordinance, that the responsibilities of the emergency communication department, it clarifies that this -- it clarifies and aligns with the purpose that the department will continue to dispatch to ems, fire, and mental health for 911 emergency calls as well as to APD. It also -- it also recognizes the budget direction that we all

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voted on last August to fully implement and make improvements for alternative response to mental health emergency calls. That initiative, which we are -- we have named Austin cares, is in progress, and I have requested a status update to council at an upcoming work session on the status and the progress that's been made on Austin cares. And I just want to clarify, and this language helps clarify also, that Austin cares implementation will continue as directed by council last August. So, again, the -- using 911 to -- for alternative response to mental health, and our budget direction last August, to make -- to fully implement and make improvements to Austin cares, which is our alternative response system, will continue. The other thing I wanted to acknowledge is the work of the

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re-imagining Austin task force. I want to talk to -- I have a question for our staff in just a minute about the next steps on that. To analyze and bring back to council options related to recommendations. Specifically I'm focusing in on the ones related to emergency communications. So you can see page 50 to 57 of the task force report that makes recommendations related to 911, and not crisis response. Many of these reiterate and build on and improve the work that the council did last August, and the work that's contemplated with Austin cares. So, the task force report recommends -- I'm not going to go through all the detail, but I want to highlight that section of the task force report makes four broad recommendations related to 911 calls and emergency response.

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The first, the diversion of the majority of 911 calls away from police and toward appropriate first responders. And that includes the contemplation of increased capacity for mental health responders and training for 911 dispatchers. The second one relates to recommendation around a non-police crisis line and a community response team. The third one relates to culturally and linguistically appropriate communication, emergency response options, and the last highlights the need for ongoing community accountability and evaluation. So, my question for acm Ariano has to do with the -- I just wanted to ask him for the next steps related specifically to considering and bringing back options to the council on those recommendations that are relating to the 911 emergency response system.

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I understand that staff will be working -- considering analyzing these recommendations and bringing back options for council consideration. I'll let acm Ariano speak to that. To the extent that you can, if you can lay out the next steps, and in general, what you think the timeline for that is. >> Mayor Adler: Before you answer that, a couple housekeeping -- let's clean this up just a little bit, so that council member kitchen's amendment can be amending something. Is there a motion to approve item 20? Council

member alter makes that motion. Council member Casar seconds that. Is there a second to council member kitchen's amendment? Council member Casar seconds the amendment. You want to respond? >> Thank you, mayor. Good afternoon, mayor, council members. Ray Ariano, assistant city

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manager. Thank you for that question. Currently, there were a number of recommendations that came from the task force and want to recognize the ones that you enumerated to be established in the communications department. What I would say is, based on the number of recommendations, the cmos rematching public safety leadership team, which includes myself, and who will -- whoever will be stepping into deputy city manager, as well as interim assistant city manager Shane Jones. We as a group as well as supporting staff members will be taking a look at all of those recommendations and coming out with the best way we can evaluate and figure out how best to bring those back in order. Some are going to be relatively short term. Others are going to take a significant amount of evaluation term and will be longer-term. What I can commit to and

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certainly will defer to is that we will take a look and update council when we start to get a handle on all of these different recommendations. And certainly, I can focus myself on the ones having to do with communications department. But, let's see if nuri has anything to add to that. >> Thank you. I think you covered it all. I can tell you that we are already developing per work group our project teams with staff. We have sent that report out to the pertinent staff. We will be coming back to the manager with some additional steps as we gather the leadership team that acm was mentioning. We'll kind of continue to guide the entire portfolio of all the work group recommendations as that moves forward, letting some -- creating each of those work group teams internally with staff as we move forward. So, we are excited to actually dig into some of these

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recommendations, and we will be -- as mentioned, some are quicker to come to and analyze, and as we get those moving forward, we will certainly bring those to the manager and to council. Those that will take additional time, we will let you know as well. So we will be as transparent as we can be throughout this process. >> Kitchen: Thank you. I just wanted to emphasize that as we're creating this new emergency communications department, it's timely and appropriate to consider the recommendations from the task force in those four buckets I read out as they relate to the 911 and emergency response systems, to just make sense as we're standing up this new department. You know, it carries over the functions that are currently in existence, and continues the effort to improve upon the mental health

response. But also makes sense to consider these recommendations from our task force as it all relates together. So thank you for that response.

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>> Mayor Adler: Council member Kelly. We're on the kitchen amendment. >> Kelly: Yes. Thank you. I was wondering if chief chicone had any thoughts about the amendment and how it might help the overall resolution. >> I would -- I apologize, mayor, council members, and city manager, I'm the interim chief of police. I would -- I think it sounds like a good amendment. It would enhance what we are trying to do at communications and how that effort would continue under kind of a different umbrella and different leadership. But nonetheless, would continue to support the citizens of Austin and our officers. So it sounds like it is something worthwhile. >> Mayor Adler: Further discussion on the kitchen

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amendment. Those in favor of the kitchen amendment -- mayor pro tem, did you have something? Those in favor of the kitchen amendment, please raise your hand. Those opposed, I see that as being unanimous on the dais. That gets us to 20 as amended. Discussion. Council member tovo, then the mayor pro tem. >> Tovo: Thank you. I just wanted to ask either our deputy city manager or city manager, whoever the appropriate staff is, council member alter, I appreciate you going through the different funds and really expressing that in detail. I agree. I think it's very important to message this accurately and transparently. And I just want to summarize what I see as the main changes that we're making here today. Again, we have, say, five major functions, emergency communications, alarm, human resources, Pio, and building services, which currently reside within the Austin police department, which will now either go to their own standalone area in the case of

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emergency department, or be incorporated within similar departments. So APD will go to hr. Pio to po. Is that a correct summary? >> Yes, council member. >> Tovo: Is it also correct to say that just to reemphasize a point that was embedded within what council member alter said, we will have the same staff who are currently performing those roles perform them, just under different departmental management. So the cpio -- the public information officers that currently reside within the Austin police department will maintain their jobs. They will be within a different reporting structure, which is the centralized public information office; is that correct? >> That is correct. But, council member, and in fact in the case of cpio, they have actually created a division within cpio of public safety,

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really, to be more thoughtful about the service that they are offering the police department. >> Tovo: Great. Thank you for that additional information. And so the -- it is -- would you describe this as budget neutral? Overall? Budget as a collective of all of the different funds without talking about -- without talking about the individual departments and the impact because support services complicate that. >> I can jump in on that, everybody. This is a budget neutral amendment. >> Tovo: Okay, great, thank you. And council member alter, I think you alluded to this. City manager, is it your expectation that over time, because those staff members are working within departments where there will hopefully be some economies of scale, that we will see cost savings potentially? >> Certainly, that's part of our conversation as we had

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throughout the entire enterprise on an ongoing basis, and so as we look for ways that we can improve our processes and efficiencies, and how those might play out into cost savings, we will continue to work on those efforts. >> Tovo: Thank you. I would challenge you to see whether there are other departments where this kind of restructuring might also be supportive of our overall mission at the city of Austin of performing -- of always looking for a more efficient processes and looking for cost savings where we have them. I think we still have some other departments that have their own public information office and their own hr staff and some other functions. So perhaps that's something that you can consider as you're preparing the budget for your next fiscayear, whether there are other departments that would benefit from this kind of transfer of staff as well. Thanks very much. >> Mayor Adler: Thank you. Item number 20, council member

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Casar. I'm sorry, it was the mayor pro tem, and then council member Casar. >> Harper-madison: Thank you, mayor, I appreciate that. I wanted to speak to this item because I think we all recognized what an impact week it was. So the verdict that came in this week for Derek chauvin, that case, it was one step forward in a much longer journey towards justice. Part of that journey includes our local efforts to re-imagine public safety here in Austin. I wanted to point out something interesting that happened this week. We just got a call from France. They were fascinated by the process that we're going through and we're very curious how we were -- we were so courageous as to take the bold steps that we have to re-imagine our public safety here in Austin. So, people are noticing. And I was hoping that would be the case, and hopefully closer to home. So last year, we had thousands

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upon thousands of people telling us that they wanted to see change, we responded. This item really is just one of the fruits of that action. I want to make sure that nobody believes that this in any way is our desire to diminish the ability of officers on the street to respond and do their jobs. It helps our police department zero in on its focus. And I think some of my colleagues have alluded to that. I want to also say that it promises to make emergency response more flexible and accessible to more austinites, which ultimately is the goal for all of our systems, I hope. So I'm thankful to city staff and the re-imagining public safety team and task force for all the work that they put in. I also wanted to thank the city manager for bringing this recommendation forward. >> Mayor Adler: Council member Casar. >> Casar: I want to appreciate the chief for his comments and response to council member kitchen, and to thank council member kitchen for raising it,

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just because it's an important point to emphasize and I think an important part of the future that we want to build with coming out of this vote. I know everyone has been working on things like mental health response and getting the appropriate response to the crisis that's occurring in the community. But I really want to thank you, council member kitchen for working together on this. I saw old emails of ours way back over five years on this issue. There's a lot of years of work to do. But there's just ways that we can recognize that we can best serve the community depending on what's happening. If there's immediate violence for police officers to be there, for a fire to be there, when someone has eviction issues, we want to address that with care. And when there's a mental health crisis for us to really try to find that we get the mental health response that keeps everyone safer. That being our first responders

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and people in the community. And so I think an emergency communications department that really pairs the right response is something that cities all across the country are looking at and talking about. But the fact that we are leading on it here today is something that's really important and should be noted. And I want to thank, again, the chief for his openness and his response to council member kitchen's amendment. Thank the city manager for -- and assistant city manager for leading on it across so many departments. And of course, our departing deputy city manager. You have done so much in even your short time here with us. And so we will miss you for many reasons. So I just wanted to give you a particular shoutout on this one. So, thanks. >> Mayor Adler: Any further comments on this item, number 20, colleagues? Then let's go ahead and -- yes,

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mayor pro tem. >> Harper-madison: Not a comment, but a question. It's sort of a random one. Do our folks where in dispatch where pd uniforms? I've seen some folks that I know in dispatch wear uniforms, but I know at least one of them is also a chaplain. So I'm just curious, do they all wear uniforms? >> Council member, our people in dispatch do not wear police uniforms. They do wear shirts that have logos indicating that they work there. But they are not the traditional police uniforms. >> Harper-madison: Thank you. >> Mayor Adler: Further discussion on this item number 20? Yes, councilmember Kelly. >> Kelly: I'm just curious if there have been discussions with the telecommunicators if there might be a switch or if that's been communicated to

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you, chief. >> I appreciate that question. That's something I spent a good deal of time addressing both through a written communication that I sent out to all of our chemistry at the communication is there and then spent and went for every shift days, evenings and nights meeting with our employees out there to answer question, to reassure them and help them to understand what this process really meant for them. And that, you know, hopefully they would not see a lot of change in their day to day operations. That this really is -- is something that is happening kind of in the background, but tore them would not mean a lot of change this their day to day operations. I did spent quite a bit of time out there talking to folks and just reassuring them. >> Kelly: Great. Thank you. >> I'll just add, councilmember Kelly, we also had our H.R. Team and our

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deputy city manager and assistant city manager were also involved in that process. To your point, these are really critical conversations to be having with our employees and we take that very seriously so we wanted to double down on those efforts. >> Mayor Adler: Further discussion in? I appreciate the thanks from everybody. I'm not going to repeat those because we won't be seeing you much longer, I want to make sure we call you out and the chief for helping with this. I think it's great you have gone to the employees involved to reassure them that their jobs, their function, their roles, their missions all remain the same. It's interesting after a year's discussion on the issue of police budgeting and funning, here we are taking a substantial act

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insistent following through with what the council did last budget session. And from this vantage point it's clear the function remain, the people remain, but hopefully in a more efficient way that will over time additional returns to taxpayers in a way that makes sure that we're getting the right first responders to the right places in a way that would make the community that much more safe. So while

it's important to reassure the employees, it's important to reassure the public, but also just to note that -- that this is that. This is the work of making sure that we're doing everything we possibly can at all stages in increasing efficiencies for taxpayers and safety for everyone that lives in our community. All right, let's go ahead

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and take a vote then. Those in favor of item number 20 please raise your hand. Those opposed. It is unanimous on the dais. >> Councilmember Fuentes is off the dais. >> I voted no. >> Mayor Adler: I'm sorry? >> Fuentes: I voted no, sir. >> Mayor Adler: Kelly votes know, councilmember Fuentes is off the dais. Mayor pro tem, were you just alerting me to the fact I counted wrong? Okay, so with a 9-0-1 vote, - 9-1-1 vote this passes. Two items left. Let's go to item 39, and then we'll go to executive session and close out the meeting there after. Item number 39 was pulled by the mayor pro tem. Yes. >> Tovo: I want to acknowledge one of my co-sponsors is off the dais, councilmember Fuentes, so I don't know if it makes sense

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to try to reverse the items. >> Mayor Adler: Perfectly amenable to doing that. Let's go ahead and do that then. Is staff going to be ready to do the executive session? >> We will just need a few minutes to get down there and get set up. >> Mayor Adler: Not a problem. Okay. The city council is now going to go into closed session to take up one item pursuant to 551.071 discuss legal matters related to item 58, which is the Scott V Austin case. Without objection at 3:49, we'll go into executive session. Take care of that matter, come back out and one item left in front of us, item number 39. Let continue to work quickly because I think we'll start losing councilmembers probably about 5:00. With that said, let's take five minutes to let Ann

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Morgan set up and at five till 4:00 we'll see everybody in executive session.

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[Executive session]

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>> Mayor Adler: All right. Are we ready? >> We're ready. >> Mayor Adler: All right. We are out of closed session. In closed session we discussed legal issues related to item 58. Let me reconvene the council meeting at 4:44. The last item we have to cover is item number 39. This was pulled by mayor pro tem. >> Harper-madison: Thank you, mayor. I appreciate that. I have a couple of things. So item number 39, we've had a lot of robust discussions about this item and issues related to it both on the dais and with each other, off the dais with stakeholders. I, like probably many of

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you, am receiving text messages and emails from people who are concerned about it and the various iterations and what the implications of those will be. So I think we've all heard the input from the affordable housing advocates also and other housing stakeholders who are asking us to remove the first be it resolved and revise your downtown density bonus program holistically, and make sure we have a program that maximizes community benefits. So that's primarily -- I have other questions also, but primarily why we pulled this one. There are so many people who have helped to pass the 2014 affordable housing bond and develop our affordable housing programs. They have have hands on knowledge about the policies that it creates and their input really does carry a lot. I'd like to offer an amendment. >> Mayor Adler: Let's hold

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and we'll come back to you. Let me let Kathie lay it out and make her motion. >> Tovo: Mayor. I'd like to move approval of the revised version that I distributed this morning. If I get a second I will speak to it. >> Mayor Adler: Is there a second to councilmember tovo? Councilmember pool seconds. Go ahead, Kathie. >> Tovo: Thank you, mayor. As I indicated this morning I believe the edits that I'm made really address the lack of clarity that gave rise to some of the confusion. I know and some of my colleagues can probably speak to this, we've all received a lot of correspondence, including from some affordable housing folks who weren't aware that their names were included on some of the letters. But in many cases when we've been able to go back and explain what -- really what the intention of that first provision was doing, I think there's -- that has really helped. So again, that first change is to remove, repeal or

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suggesting again that in the code amendment process what they're going to be looking they're going to be looking at at the planning commission and then again at city council is whether we should use the same calculation that's currently in the code or a higher calculation with regard to projects that are seeking to exceed the F.A.R. Cap. The last couple of changes are inserting the words interim and before revision and then making it clear that this is coming back -- that the fees will come back no later than August 26th, 2021. So you know, this achieves several things that I know have been goals. Many of us have shared for a long time. One is that it updates the methods of calculation which right now are set to 2013. These were done in 2013. You know, we used this -- we use these dollars for permanent supportive housing. We also use them for housing vouchers, so if you think

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about it, we're using 2013 numbers to put toward affordable housing vouchers that are completing with 2021 market prices. So we are really in my opinion not putting ourselves in the strongest position we can with regard to those affordable housing dollars. The same is true in the setting of commercial projects at a zero rate. And I'll just quote from the neighborhood housing and community memo from March March 2019 that addresses this of development and the fee being zero and that in recommending the fee be zero they made the comment and the justification that the city has likely foregone revenue to this submission and will likely continue to do so if a nonresidential fee is not adopted.

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I have served on this council as somebody who helped pass the 2018 bonds, but also helped pass as a community member, helped pass the first affordable housing bonds back in whatever year that was. I believe strongly that our downtown density bonus programs and our other bonus programs should be requiring more on-site housing and I think that's another element that we can look at when we examine the downtown density bonus program. So -- let me step back. I understand that many stakeholders want to see changes to other affordable housing density bonus programs. I have long been an advocate for making those changes too and sponsored that early resolution I think in 2014 in our programs so that we could get recommendations back from our staff and make those revisions in a data driven way, and that got kind of encapsulated within the land development code and thus has not moved forward. As I've been telling people for the last month and a

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half, some of whom are advocating for those changes, I am very happy to undertake that work and tend to bring -- intend to bring forward another ifc initiating that work and hope that those of you who are

interested in that work will help support that, but I do -- I don't think that broader body of work should prevent us from moving forward with these changes today, which are much, much needed. And I want to acknowledge that some of our commission, including the design commission, is also interested in this and has expressed an interest in looking at our density bonus programs, especially the downtown density bonus program as they are the gatekeeper of that one so they are undertake work on that front. I can say more and might if there are questions or other -- or amendments that will suggest making changes here. I just want to stop and say our current fees right

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now -- I mentioned the commercial in lieu fee is set at zero. The residential fees downtown are set at three dollars, five dollars and ten dollars. And these are again dating back to 2013. It is in my opinion critically important that we move forward with these changes as soon as we can. >> Mayor Adler: Councilmember harper-madison, did you want to make an amendment? >> Harper-madison: I appreciate that councilmember tovo has talked to some of the advocates, but I'm also continuing to get information and given that additional feedback that we've received since Tuesday, I've shared desire to update and approve the program to be the absolute best it can be. I think that's where we're

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all in alignment. So I'd like to offer an amendment to strike that first be it resolved and have us come back with a resolution for comprehensive revisions to the downtown density bonus program as soon as possible. >> Mayor Adler: There's been an amendment to strike the first resolved clause. Is there a second to that amendment? Councilmember Casar seconds that amendment. Do you want to address your amendment any further? Councilmember harper-madison? >> Harper-madison: No. I think we all understand what it is that we're trying to accomplish -- well, I think everybody understands what it is that we're trying to accomplish with councilmember tovo's resolution and subsequently with my amendment. I hope it's understood. It really does bring us back to where we share the vision is we need to recalibrate, you know -- I do believe

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that first be it resolved doesn't get us to where we need to go. It gives me pause. >> Mayor Adler: Further discussion on the mayor pro tem's amendment. Councilmember Casar and then councilmember kitchen. >> Casar: Let me be clear here about as well on the idea that we need to be -- spend our time in a way I think that really gets us the change we need. You know, mayor pro tem, I'm not sure, I think you said we need a more comprehensive plan density bonus. And I think you said the bonus more citywide and broadly. And I think that's important because it really takes a lot of time and bandwidth for our

staff, for this dais and for the community when we are getting back to talking about revisions to the land development code. This first be it further resolved kicks off amendments to the land development code and I want us to sit back for a second

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and have a conversation as a dais about where we want to start APD what we want to get done. I think that hearing everybody talk about how we need to fix our density bonus programs might be one of the places that we start. But just picking this one up just this one section I think it could pull time and resource when we have such a bigger task at hand. So again I do want to reiterate wanting to look at density bonus citywide. One thing we got from the staff and what I would hold us to if we wanted to do that work is is we could be short about 7500 affordable units because we haven't expanded those density bonus programs to all parts of the city. That there are about 25,000 acres in our city that are currently ineligible for the affordable housing bonus that we could make eligible

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to generate that nearly 11,000 income restricted units. So for me if I was to go send the housing staff to go back to work and to look at affordable housing bonuses, I would want to be looking at those 25,000 acres rather than -- which would encapsulate this section, encapsulate downtown, but get us more bang for the buck if we're going to start kicking off text amendments here. >> Mayor Adler: Councilmember kitchen. >> Kitchen: So mayor pro tem, I'm not sure I'm understanding your amendment. I'm looking at the language. Can you tell me specifically what your amendment is again so I can understand it better? You're just amending the 51st be it further resolved, -- the first be it further resolved, correct? >> Harper-madison: Correct. >> Kitchen: Not the second and third? >> Harper-madison: Correct. >> Kitchen: And what does your amendment say exactly?

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>> Mayor Adler: Just strikes it. >> Kitchen: Just completely strikes it. Doesn't replace it with anything, just strikes it. >> Harper-madison: Strikes it. >> Kitchen: Tell me what that accomplishes. >> Harper-madison: Let me pull it up. I have 75,000 tabs open. >> Tovo: If I may, if you're asking, councilmember kitchen, what that be it resolved accomplishes, it would initiate the amendment. And so eliminating it would eliminate the initiation of the code amendment to look at that portion of the code that speaks to projects that exceed the cap. So we would be -- we would not be asking our planning commission or the council to take a look at that and see if we should apply a higher level of calculation and thus get more community benefits from projects that are seeking to exceed the F.A.R. Cap.

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>> Kitchen: Okay. Thank you, councilmember tovo. I'm -- I understand that. I'm trying to understand what the mayor pro tem is trying to accomplish by doing that. Because it doesn't seem -- let me just explain further my questions. So I hear the desire to go beyond the -- go beyond the downtown density bonus program to actually look at all of our programs. And I hear councilmember tovo mentioning that is her intent at a later date to bring that forward. And it may be the intent of others also, which is good. But how does stopping this -- I don't see those -- I don't see those things as counter to each other. It seems that we should go ahead and move forward with this and then as quickly as possible, you know, initiate those changes for the other items -- for the other programs. I'm not sure why -- mayor pro tem, I'm not sure why -- what your thinking is and what you would like to

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accomplish by taking out this first one. That's what I'm trying to understand. >> Harper-madison: I think you spoke to it. You answered your own question when you said, um, I understand that you want to do it comprehensively. That's my entire intention is to comprehensively address. >> Kitchen: Okay. That's -- okay, I'm understanding better. I'm understanding that you want to wait until it can be done comprehensively. >> Harper-madison: The whole program, correct. >> Kitchen: All right. I understand that. From my perspective I do think that we need to look at all the different programs, but I'm not seeing a reason to wait. I would like to move forward as councilmember tovo as suggested and then as quickly as possible also move forward on the other items. And I'm willing to entertain a resolution from others as soon as someone brings one forward on the other programs. I think they're important. I think it's really important that we review them all, but I don't want to wait. I don't see any reason to wait. >> Mayor Adler: Further

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discussion? Councilmember Fuentes. >> Fuentes: Thank you. I'm also supportive of taking a look at all of our density bonus programs. I do think it would be helpful to have them taken up separately. The needs of our downtown community are distinct and unique and I think that that's worth its own conversation around the calibrated fees and how we go about that. So I'm supportive of keeping it separate just for understanding and learning purposes because they're both -- they have all the merit to request a review and it sounds like we want to review them, but for that reason I'm supportive of keeping them separate. >> Mayor Adler: So as I look at this, I want to thank councilmember tovo and then the sponsors for bringing this matter to us, especially as regards the recalibration issue. It just seems like we repeatedly asked for that and just can't seem to get that to happen.

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And the fact that it's taken this long, I know there are lots of other things that have been intervening, so I'm not like pointing fingers, but I think the recalibration is something that we need to get to. And I appreciate that. And I appreciate the amendment, councilmember tovo, that you have brought to that that I guess we'll get to in a second if anybody raises that. I'm comfortable with the amendments that you've raised. Would not have been comfortable just going with the ldc fee because I think it needs the actual recalibration. And I'm not sure that I would have chosen to do it this way because that staff doing it twice, but my understanding from staff is they can accomplish that and to move that forward. But it's the recalibration that I will really point to. I'm going to support the amendment from the mayor pro tem, though, on the first section because even if we

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were just to focus one downtown density bonus, I would like for us to be able to focus on the whole downtown density bonus and not just the question of the cap issue because I think that there are other elements of the downtown density bonus that probably need to be part of that same conversation. And I look to see if I could make an amendment to be able to do that, but the posting language is really narrow, so we can't. So I'm going to support this amendment. I appreciate councilmember tovo and the other authors in helping us move forward with the recalibration. I hope we take quickly a look at the downtown bonus either by itself, separately as councilmember Fuentes indicated or with the others, but not just looking at the question of the cap amendment so I'm going to

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support the amendment. Councilmember Ellis. >> Ellis: Thank you, mayor. I'm also supportive of the mayor pro tem's amendment to strike the first be it resolved. Also very much do appreciate councilmember tovo adding in that recalibration with eco northwest. I think that's an important part of this conversation. It will allow me to have more faith in some of the numbers being right sized and calibrated to our current land development processes. But I do think that there should be some sort of ability for people to come to council in meant time so I think it gets a little caseload if we amend or change B 6 while we're trying to change the numbers as well. I'm supportive of the mayor pro tem's amendment. >> Mayor Adler: Further discussion? Mayor pro tem. >> Harper-madison: I just wanted to make sure that I was being -- that I was clearly articulating the intent there. So when I say separate, what I'm talking about is I

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believe isolating this particular section of code is the thing that could potentially be problematic. >> Mayor Adler: In front of us is the mayor pro tem's amendment. Further discussion? Councilmember Renteria. >> Renteria: Yes, mayor. I just want to know if the time is going to change where we're going to come back with the revision of the fees by August or are they going to change? Do you have any idea if we're going to be able to -- >> Mayor Adler: I think the motion has us coming back earlier than August with the ldc number and then by August with the recalculated number. So two numbers coming back by August. Each one being adopted when it comes back. >> Renteria: Okay. >> Mayor Adler: Further discussion? Councilmember alter.

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>> Alter: Thank you. I'm not going to be able to support this amendment and I want to thank councilmember tovo for her leadership for almost a decade now pushing on the downtown density bonus and being part of the group who led on that. At the time it was created, as I understand the history, there were folks who thought it was a bad idea and that it was going to -- the sky was going to fall, etcetera. As we think about what we're doing here, there's a couple of things that I'm -- that I have in mind. One is that doing a code amendment is the process to have the conversation and draft a product that works towards all of our goals. Secondly is that we all agree that what we have now is not good enough. To make an improvement we don't have to get to

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perfect, but we've got to do better than where we are. And there are some clear steps that will get us to better. They're not perfect, they're not the end of the conversation. They do not take care of all of the issues all over the city. We are leaving opportunities for affordable housing as we grant these entitlements all over the city. And there are opportunities in certain places where we want to have additional entitlements along our corridors, etcetera. But we should try to do better. We do not have to do perfect with this vote today. >> Mayor Adler: Further discussion on the mayor pro tem's amendment? Councilmember kitchen. >> Kitchen: Yeah. The other thing that I'm thinking is that I hear the concern about looking at things in isolation but I think it's also important as councilmember Fuentes said that we'll be drilling down necessarily for each one of

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these kinds of programs because there are distinctions amongst them. So I don't see this as being in isolation either because this is initiating an amendment to one of the -- initiating the process for amending one of the downtown density downtown density bonus programs so there's nothing stopping anyone from going ahead immediately and bringing the amendments for the other density bonuses and I look forward to seeing that. So I don't think -- that doesn't -- the staff doesn't have to take these up sequentially either. Once these are initiated they will naturally get to a process where they're looking at together where it's appropriate and looking at the distinct issues where it's not because of the distinctiveness of each of the programs. So again, I just don't see any reason to delay. It's really, really -- affordable housing is like a top priority for us. I think we just need to move on this. >> Mayor Adler: Okay. Further discussion on the amendment? We ready to take a vote?

[5:06:51 PM]

Let's take a vote. Those in favor of the mayor pro tem's amendment please raise your hand. I have council member Casar, Ellis, mayor pro tem and me. Those opposed please raise your hand? It looks to be the balance of the dais. 4-7, the amendment does not pass. Further discussion on this item 39? Mayor pro tem. >> Harper-madison: Thank you, mayor. So I wanted to ask councilmember tovo, would you oppose adding some language? So after August 26, 2021 in that third be it resolved, I'd like to ask if you would -- if you would

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consider adding with an item for action amending the fee schedule to adopt the recalibrated and modeled in lieu of affordable housing fees for residential development, for the downtown density bonus program and nonresidential development for the downtown density bonus and rainy downtown density bonus programs. >> Tovo: I think I need to understand how that changes what's currently in here? Well, it's a question for you and then I guess I'll turn to our staff, but that is what -- that is what we were amending with our interim fees. So whether those come back to us on October 26 those are the fees that will be coming back to us. So mayor pro tem, can you walk me through your suggestion? Is it on the message board? It would also help me to be

[5:08:55 PM]

able to read it? >> Harper-madison: No. I can send it to you. I'm happy to if that's helpful. And for what it's worth, I also have some questions for staff. So while you ask yourselves and maybe I ask my questions I can send this language over to you. >> Tovo: I don't know if that it going to be -- if that is going to be a legal problem because of quorum. So -- >> Harper-madison: Oh, I didn't even think about that. You're right. >> Tovo: Anyway, maybe if you read it can again I can concentrate on it. Can you help

me understand do you regard that as saying something different from what I'm saying here? Can you talk me through the rationale for the additional language? >> Harper-madison: Sure. I think because it ensures that staff can come back with an item to amend the fees and just the current language isn't entirely clear. So it was a point of clarity. >> Tovo: So I think what we would be doing -- I'm not

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sure what our budget adoption day is, but the fees -- the recommendation is to follow -- the recommendation above is to remove the revised fees into the city fee schedule so we wouldn't actually be approving any changes to those fees until we approve the budget and the city fee schedule. And so the intent was to get that information back from from -- to ask our staff to update if necessary, to update those fees, to take a look at them, calibrate them, update them and then we would approve -- we would approve any -- we would approve those fees in the budget. So in terms of interim fees, that would be the day to make that change, which -- actually, it may be before August 26th.

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So your language is return to council no later than August 26th, 2021. What was the rest of it? >> Kathie, can you move your microphone a little so we can hear you better? Thank you. >> Harper-madison: So August 26, 2021 in the third be it resolved, I didn't add that language. That's your language. >> Mayor Adler: She's asking what language did you want to add to the end of that? >> Harper-madison: With an item for action amending the fee schedule to adopt the recalibrated and modeled in lieu affordable housing fees for -- and then it goes on to say for residential development for the downtown density bonus programs and not downtown density bonus program for the downtown and

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Rainey density bonus programs. And for what it's worth I don't think we're saying different things. I just think the language that I'm proposing makes it more clear. I'm not in opposition to what it is that your third be it resolved says. I was just amending to make it more -- I was just amounting to make it more clear. >> Mayor Adler: Councilmember alter, let's see if we can get some clarity here. Councilmember alter. >> Alter: I just had a question for legal. Is part of that allowable under our posting? Is that allowed under our posting? >> Mitzi, can you answer that? >> Sorry, it took me a minute to unmute. If you're asking whether the amendment -- I'm sorry, there we go. >> Alter: I'm asking whether the mayor pro tem is legal under the posting because it has the Rainey portion in it as well.

[5:13:01 PM]

>> The Rainey portion is mentioned in the posting as well. >> Alter: It is? Okay? >> Mayor Adler: Councilmember kitchen. >> Kitchen: Just a quick question on the language. So if I'm hearing you -- you right, the thinking is to clarify what's intended here already. You mentioned -- could you read that language that says something "And modeled" it says updated and modeled or what were those two words together? >> Harper-madison: It says recalibrated and modeled. >> Kitchen: Recalibrated and modeled. So this is just a question for councilmember tovo or perhaps it's Mo staff. Those two aspects of the task that staff will have to do contemplates modeling and recalibration. So does that go together? Is that the same thing? Is that what they would be

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doing or does it introduce a second step? Perhaps that's for staff. >> Do you have a response on that particular question about the [indiscernible] Versus the forecasting? >> I think Erika is trying to come off mute. I can see her trying to get off mute to answer that for you. >> Thank you. >> So unless there's something that I don't understand, if there's a distinction between recalibrated and modeled, I would think they're one and the same. >> Erica, I'm sorry to interrupt you, but we're having a hard time hearing you. I don't know if your headset's not working if you want to try the base. >> Can you hear me now? >> Sorry. So what I was saying is I am

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not certain that I would define those as different things, so -- >> Harper-madison: In my mind's eye, the way it's written is this amendment directs staff to bring an item for the fees to be updated as opposed to just delivering a revised report. >> Mayor Adler: I guess the question is when they come badge on August 26th is it something that they can adopt and make part of the fee schedule? And I think the intent -- correct me, councilmember

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tovo, it was your subsequent that they come back in August with something that can be amended with the fee schedule? >> I would say that -- I was also unclear about the modeling piece and that gives me a little pause. I don't -- yeah, if it's -- basically that's part of what would be happening during the recalibration, then I'm okay with including it. I would ask the maker of the amendment, mayor pro tem, if you would please consider an adjustment to the language that doesn't presume that the fees that we would be passing in the meantime will necessarily need to be changed. Your language said something

about -- I'm not going to be able to capture it, I'm sorry. >> Harper-madison: I can do it again and offer some

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clarity. When I say modeling I mean testing. And then -- okay. So with an item for action, amending the fee schedule to adopt the recalibrated and -- >> Mayor Adler: Hang on a second and read it more slowly. >> Harper-madison: Sure. Say when. >> Mayor Adler: Go ahead and -- with an item for action -- >> Harper-madison: Amending the fee schedule to adopt the recalibrated and modeled in lieu affordable housing fees for residential development for the downtown density bonus program and nonresidential development for the downtown and Rainey density bonus programs.

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>> Okay. >> So I would say let me just highlight a few things that I would want -- >> Mayor Adler: Can we hang on here one second. Ms. Truelove, you were raising your hand. >> Yes. I wanted to note that councilmember tovo were to request a return by date of August 26th, and that's actually after the budget adoption so if the intention is for it to come back before budget adoption we would want to amend that date to reflect earlier. Budget adoption is 11th through 13th. >> Tovo: Thanks. And so I think that we were trying to work with a number that -- a date that we had been told was realistic for that recalibration so it would have to be after the budget unless you think it can be accomplished prior to budget adoption. >> I think we can work with that as a potential goal. I don't think we won't know precisely until we're a little bit into the process, but I think it would be preferably to update the fee schedule with the budget

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just to get it part of that annualized process. >> Are you okay with just adding the words no later than August 26, 2021 business or a budget adoption if possible? >> Tovo: Yeah, or just no later than August 26th. E and that's what it says now. >> Tovo: Prior to budget adoption -- prior to budget approval if possible. >> Mayor Adler: So hearing no objection, we'll continue on. Any further discussion about the mayor pro tem's amendment? >> Tovo: Mayor, I think there were some other people commenting but if I may.

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>> Mayor Adler: Go ahead. >> Tovo: I would be comfortable with adding in language, and return to council -- right now return to council no later than August 26th, 2021 or prior to budget approval if possible. So let's see, return to council with an item -- with if necessary an item for action no later than etcetera, etcetera. That's not probably the perfect place to put it, but that's the best I can do here on the fly. >> Mayor Adler: So it adds the words -- >> Tovo: We capture the piece with an item for action, but it doesn't presume that there will need to be changes. There may be based on analysis, but it says with an item for action -- sorry, I'm typing it up as I'm -- with an item for action no later than August 26, 2021 or prior to budget approval if possible. And I think that gets us around the question of

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whether or not we all have a clear understanding of what the modeling is or not or if the intent is to make sure that we're posted for action if we need to be posted for action I think that accomplishes it. >> Mayor Adler: Mayor pro tem, does that work for you? Anybody have any objection to the change of wording as councilmember tovo just read? Hearing none, that's incorporated. That gets us back to the main thing. Councilmember tovo, you've gone on to the bulletin board to indicate as you've mentioned, just to go moving forward with something that allows for a greater look at density bonus things. >> Tovo: Yes. Mayor, as I've let lots of folks know, it's my intention to bring forward an ifc to bring forth some of the changes or some of the changes brought by our staff and recommended by all of the density bonus programs. >> Mayor Adler: If what we wanted to accomplish was to

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make sure that as staff is taking a look at the revision of the section B 6 that we're approving today, then it also has the ability to take a look at the rest of the downtown density bonus as part of this conversation. Will your impervious cover be coming back to us on may 6th so that the rest of the density bonus can be discussed -- is that for analysis on section B 6? >> Tovo: There are a lot of density bonus programs and I don't know that it will be on may 6th, but remember the code amendment amendment - the code amendment is not coming back to us on may 6th, the fees

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are coming back. >> Mayor Adler: True. I wanted to make sure that on may 6th 6th we do something that is left as is considering the code amendment and the planning commission as is considering the code amendment with respect to B 6 also is able to look at the downtown bonus. In other words, I don't want B 6 to come back by itself. I want staff to be able to look at the broader downtown density bonus. And I don't know, it may very well be a longer process to do density bonuses throughout the city. And what my question to that is since I'm not able to talk to you outside of this conversation because I'm not

in your forum, I'm just trying to see if someone wanted to do that whether they needed to bring a separate ifc to have the rest of the downtown bonus being looked at at the same time that B 6 is being

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looked at if they wanted to have that happen, do they need to bring their own ifc on may 6th or will your ifc allow for that to happen. >> Tovo: Mayor, I think what you're suggesting is parsing out the downtown density bonus and trying to initiate a code amendment on other elements of it in may, and I'm certainly happy to do that, to bring that forward. It is well within my district and I've announced my intent to bring forward those revisions so I will do my best. It is 5:25 on Friday and those have to post tomorrow so I'm not sure if it will be on the 6th or not but I'll certainly indefer to get it -- endeavor to get it moving forward so it can be paired up if that seems like the right approach. >> Mayor Adler: Well, what I -- I'm still struggling to understand. The message board post that you had seemed to address

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density bonuses more globally in the city. And I'm not sure what you intend to do is to pick certain issues within density bonuses as you did on the item that is before us right now. Or if you're bringing the can density bonuses and bringing them forward with your recommendations. My interest is -- an overall analysis of density bonus I think is great. In particular if the downtown density bonus is going to move more quickly than that and the discussion of B 6 is going to move more quickly than that, I want to make sure that the overall downtown density bonus can be considered at the same time that we're considering B 6. So that seems to me if staff is moving forward on the B 6

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discuss that we get to them quickly and also look at the rest of the downtown bonus and it can be a more full conversation on the downtown bonus. If you're going to do that, that's great, I will vote for that. If that's not the intent I want to make sure there's something else on the agenda that would allow us to do that. >> Tovo: Mayor, I understand your point. >> Mayor Adler: Can you give me -- >> Tovo: Mayor, with all due respect it's 5:30, you said people were leaving. I'm getting concerned, are we going to be able to have our conversation about this here today? >> Mayor Adler: Okay. I'm going to go ahead and post an ifc to do that, but I will withdraw that -- >> Tovo: Mayor, I have indicated I will bring forward -- I would like us to look at the downtown density bonus program. You're asking me in the course of this conversation to let you know what is going to be contained within the ifc that we don't yet have a draft of. Certainly, for example, I would say -- with regard to

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the downtown density bonus program, I think we should have requirements to have on-site rather than just fees in lieu. I think when we apply to Rainey street, if engaging in the density bonus and the Rainey street program and the density bonus program again, and back to the can density bonus, those should be on-site units. Those are some of the elements I'm absolutely prepared to bring forward and ifc to initiate changes to the downtown density bonus to have those conversations. >> Mayor Adler: And my question, and I'm -- I want to make sure that we can have an open conversation about the downtown density bonus period. The things that you've just said I think would be great things for us to discuss. There are other elements too and I just want to make sure that we have a discussion of the downtown density bonus in its entirety and let anybody bring up anything that we want to or staff to bring up any aspect that they want to.

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I don't want to prejudge what would be appropriate or not be appropriate. So there's really -- I'm not asking you to pick parts of the downtown density bonus that you also want us the council to consider moving forward. I'm trying to see if we can have the opportunity to consider the downtown density bonus in its entirety, all of the elements of it because I think they relate to one another. And that was the question. And that would be pretty simple to do. And if it's not -- I'm not asking you to do something that you don't want to do either. I'm just asking because I can't ask you outside of where we are right now. >> Tovo: Well, mayor, you could because you're not in my subquorum on this item. But a more general item you certainly could be.

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If you're indicating that you would like to be part of the effort to bring forward either the work that I described on the message board, I'm happy to consider you as a co-sponsor. >> Mayor Adler: I appreciate that. It doesn't quite answer any question and we're going to run out of time tomorrow too. I'll post on the message board here in a moment what it is that is my concern. And I just want to make sure that there's something on the agenda next time that allows us to consider the downtown density bonus without picking sections and so that it can catch up to the conversation about B 6 because I think that it's important for us to consider all of the downtown density bonus. That's all. Fanned that's your intent, I would very much like to vote for you doing that, but I also want to make sure that council has the ability to be able to vote on whether that's something that council wants to do too.

[5:30:22 PM]

I appreciate the conversation. We're now still I think in the discussion of item 39. Further discussion? Mayor pro tem. >> Harper-madison: Thank you, mayor, this question is for staff. I'd like to ask if there are risks of implementing fees that have not been calibrated for the current code and current market conditions, and if so what are those risks? >> So with recalibration there's always a risk or not having recalibration there's always a risk that the fees could be too high or too low. So if we're talking about

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having these interim fees in place for just a few months, even if they're not exactly right, they'll only be in place for a short period of time. So it seems like the risks are somewhat limited, although in an ideal world they would always be calibrated, but that's -- that's probably not possible. >> Pool: Mayor? >> Mayor Adler: Yes, councilmember pool. >> Harper-madison: For what it's worth, I don't think my question was answered. If you acknowledge there are risks, but didn't respond to what they are, but I certainly don't want to take up any more space than necessary getting that clarity. >> Pool: I just -- so mayor, I guess you had called on me. I would just like to call the question at this point. I think we have established that the changes that have

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been requested to the initiative that councilmember tovo brought, she's accepted the ones that she's going to accept and I think it's getting late and I know people have to leave. It's past 5:30 and I have a couple of comments I'd like to make right before we take the vote on this density bonus changes, but I would urge that we go ahead and put the conversation to the side and move forward. >> Mayor Adler: Okay. Are there any other amendments that people want to offer? Councilmember Casar does. Do you want to take a motion on -- a motion to call the previous question to cut off debate? It takes a two-third vote. >> Pool: I didn't know that councilmember Casar had a motion. I'm trying to lay to rest the piece we had just spent some time on because I think the answers are there and wife all gotten the answers and those are the answers. So if wicked move on that would be -- so if we could move on, that would be great. >> Mayor Adler: Councilmember Casar. >> Casar: I hope my amendment is seen as

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friendly. It's been seen as emails to everyone by Katie powers, so I would move that amendment to write down what our goal is with making this code amendment. And I'll try to lay it out very briefly when I get a second. I don't think it will take long. I'm happy to read it if it's useful. >> Mayor Adler: Please read it for the record. >> It adds to the result of what I think is our collective goal with the code

amendment which says with the recalibration of the downtown density bonus program in lieu fees, affordable housing fees, the amendments shall maximize participation in the program and maximize community benefits, especially the funding of permanent supportive housing. >> Mayor Adler: Okay. Councilmember Casar moves an amendment. Is there a second to that amendment? Mayor pro tem seconds that.

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>> Casar: And I'm really flexible on wording. Just to be clear, I think this is what has been articulated by the responders and co-sponsors and everyone on this item. While we've obviously had some disagreement about which order that we want to start code amendments, I think that there obviously can always be improvements and I think it's useful for the staff and planning commission for us to write down the goal of the code amendment as we amend this program. And so I'm happy to stake whatever wording changes. I'm happy to take the intent of what I've heard from everyone. >> Mayor Adler: Okay. Councilmember Tovo. >> Tovo: Um, yes. I have a concern with the first portion of the amendment with the recalibration of the downtown density bonus program in lieu affordable housing fees. You're setting this in --

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inserting this in the section that has a code amendment and I hope one of the things that you will consider with that code amendment and that we will too is that perhaps when you get beyond the F.A.R. And it's currently laid out in the code that those would be on-site requirements. So I could not accept the first part with the recalibration of the downtown density bonus fees. It also sounds like the code amendment is waiting for that recalibration, which wouldn't be done until the rest of -- until August. But I'm comfortable with the amendment shall maximize participation in the program which of course is just really restating what the calibration is doing. And then I would add especially the funding of permanent supportive housing. To that I would say especially the permanent supportive housing and housing vouchers because the funding doesn't just go to permanent supportive housing. It also goes to housing vouchers. So as you said, it's really just restating several parts of your amendment are just

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really restating the intent of what we're doing. So I have -- I'm okay with that. You're also restating the analysis that goes into the calibration, which is okay. I don't know that it's necessary, but I'm okay with it. So I would accept as friendly the amendment shall maximize participation in the program and maximize community benefits, especially the funding of permanent supportive housing and housing vouchers. >> Casar: That's fine. I think that what we lose with the first words is just something that I

think you said we should all expect to be done, which is as we change the program, we're also changing the fees at the same time, so those need to be responsive to one another because it's hard to model what the ideal amount

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of entitlements are and what any stair steps or anything like that might be as the fees in the second be it resolved are shifting. But I think everybody understands that challenge and we have to just take that challenge on. I'm happy to go with the language as you've stated here. >> Mayor Adler: Okay. Anybody have any objection to the language as stated by councilmember tovo? Hearing none, they're included. That now gets us back to item number 39. Any further discussion? Let's take a vote on item number 39. Those in favor of 39 please raise your hand. Those opposed? I see that as being unanimous on the dais. Councilmember pool? >> Pool: I had some things I wanted to say into the record if it's possible. >> Mayor Adler: It's possible. >> Pool: I fully support our density bonus programs downtown and across the city. But I'm happy to start here with the downtown pieces today as soon as we can

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because in that way we capture as many community benefits as we possibly can. I want to thank councilmember tovo for bringing the item forward and I want to express my gratitude for her past work to craft these programs that we stand poised to improve upon today. We wouldn't be standing anywhere near where we are without her commitment to serving our city and the housing community with more resources and funds to gain more restricted units and permanent supportive housing. All of which is to say that I was somewhat taken aback by the reluctance expressed by some of the housing groups to support the initiative that would assist them in achieving their mission, particularly the code amendment portion that absolutely needs to be clarified for everybody's benefit. So I asked my staff to contact some of the folks whose names were on a couple of letters from housing groups to understand their stated objections to the item. What my staff found from talking to these folks was that many of the people named in the letters not only didn't know about the letter but they were not in

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fact opposed at all to this initiative that councilmember tovo was bringing. For example, here's what Walter moreau wrote to us this afternoon and I think Katie sent around a copy of his letter. Walter writes, I am writing to clarify that foundation communities supports the intent of item 39 to update and improve the downtown density bonus programs. We are a member of the Austin housing coalition, but the position of ahc does not reflect the position of foundation communities. We look forward to the public process to make the program a success. So going forward, I want to understand how this

happened. I want to make sure when we do hear from a group that the members are informed about letters to council and that individuals cannot speak on behalf of groups without advising the groups that that is happening. And that the groups are indeed supportive of positions that are being expressed. I've heard some of my colleagues, as expressed in some of these letters that

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we need to wait and bring the entire raft of density bonus programs to council before we can do one. We've taken a vote and laid that issue to rest. I am very supportive as councilmember tovo has posted on the message board bringing forward the rest of the programs to be updated as well. It would be perfect, and someone already said earlier today, if we were doing all of that right now, but I'm not going to let the perfect be the enemy of the good that we can and have done with this program today. Thanks. >> Mayor Adler: Okay. Further discussion? Yes, Mitzi? >> I just wanted to clarify I may be looking at an older draft, but it is may 20th is the item. It's a typo saying may 22nd. I wanted to clarify that. >> Mayor Adler: May 20th is the meeting, is that what you're saying? >> Yes. The second be it resolved that it's posted in for

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may 20th. >> Mayor Adler: Without objection that change will be made to what we just passed. >> Tovo: Thank you, Mitzi. >> Mayor Adler: Further discussion? Yes, councilmember Renteria. >> Renteria: Mayor, and I have no problems in also looking into the downtown density bonus on other issues. I just felt like this was very important to get it over and look into if we're leaving any money on the table. We really don't know either way, but I know that we all need to address and visit the other downtown density bonus. So I'll be willing to be a co-sponsor if that comes up. >> Mayor Adler: Okay. Hopefully not. I'm going to reach out to councilmember tovo as she's

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requested and I'll raise that issue. >> Tovo: Councilmember Renteria, thank you for your willingness to work together on that. I look forward to that. My staff have reminded me that we have the ability to put things on the addendum so that's the likelier time that I'll be diagnostic so next Friday. -- That I'll be doing so next Friday. >> Mayor Adler: Thank you. Councilmember Casar. >> Casar: Mayor, and I appreciate that we've laid to rest the question of where to start or not to start and I think it's in the end part of my sense of losing the vote on the first be it resolved moving forward is I think it's also good that we get started on looking at changes to the code and find places that we can work together on it. I want to be clear here because we keep talking about broadening this and broadening our work that I -- I'm not as interested in going and reconfiguring

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our downtown density bonus programs. What I mean just to be really clear about the density bonuses needing revision is all of these places where we don't have a program at all so you can't even calibrate it to do better. You can't just have one and you are already doing much better. And there are just so many places in the city where the housing department has showed us that can you have an affordable housing bonus program and we just don't have one. So I concur with the perfect not being the enemy of the good. That may as well be a name for a city councilmember. It's what we have to do all the time in vote after vote. And I'm ready to do the work alongside y'all to find places where we may not be able to get it exactly perfect, but we just don't have a program at all right now so we're getting zero affordable housing, zero market rate housing, zero increased tax base and all the other things that we need.

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And so when I say we should be looking at this citywide, I don't mean let's continue to pour some of our limited time into just calibrating our working a little bit on some of the existing density bonus programs. I really want to have maximum impact when we are working on some number of code amendments. And I believe that those are some of the areas where we had the most consensus during the IdC rewrite. And I'm interested in -- truly interested in year in finding places that we can all come around to address those issues given the severe housing price spike that we've witnessed here in the pandemic. >> Mayor Adler: All right. I think we've -- councilmember alter and then the mayor pro tem. >> Alter: Super quick. So I don't have to go on the message board, I would be happy to join you, councilmember tovo, in that work.

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>> Mayor Adler: Okay. Anybody else want to talk before we leave? Mayor pro tem? >> Harper-madison: I'd also like to join the effort if for some other reason to be sort of front and center as we move through it and have us all be on the same page. I have given this a great deal of thought and put some effort into the following remarks and so I know although some of our colleagues have asked us to wrap it up, I'm going to go ahead and proceed with my comments and hopefully they get a clearer picture as to where I'm coming from. So I appreciate all this conversation about the issue in all the places it's happening. I think it's clear that we all agree the downtown density bonus program is long overdue for a tweak. Looking at our affordable housing map, you will see a ton of new on-site income restricted units in west campus, but barely any downtown. And if the fee-in-lieu is so low that a new tower is only covering the cost of a

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handful of off site affordable units we know we can do better. And we need to be mindful not to kill the goose that lays the golden egg. We want the density bonus program to be attractive enough for bolders to want to use it, but also to maximize the community bithat we get. So as the mayor said before, these tall towers are like a municipal piggy bank, each one is an enormous tax base that pays for many city services. So each housing unit built downtown is one that isn't built in a brand new pard dependent subdivision in our pristine hills that is so important. We talked so much this Earth day about climate reality. It's one that provides buyers an alternative to purchasing an east Austin home for 50 or \$100,000 over the listing price. Again, today as Earth day is a terrific time to think about the environmental justice component and to remember that climate change

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is already taking a disproportionate toll on black, brown and lower income individuals and families and other marginalized communities, frankly. Floods in southeast Austin, winter storms with our power, water, gas outages that hit underinvested areas of town way harder than those high opportunity areas. One of the best things we can do to lower our carbon footprint is to build compact, connected, walkable, complete communities with energy efficient housing and where not every trip requires a car. Downtown development hits all those bonus and the more of it we can induce the better. The first two strategic housing blueprint score cards came out this week. The goal was to build 60,000 new income restricted units by 2028. And the first two years if my math is correct we came up with less than five five thousand. At this pace we'll fall short of the goal by more than half. Things like our 2018

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affordable housing bond and affordability unlocked will hopely help us to put the pedal to the metal, but I'm worried if we don't take a holistic approach to each of our density bonus programs, it will unravel what we could otherwise -- what could rather otherwise be a powerful tool in the toolbox to not only help us achieve our goals, but to exceed them. I look forward to working with councilmember tovo, the rest of my colleagues and with our affordable housing advocates and residents to take on those comprehensive revisions. Thank you. >> Mayor Adler: Okay. I think -- yes, councilmember tovo. >> Tovo: Yeah. I just want to thank my colleagues for their support. I know we had a lot of vigorous conversation and not complete agreement, but I am very confident that the changes that we've initiated, including and especially the fees, are going to yield more affordable housing dollars and hopefully more units down the road.

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And since the strategic blueprint came up I want to say if you haven't had an opportunity to look, it is really interesting information. I was really proud to see that district 9 is -- not that this is a competition, but we are leading the pack at achieving 127% of our goals for this year with 462 units. So thank you to our staff for pulling that information together. It really gives us a snapshot of where we're seeing those units come online. So thank you again, colleagues. >> Mayor Adler: All right. And with that I think that's all of our business today. So here at 5:50 this meeting is adjourned. Have a good weekend.