

City Council Regular Meeting Transcript – 06/03/2021

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[10:07:01 AM]

>> Mayor Adler: Is the staff ready or cameras rolling? >> We are ready, mayor. >> Mayor Adler: Okay, good. We'll go ahead and convene today's meeting, Thursday, June 3, 2021. It's 10:07. This meeting of the Austin city council is being held virtually consistent with the emergency rules. Colleagues, we're going to start by doing the changes and corrections. We have three groups of speakers today. We have the morning speakers, somewhere between 20 and 30. We have some speakers to speak approximately at noon, and then we have some zoning speakers in the afternoon. As you look at the amount of time that we have based on the speakers that I had signed up as of yesterday, we have probably about two

[10:08:04 AM]

and a half hours worth of speakers. In our day today. That's allowing each speaker to speak three minutes based on the numbers. Let's go ahead and start. Councilmember Kelly is not with us today. Changes and corrections for June 3rd, 2021, item number 41, the date it was recommended by the water and wastewater commission on the 7-0 vote was February 12 of the year 2020. In items 71 and 72, councilmembers pool and Kelly have been added as sponsors. Items that have been pulled off the consent agenda, I've pulled items 13, 28 and 73. As I posted on the message board, I support all these and would have left them on consent, but I'm going to

[10:09:06 AM]

pull them off consent so we can discuss these issues if someone wants to as well as the context in which these matters come before us to better understand them, which will enable us also to continue the conversation we started on Tuesday relative to reports we were getting from Diana gray with respect to homelessness generally funding in the arpa as well as the prop B response in the encampment discussion. But that's the only reason I'm pulling those items. I still would anticipate them going forward with a unanimous or close to vote. Items pulled, item 15 pulled up to take up together with public hearing on item number 83.

[10:10:06 AM]

And item number 71 was pulled by councilmember Casar. We have some late backup in items 4, 5,, 14, 21, 22, 39, 40, 47, 48, 49, 50, 51, 52, 53, 54, 55, 36, 57, 58, 59, 60, 69, 70 and 76 and 83. The consent agenda items on our agenda today are numbers 1 through 40 and also 70 and 75. Again, the pulled items right now are 13, 15, 28, 71, and 73. Before we ask for speakers,

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the clerk to call the speakers, does anybody have anything they want to say? Councilmember alter, then councilmember kitchen. >> Alter: I just wanted to clarify item 70 is that on consent or is that a zoning item? >> Mayor Adler: Item number 70 is a zoning item. Consent 1 through 40 and 70 through 75, if I said that wrong. >> Alter: You may have. I wanted to clarify. Thank you. >> Mayor Adler: Councilmember kitchen. >> Kitchen: I circulated an amendment in the form of direction for item 14. We can keep it on consent or pull it. >> Mayor Adler: Let's keep it on consent and if you want to read your amendment just so the public has that, that would be great. >> Kitchen: Do you want me to read it now or later? >> Mayor Adler: Why don't you read it now. >> Kitchen: And this has been circulated and should

[10:12:07 AM]

be in backup. Move to amend 14 in approving the operating budget to increase the number of authorized staff positions by 41 full-time equivalent staff positions, consider the following and report back to council. If ease I believe and necessary as part of budget conversations or month later than September 2nd. First bullet, evaluate the permit review times identified for smart housing projects and develop a recommendation for council consideration which would apply a prioritized review time frame for other applicable affordable housing projects such as affordability unlocked and low-income housing tax credit projects. Review all city September staffing involved in site plan, subdivision and building permit reviews to ensure sufficient staffing in those departments to meet

[10:13:10 AM]

the recommended affordable housing prioritized review time frame. This just follows up on the point I had raised at Tuesday's work session that we should be trying to expedite all affordable housing projects. And this language was developed in connection with acm Gonzalez and dsd staff. >> Pool: Thanks, mayor. I wanted to add remarks on item 12. This extension of shop the block, the pilot program that dsd has allowed our -- that dsd has overseen has allowed small businesses to expand operations out of doors during the pandemic for safer shopping and dining. The program has served our small shops and restaurants really well for economic recovery and leads to a more

[10:14:12 AM]

pedestrian-friendly atmosphere. I know staff is naming the first of December of this year as the end to the pilot, and I'd like to build on the momentum of shop the block as we near the end -- as we near the close of the pilot to ensure it is access to existing sidewalk cafe and street licensing programs. To that end, I will be bringing an a fc this summer to explore ways to achieve more ease and ain order built to those existing programs and look for new ones. Our ace staff at dsd has done an amazing job of running shop the block and I think they will have innovative ideas on how to build on the successes. So these comments are somewhat related to the concerns that I have about item 14 and the potential for increasing permitting fees, so I would like to make sure that we're working toward efficiencies and greater access and affordability specially for

[10:15:12 AM]

small businesses. Just to conclude, I look forward to bringing a resolution to extend the successful shop the block initiative and to our discussions at that opponent. And that's on item 12. Thanks. >> Mayor Adler: Let's go ahead and get to -- councilmember kitchen, sorry. >> Kitchen: I think mayor pro tem had her hand raised first and I'll go after her. >> Mayor Adler: Okay. Mayor pro tem. >> Harper-madison: Thank you, councilmember kitchen and chair. Chair, I would like to pull item 40. One of my colleagues isn't able to join us today and this is an important enough conversation that I think we should all be able to weigh in on it. So I would like very much to be able to pick it up again later. >> Mayor Adler: Do you want to just keep it on consent with a postponement? >> Harper-madison: I see nodding heads. Yes, I would like to do that. >> Mayor Adler: So 40 will stay on the agenda and we'll postpone indefinitely, just reset it when and if

[10:16:13 AM]

appropriate to do so. >> Harper-madison: That would be great. Just for what it's worth, I have received some expressions of concern about the level of -- [inaudible] But that's what it feels like to the community. In fact, one of our constituents said I can't imagine how difficult it is for a black woman to bring forward an equity item and have it be so contentious. In which case, I would like very much for our constituents to understand that transit, this is one of those complicated conversations if for no other reason it's tied to what we do with housing. It's complex and complicated and the implications of what we accomplish are so multiple he-tiered we really do have to do it right. And I don't feel offended, I feel like pile colleagues and I are engaging in a process that's important. We want to get it right. But nobody should be concerned I'm being sort of treated unfairly because

[10:17:13 AM]

that is not the case. I really do feel like my colleagues and I are engaged in a process that's going to be -- it will have implications for my grandchildren. This is so important we have to get it right. We're just being thoughtful. Thank you. >> Mayor Adler: Sounds good. The best I can tell on a lot of these issues we're in violent agreement. Councilmember kitchen. >> Kitchen: Yes, and I agree with the mayor pro tem. And just wanted to add thank you for saying that. This is not year all on the same page, we're trying to get this right and the details that we're discussing don't have anything to do with [inaudible], they have to do with making sure that we're using a T.O.D. Tool in the right way. I look forward to future conversations and appreciate postponing this at the request of councilmember Kelly so all our colleagues can be here. And we'll move forward. >> Mayor Adler: So 40 will

[10:18:15 AM]

stay on the consent agenda, but with it being postponed today. Anything else before we ask the clerk to call the speakers? Then clerk, why don't you go ahead and do that and we're allotting three minutes per speaker today. >> The first speaker is Carlos león. >> Carlos león. First and foremost, thank you for letting me speak against item 40. The city manager should not work with cap metro on a transit oriented study because criminal cap metro is not complying with governor Abbott's execute order 36 though it has the force and effect of law under Texas government code 418.012. The order says no governmental entity or official may require any person to wear a face covering or mandate that another person wear a face covering and it shall supersede any face covering requirement imposed by any

[10:19:17 AM]

local governmental entity or officials. Yet cap metro's covid-19 website says passengers are required to wear facemasks until September. Therefore cap metro bus drivers, supervisors and security officers are illegally refusing me service because I lawfully exercise my legal right to board and ride without a mask.

To not comply cap metro claims it's private, federal and following the latest CDC order. However, per Texas transportation code 451.001 and .052, cap metro is a metropolitan rapid transit authority, a governmental unit whose status and -- performing public functions for public purposes of public necessity whose operations are not proprietary. So cap metro gets federal

[10:20:17 AM]

money, 80% of income is from Texas sales tax. And the fta says mask policies are local decisions. Recognizing Texas sovereignty or Texas intrastate travel. To CDC order requirement for persons to wear masks while on conveyances transportation hubs applies only to travelers entering the U.S. Or travelers going from one state to another. Not to cap metro transporting passengers within Texas. Though intrastate travel is a constitutional right. Though your mask rules are now recommendations. Cap met metro's are still requirements. Therefore per letters to governor Abbott documenting all of this, reject item 40. Use city code 13-2-12 to direct the city manager to immediately conduct an investigation into cap metro

[10:21:19 AM]

operations to determine whether it's ground transportation services the complying with applicable state law. In Jesus' name I pray. Amen. Thank you, lord, god bless Texas, the United States of America, constitutional law and truth. And above all [speaking in Spanish] God's word. God bless president trump who truly won the election in 2020. Out. >> Mayor Adler: Before we go ahead, before we recognize the next speaker, two housekeeping matters that I didn't get earlier and I apologize. Item 29 I think is being withdrawn by staff. Is that correct? >> I will confirm that, mayor. >> Mayor Adler: Okay. Get back to us if that's not the case. Item 29 is withdrawn unless before the consent vote we hear otherwise. Mayor pro tem, I think I

[10:22:22 AM]

misunderstood. You wanted to postpone that item to next week rather than indefinitely. Okay, so we're without objection item 40 will be postponed until next week on the consent agenda. Okay? So be it. Clerk, would you please continue to call the speakers. >> Sure. Next speaker is Monica Guzman. >> Can you hear me? >> Yes, go ahead. >> Thank you. Good morning, I'm Monica Guzman, policy director for gave speaking in support of item 23 and briefly about item 40, especially since it is being postponed until next week. I'll say briefly all things project connect are moving rapidly, while many residents, especially the disproportionately impacted are still in recovery mode addressing the impact from winter storm uri.

[10:23:25 AM]

Thank you to mayor pro tem harper-madison and councilmember Kelly for requesting postponement and councilmembers kitchen and pool for supporting. And for council as a whole is realizing this is a long-term impact and needs appropriate time to discuss, engage the community and process in the most equitable manner possible. Thank you. >> Eugene [indiscernible]. >> Good morning. Can you hear me? >> Yes, go ahead. >> Hi, this is Jean lasshaw, here to answer questions about item 49. I'm the applicant for the resolution of no objection related to apartments in

[10:24:28 AM]

district 2. >> Mayor Adler: That is a zoning case and we'll be calling zoning cases at 2:00 and speakers for zoning cases. So you might want to check with the clerk -- >> I'm sorry, sir, but it's not a zoning case. It is a request for a resolution of no objection related to the eligibility for housing tax credit applications. The site itself is already [inaudible] >> Mayor Adler: I understand. Thank you. That's one of the 4% tax credit items in front of us. >> Mayor, we do have that item as a public hearing. We have that as a public hearing today. >> Mayor Adler: Right. It's appropriate for the speaker to be speaking now. I thought it was a zoning case. I misspoke, but thank you. Next speaker. >> Paul Robbins. >> Council, I'm an environmental activist and consumer advocate. I've worked on energy issues since

[10:25:31 AM]

1977. I urging to postpone item 45 which is a change in the building code that deals with energy efficiency. I give you two reasons. The first is that Austin energy largely bypassed city commissions you have tasked to review this. The electric utility commission was not allowed official input. The resource management commission was allowed only minimal input. It was so minimal, in fact, that two members of the rmc would not support the new code because they lacked confidence in the process. Since a majority of commission appointees did not endorse this, item 55 comes to you without a commission recommendation. The issue of by bypassing commissions was apparent last spring when Austin's green building program stands were revised.

[10:26:32 AM]

I tried very hard to get the standards changed to prevent toxic building materials in rated buildings. I tried to bring this before the resource management commission, but the commission was not allowed input. Austin energy promised to take their input at a subsequent meeting, but this never occurred. So what happened with the building code appears to be part of a broader pattern. The high regard the

utility has for citizen advisory boards is on full display here. A second reason to postpone the new code is that under some circumstances, it will actually cause more energy use not less. The new code fails to directly address wasteful and expensive resistance water heating. This can double the cost of providing this service and it is more likely to be installed in apartments whose residents generally have half the income of

[10:27:33 AM]

homeowners. In every energy code since 1984, there's been language that to one degree or another directly discouraged resistance water heating. But this new code has with one exception failed in this purpose leading low and moderate income ratepayers vulnerable. It does -- [no audio] >> Mayor Adler: Have we lost sound? >> Mr. Robbins, we cannot hear you. Did you accidentally mute? [Buzzer sounding] >> Mayor, we'll be in touch with him. >> Mayor Adler: Thank you. Go ahead. >> Next speaker is Sara

[10:28:35 AM]

Rayburn. Sara Rayburn, please unmute. T.J. Dodd. T.J. Dodd, please unmute.

[10:29:45 AM]

Paul kaduro. Mayor, give us a minute. It sounds like the speakers are unable to hear me. One second. Paul kaduro.

[10:31:10 AM]

Mayor, we're trying to figure this out. If you would like to continue discussion, I will let you know as soon as we get this figured out. >> Tovo: Mayor? I have a couple questions for staff that maybe I could ask while we're waiting. >> Mayor Adler: Go ahead, and manager, I think the first thing we're going to get to is the continuation of the conversation with Diana. We didn't have a lot of pulled items, so if you could be readying her to come over, I'm sure we're going to get to her -- I don't know whether those are the questions Kathie intends to ask, but -- >> Tovo: They are. These are on consent -- items on consent that I was realizing after we talked about it I had questions on. The first is the question on the weather station program, item number 2. My -- weatherization program. My office had conversations about the extent to which

[10:32:12 AM]

the weatherization program is coordinating with the home repair program. At least two times in my times on council, we've drafted an ifc to mandate those programs coordinate and for various reasons including staff's preference backed off those ifcs. I would like to ensure that is happening and I don't know if there's somebody on staff who could speak to that, but we have for the moment held off in being directive and mandating that the programs really coordinate because we were -- we have been told and assured that they are really coordinating well these days. If somebody from housing or somebody from ae's weatherization could just provide us with a couple minutes of feedback on that point, that would be great. And then I do have a question for dsd if we still have a little time here. If not, I can ask it later. >> Thank you, councilmember. We'll get staff pulled

[10:33:13 AM]

over, but there is good coordination happening but I think it will be helpful to hear from staff directly. >> Tovo: Much appreciated. >> Mayor Adler: Let's go ahead and take a five-minute recess. Really not a lot we can do until we hear from the public. Really can't call up items, the public hearings and the like. So let's take a five-minute break here and come back and see if staff has been able to figure it out.

[Brief recess]

[10:36:23 AM]

[Caroline Reynolds: Good morning Council members. This is Caroline Reynolds. I live in Allandale. I am really wondering why any Council member would support or even want to study the rezoning of the Austin property along bus lines. This is a pure and simple transfer of wealth from the Austin residents who work to pay taxes, support the city infrastructure and the government. And then you are going to give that to investors from out of town, maybe even out of the country from China, Taiwan, plenty of people want to launder money in the United States these days. These developers don't live here and pay taxes here. They are just going to pay little or nothing at all except a few agents who are going to walk through the halls and ask for even more concessions. All of this is to support a scheme to destroy the residential areas of Austin. The whole purpose is to destroy the Austin middle class and tear heart and soul out of the Austin community. In Memphis, more than 50% of

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the land is now owned by people they don't even know. Shadowing consortium of companies. This is a sure way to kill the middle class ability to buy a mortgage and to save money into their home to have an ability to send kids to college and to retire. And it has nothing to do with equity. The people there at Burnet road and green lawn, they are talking about building McMansions in the sky. They don't -- they are not building -- maybe 30 affordable housing units, but the rest are going to be huge. This is not for people who ride the bus. This is for people who have Teslas. This is for people who drive Mercedes Benz which is right across the street. Infinity is right there, Honda is right there. This is -- this is a sure

[10:38:27 AM]

way to take the wealth of Austin and hand it over to foreigners and their financial interests. And it's been documented that as Austin grows towards a population of one million residents, the bus ridership has dropped 20% over the past 20 years. It's gone from 40,000 riders to only 30,000. It's the lowest total ridership and the greatest drop in riders in all the major cities in Texas. This is worse than San Antonio, Dallas, Houston. Why are we giving special zoning to developers along bus routes? Cap Metro is running the bus to nowhere. We keep asking them to take -- [buzzer sounding] -- The elderly and disabled to HEB to the doctor's offices and they want to run buses to soccer games and bed bath and beyond. >> Speaker, your time has

[10:39:33 AM]

expired. T.J. Dodd. >> Can you hear me? >> Yes, go ahead. >> T.J. Dodd. I'm the labor manager for the plumbing and piping division of the Ford company in Austin and I would like to thank you all for taking the time to listen to me. I'm here to talk about agenda 57 and 58, adoption of the uniform plumbing code. It is the code that has been in place in Austin since the '70s. It is the code that all of the local workforce has been trained to. It is a code that is very prescriptive. The code book is easier to read and to interpret. And it is -- it's a better

[10:40:33 AM]

code, in our opinion. And the contractor that grows our workforce from 60 to 150 local workers at any given time, it's imperative we have a code in Austin that these people can interpret and understand that allows us to give a product to the consumers that is worth what they are paying. I just would like y'all to take the committee's recommendation, the board's recommendation and adopt these two codes. Thank you. >> Paul kaduro. Paul kaduro. Go ahead.

[10:41:33 AM]

>> Hello? >> Yes, go ahead, please. What is your name? >> My name is Charlene Harris. And I am a concerned citizen here in Austin, Texas. And I'm calling Zenobia who informs the city of Austin and legislative department in keeping the black community what's going on informed. And to -- at least be aware, this is why I'm calling in and voicing concern for the homeless and for the capital metro, the project connect. So I believe I sent a text out to all the city councilmembers, and I will read that if you don't mind. And it says the residual -- the residential communities, especially for blacks and hispanics have dwelled for a

[10:42:34 AM]

long period of time before subsequent if I indication invaded their communities. The cost of living is high and unaffordable. The city of Austin hopefully will construct new homes to meet demands of the poor, middle class, all around the Austin area which should include central, south, east, northwest, and the hills. Evenly dispersed. Especially now that covid-19 is set in. Capital metro bus routes should be quick and accessible for all austinites. Just not convenient for metro rail customers. Where metro rail customers majority of them are white. Their waiting time is six to seven minutes, where black and hispanic communities regular bus routes waiting time can be within an hour. Making it hard for blacks and hispanics and all customers to get to the destinations on time. Some routes have been discontinued, this is wrong. By closing some bus routes here in Austin seems to be a deliberate strategy to push

[10:43:35 AM]

back minorities out of the city of Austin and it's a form of discriminatory. Could be in reply of receiving federal funds. Some dropoff outs require customers to walk in designated route points which is wrong. I ask the city councilmembers to take in consideration with low and middle class, eatery establishments, businesses and social assistance program because these citizens are the woven piece of fabric of the history within the city of Austin. And I have -- and they have been for a long period of time. So I appreciate you allowing me to make that comment and I hope you take it in consideration. Thank you. >> Mayor, we've got Paul Robbins back on the line and so he was cut off with one minute remaining.

[10:44:39 AM]

Paul Robbins. >> I'm not quite sure when -- council, I'm not quite sure when I was cut off. So I want to start on my second point. The second reason to postpone the new code is that under some circumstances it will cause more energy use, not less. The new code fails to directly address wasteful and expensive resistance water heating. This can double the cost of providing this service and it is more

likely to be installed in apartments whose residents generally have half the income of homeowners. In every code since 1984, there's been language that to one degree or another directly discouraged resistance water heating. The new code has with one exception failed in this purpose leaving low and moderate income ratepayers vulnerable. It does not do upper income customers much good either and resistance water heating

[10:45:40 AM]

will increase summer peak load for Austin energy by five megawatts per year. [Buzzer sounding] There will not be any major disruptions. Again, I urge you to postpone this item. Thank you. >> Debbie manor. >> Can you hear me okay? >> Yes, go ahead. >> Hello? Okay. Great. Good morning. My name is -- mayor and council, my name is Debbie manor, 10521 channel island drive and I'm a resident of waller streak. I'm hear today speaking in opposition to item 48. It's one of the first steps in moving toward development at 2117 Brandt drive.

[10:46:40 AM]

The parkside homeowners association and homeowners are not in support of the proposed development of a multi-family housing unit in this specific location. I'll cover just a few of our concerns. Excuse me. And we do have others here to speak to share additional concerns. The proposed development abuts to many homes in our neighborhood per the site drawings we received, the development plan shows in some areas the apartment buildings will be on only 300 feet from resident homes. While this proximity -- with this proximity there will be buildings three to four stories high, over 60 feet in height where apartment residents will have easily be able to have sight lines into parkside homeowners residential homes and yards. Removing privacy and security for homeowners. The developer has shared he will leave some trees between the properties. The rezoning requested is for the entire plot of land, not just the west side of the property where the initial units will be built. So long term there's potential for continued

[10:47:40 AM]

development of units closer to the homes in the parkside development. This area where the developer is proposing to build multi-family housing is in a 100-year floodplain. The areas closest to our development have flooded in the past few years several times and resulted in the area being reevaluated as a floodplain. The additional structures proposed for this development has the potential to adversely impact drainage and flooding, pouring concrete for building foundations, asphalt for parking lots lessens the ability to absorb rainfall creating more opportunities for flooding in our development. Additionally, Brandt road itself is of concern. Brandt is a two-lane road without sidewalks,

without medians or shoulder. This narrow two-lane road is not built to handle additional traffic. The additional traffic generated by a high density development that will have as many as 400 additional vehicles on this roadway is not sustainable with the current road.

[10:48:42 AM]

The property development thinks this will have less impact because they've only allocated 1.5 parking spaces per unit. This is another issue in itself to provide adequate parking for these multi-family units. Our homeowners would like you to reconsider supporting actions that create a path for this property and 2117 Brandt be developed as multi-family housing. I'm even more disappointed this plan is to replace low-income housing as flooding issues, there's a lack of safe roads access to property, there are current challenges with homeless living on the property who the developer has no real plan to address -- [buzzer sounding] -- No public transportation available which is not new for those of us -- >> Speaker, your time has expired. >> Okay. Just one last thing, we're requesting you not approve item 48 and not provide the resolution of no objection to this item. Thank you.

[10:49:44 AM]

>> Dan Harris. Dan Harris, please unmute. Cyrus reed. >> Good morning, council, mayor and members. This is Cyrus reed with the lone star chapter of the Sierra club. I'm Larry also to speak on item 55, the adoption of the 2021 international code for residential and commercial buildings. I'm going to take a slightly

[10:50:45 AM]

different position than a previous speaker and urge you to adopt this, but also to send some issues back to the euc and rmc for consideration. And I am a member of the euc, but I'm not speaking on behalf of the euc. First of all, adopting the latest code makes sense. Austin has always been a leader on energy codes for new buildings. I believe we would be the first city in Texas to adopt the '21 codes with this action. Analysis both by the city and the doe show that overall this should lead to between three and 10 percent more energy efficient buildings. There will likely be a slight increase in construction costs, but the numbers I've seen say less than \$1,000. But when you consider the lower utility bills to consumers, it's of benefit to residential and commercial consumers. There are a few issues that --

[10:51:54 AM]

>> Mayor Adler: Is this the same issue? >> We will call him back. I'm not sure what's going on, mayor. We're having some connection issues. I'm not sure if it's the weather. We will try him back. The next speaker is Jeffrey Talula. Jeffrey, please unmute.

[10:53:06 AM]

Mayor, it looks like we'll need another minute. Sorry. >> Mayor, while we're waiting -- >> Mayor Adler: Yes, councilmember Pool. >> Pool: Thanks. I wanted to ask Mr. Reed, Cyrus Reed, he had made comments on item 55. I wanted to see if he might send his remarks with his recommendation for additional study to all of us. And then I would like to offer some direction to staff in order -- after reviewing his comments a little bit further, likely offer some direction to staff to follow along his thought process on the additional study. We would approve the item, proceed with approving the item on consent with the way it is laid out with direction to staff to dig into deeper into some of the areas he has defined. >> Mayor Adler: Why don't

[10:54:07 AM]

you do that apart of the consent agenda and we'll bring you councilmember Kitchen's amendment if there are no objections on item number 14. While we're waiting for staff to try and figure this out, Rodney? >> Mayor, we have staff from DSD on the line. I believe councilmember Tovo had a question of DSD. >> Tovo: I do. Thank you. And I very brief direction for 14 as well. Thank you, Rodney. I was looking through the question and answer, thank you councilmember Alter for committing -- submitting real good questions. I'm still trying to nail down the answer to one of the questions that's in here. Which is why this is happening outside the budget cycle. I know you had an opportunity to answer that question on Tuesday and I see it in here, but I'm just really trying to get a very clear answer on why -- why we're doing this now and not waiting a couple months. >> Thank you, councilmember. And DSD director Denise

[10:55:08 AM]

Lucas is on line and can help with response. Primarily it's a matter of timing. If we secure council approval that allows us to initiate the hiring, and then, of course, that it's a short process envisioning two to three months, but at the same time once we've hired the staff, we have to do the appropriate on-boarding and training which could take an additional three months. And so our goal is to have everyone hired, on board and trained by the fourth quarter of this year in order to meet the demands we currently have. >> Tovo: Thank you. I think that's a sufficient answer for now. My other question, in looking at the specific areas, I want to read in some direction related to the tree review staff. Because tree remove staff are part of who is proposed to be included within these 41. I would like to ask -- I would like to add embed the

[10:56:09 AM]

following direction consider and report back to council as part of the budget conversations if it's feasible by then, to report -- review and report back to environmental commission and the full council that this additional staffing is resulting in maintaining our tree preservation ordinances and reducing permit violations. Right now we have the context is that we have a large number of permit violations in several council districts including mine. And I know this is something that the environmental commission has been really following, so these additional staff should be able to help bring that down. Probably September 2nd would be too soon, but at the -- at the most feasible next alternative, I would like to understand how these are -- how these new positions are helping to meet that growing need. I know the environmental commission is having this increase -- is having a discussion around this increase in violations in

[10:57:10 AM]

June. That's my direction if no one has objection to it, I'll make that part of the motion. Could you provide some more information about what the equity and inclusion program manager will be doing? I see this description to develop and coordinate strategy and policy in support of equity, diversity and inclusion. Can you help me understand is that among staff, is that intended to produce more equity in terms of permit review? What is the -- what is the hope here and why is this work happening outside of the equity department? I think our equity department is doing a wonderful job working with departments across the city. I think there's some real advantage of having -- of having those staff work directly with individual departments rather than trying to replicate that level of expertise in individual departments. So what is intended here and can you address why an

[10:58:13 AM]

individual staffer cited within development services rather than within the equity department. >> Thank you. And your previous direction is accepted and for your question on the equity position, I will turn it over to dsd director Denise Lucas. >> Thank you, Rodney. Good morning, councilmember tovo, we've been working with the equity office. As a department, we went through the equity assessment and part of the feedback that we got back is that in order for us to make sure that our customers have an equitable experience when they engage with us, we need to enlist a position that's an equity expert to help us look at our processes to make sure that all of our customers have an equal outcome, and not just those that are more affluent and that have access to more resources to help them have a good experience. This position will be under the direction of an equity officer who's providing a comprehensive training, as well as helping to

[10:59:14 AM]

develop the strategies that will be implemented not only in dsd, but other departments across the city that have also gone through the equity assessment and recognized that this is a critical piece of our service team. >> Tovo: So the equity officer that this program manager will report to exists within the equity office? >> No, within dsd, because dsd will fund the position, that will have reporting responsibilities to the equity office. So, the equity office will set policy, and then our position will modify our processes based on the policy direction and actually roll that training out to our staff. >> Tovo: I think we're saying the same thing. You had described that this officer would work with -- that this manager would work with policy direction coming from elsewhere, which is the equity office, right? >> Correct.

[11:00:15 AM]

>> Tovo: Okay. So, what exactly is this person going to be doing? Is this person going -- can you give me some sense of -- is there another department that this position is being modeled after in another city, and can you give me some sense of the day-to-day activities of that program manager? Are they interviewing customers? Are they surveying customers? What is going to be their -- how are they going to conduct their work to determine whether customers are having equitable outcomes? >> So, what we've done with the equity assessment is we reached out to over 4,000 of our customers to get their feedback on what their experience is with dsd with respect to having access to information, being able to get support, permits issued in a timely manner. We ensured that they had the right information to be successful the right time. Now that we've received that feedback, we've submitted it to

[11:01:16 AM]

the equity office, who is running it through the equity tool. The outcome will be a list of recommendations that dsd will implement. We're early in that process. We want to have this person on board so when we get the feedback, we are ready to execute. This is under the oversight of our equity officer and there are several other departments pursuing the same approach based on the equity assessment. >> Tovo: Okay. Thank you. Did the equity assessment that dsd did reveal inequitable outcomes, and can you forward that information to us so that we can be aware of it? >> I can certainly forward it to you in a separate communication. But I can tell you that there is a big difference between our large, more experienced construction stakeholders and then our small, individual homeowners who are not as

[11:02:18 AM]

sophisticated or have not had as much experience. This will help us develop the tools they need to have the same outcomes as the more experienced customers have. >> Tovo: Thank you. Yeah, that seems like an observation that I've heard lots and lots of times through the years, so I'm glad that -- and I know that there have been different strategies for trying to address that, continuing to look at new strategies seems to make good sense. Thank you for the additional info. >> You're welcome. >> Mayor Adler: Speakers are now in queue and ready to speak, so let's go back and see if we can finish that process. >> Jeffrey. Jeffrey, go ahead, please. >> Yes. Can you hear me? >> Yes. >> Can you hear me? Okay. Great.

[11:03:19 AM]

Again, my name is Jeffrey, here on behalf of the real estate council of Austin. We're speaking against item 57 and 58. However, should council choose to go today, we would direct staff to bring back the international plumbing and mechanical code with local amendments for consideration in 2022. Austin is currently the only major city in Texas that still uses the uniform plumbing and mechanical code. The next largest city has a population of 150,000. Large cities comparable to Austin have long been using the international code. And the vast majority -- national codes for all disciplines. We only have to look at the complexity that it causes to see how it could improve situations for Austin plumbers, homeowners, builders, plumbers nationwide are trained on the international, so it's unclear why we continue to force plumbers and property owners to operate under inefficient code. No plumber in Austin would be

[11:04:21 AM]

required to learn a new code. Rather, there would be more options to be trained and more easily work. It's important to note when the governor authorized plumbers from out of state to provide assistance after the winter storm, the existence of the code adds unnecessary confusion and complexity for those assisting. The uniform code directly can fix, with Austin's current proposed policies, such as on-site water reuse and solar ready Zones. Finally, the affordability aspect of the ipc is crucial considering the housing market. The uniform code requires redundancies that do not take into consideration the most efficient path. Rather, they require additional materials which add to the cost of construction. Lurch conducted by the international code shows this could save \$3,000 in materials, and would save an apartment builder over \$285,000. The city has a responsibility to

[11:05:21 AM]

keep its residents safe and ensure that construction it safe and affordable. We urge you to consider switching the codes. Thank you. >> Sarah Rayburn. >> Good morning, my name is Sarah Rayburn, executive director of the plumbing, heating, cool contractors association of Texas. I'm here to speak on agenda items 57 and 58. On behalf of our organization, which represents more than 200 plumbing contractor companies within Texas and has an active local Austin chapter, we are in support of the adoption of the uniform plumbing code and the uniform mechanical code as recommended by the Austin mechanical and plumbing board. Our organization believes that individual municipalities should have the ability to make local decisions concerning code. Mechanical and plumbing board has been a significant amount of time considering local perspective on what code works in our city and does not.

[11:06:22 AM]

The process includes multiple opportunities for individuals and contractors to provide feedback and voice their concerns and frustrations. We believe this process creates more efficient code and for those reasons we support the adoption of the uniform plumbing code and the uniform mechanical code. Thank you. >> John shepherd. >> Thank you, Mr. Mayor, councilmembers, for the opportunity. I urge you to support item 71. My name is John shepherd. My wife Deborah and I are both real estate brokers. We work with buyers and sellers, renters and property owners across the spectrum. Austin is our home. We're not going anywhere. And we want solutions that benefit the entire community for the long-term. We're homeowners in district 2 in a home that we bought over 20 years ago. And in that time we've seen the

[11:07:24 AM]

taxes more than triple to the point where now the monthly escrow is more than the mortgage payment. We're not alone. For austinites and for our neighbors that are retired, we're on a fixed income. This situation has been untenable. And it's got on to the point where people are faced with the option of no option. You're selling and moving and selling likely to someone who will rent it and make Austin more unaffordable. So, any help in this regard is well-received. We urge you to support item 71 and 72 and help those homeowners in Austin that want to remain in their homes. Thank you. >> John iken.

[11:08:25 AM]

>> Hello, can you hear me, council? >> Go ahead. >> I'd like to request before my time begins, I've been working with Katie for my presentation materials to be pulled up on screen, 12 images regarding item 48. Council should have a copy in digital. Let me know when that's done and I can start my time, please. >> Go ahead. >> Hello. I'm a resident of the parkside slaughter creek neighborhood that shares a direct property line with 2117, on which the developer is applying for housing tax credits. I provided images of

the housing project, sandwiched between two Austin neighborhoods, they filed to rezone from rural residential to multifamily high-density. Council, if you refer to the packet, you'll see located on

[11:09:25 AM]

that land, gas cans, chemicals. With the dense soilage, that's a fire hazard. The surveyors stated they experienced threatening encounters. How will they keep the property clear of ants? Our neighborhood had a meeting with the development coordinator and his response, we plan to have them regularly cleared once construction starts. Do they plan to have security walk through daily and forever? They have no plans. Lbg was unconvincing about the need to be responsible for the site. As for increased traffic, see images 1-5. Driving north is the main entry point to our neighborhood. It's a two-lane road merging into one. When we slow down, cars swerve, nearly entering the I-35 entrance ramp. Last year, a truck drove into our neighborhood, destroying our

[11:10:26 AM]

monument. The development would increase traffic, to get to the main road leading to their site. It is two lanes, no divide, no sidewalk, with hills and curves and a deteriorating roadway. This is ludicrous. Finally, they are not trustworthy. They have defaulted on a \$13 million loan. A state housing agency demanded they repay hundreds of thousands of dollars due to substandard housing conditions. They attempted to sue a city council that refused to approve their request. My final closing point is to show how they fare locally. They have a development here in Austin. Here's what their tenants say. The snowstorm proved how bad the management is. No water distribution to the residents. The only water brought in was from residents. No checking on the elderly to see if they had food. When asked about getting the snow and ice removed, was informed it was not their job. Find another place to rent.

[11:11:28 AM]

Rent is going up 10% for the third year in a row. Council and mayor, if lbg wants us to rezone, no. They are not reputable nor trustworthy in any capacity. Thank you. >> Next speaker is Roland Arciola. >> Good morning, mayor and councilmembers. I am here to speak about 57 and 58, the unc, which I am for, supporting the upc. Just quickly, what I want to bring to mind to everybody is, we are following the ipc on these homes, even in Austin. When it comes to retrofit, you're looking at a home that already has sheet rock, that's been lived in. And for us as an ac contractor,

[11:12:28 AM]

which I am, to come in and replace the ducting, to get down to 4%, the cost payback for that consumer to rip out all that sheet rock and get it down to 4% is not a value. They will not recoup that money back. The ipc does state 4% duct leakage, which I get in new destruction. But when it comes to retrofit, that is not something that's do-able. And that's the reason that I am on the unc support, and not the ipc. So, if you please would consider that, I am, you know, also a contractor here in Austin, Texas, with hvac. And I also am on the gacca, taca, greater Austin local board, as well as the state board member. So that was my opinion and what I wanted to talk about with 57 and 58. Thank you.

[11:13:35 AM]

>> John moc Ta. >> Good morning, mayor Adler, councilmembers, thank you for allowing me to speak today, in favor of items 57 and 58. I am John, appliance inspector and I am here testifying today on behalf of the international association of plumbing and mechanical officials, commonly referred to as iapm. I support consideration for adoption of the uniform plumbing code, the upc, and the unc. The uniform codes are published by an inclusive process that follows requirements established by the American national standards institute. The upc is the code foundation of plumbing and has been the code throughout many areas of the state of Texas for decades. The 2021upc and unc provide

[11:14:37 AM]

better efficiency for technological innovations and providing benefits. I -- speak specifically -- the 2021 upc presents -- which is a new tool that updates the system, our size, and reduces pipe sizes for the first time in 80 years. The water demand calculator -- 10% -- but also ceases sustainability and improves water safety. The upc and unc -- building code that is easier to enforce, because there are fewer areas of interpretation. This, in turn, helps eliminate conflict between contractors and inspectors that can lead to delays and cost overruns. Additionally, many education and training institutions in Texas teach only the upc as the foundation. As stated in my earlier remarks, This, in turn, helps eliminate conflict between contractors and inspectors that can lead to delays and cost overruns. Additionally, many education and training institutions in Texas teach only the upc as the foundation. As stated in my earlier remarks,

[11:15:57 AM]

the upc is preferred by plumbers due to its direction of clear, concise precisions, which is what plumbers expect. They also prefer the user-friendly terms which place all necessary information in one book, as opposed to other models that use multiple books and cost hundreds of dollars more. I -- Texas -- and have been in the industry for 32 years. I speak from experience. I'll close by saying the uniform code

would serve the citizens and the industry of Austin since the '70s and will continue to deliver the highest quality provisions and standards for the health and safety of each austinite. One correction I'd like to say on the previous speaker that brought up the city of Austin being the only city in Texas to adopt the upc, that is an incorrect statement. The city of Houston, the largest city and fourth-largest in the country, also adopts upc and

[11:16:58 AM]

unc. Given Harris and Travis county, that's roughly a third of the population of Texas. So we're talking about millions of folks --

[buzzer sounding]

>> That work under the unc and upc. Also, the out of state plumbers that came to work during the winter storm --

>> Speaker, your time has expired.

>> State of California. I'm sorry.

>> Cyrus Reid.

>> Hey, good morning, mayor and city council. I'm sorry this has been a confusing morning with the problems on the phone system. I think I started my testimony and I think you basically got the point that we are supportive of item 55, which is adoption of the latest energy codes. That being said, I'm going to agree with the previous speaker that there was limited public engagement in part because of covid and everything that's

[11:17:00 AM]

happening. But we did get briefings at the electric utility commission, and there were three issues that I think deserve further study. One is the issue that Paul Robbins mentioned, water resistance heating, I think I said strip but I went water meant water resistance. I think it's worth looking at that again particularly for multifamily housing to see if we can mitigate or eliminate water resistance heating. And then the other two issues that have previously been discussed as part of the energy codes are electric-ready and electric vehicle-ready provisions. Now, those provisions were removed at the national level at icc during debate on those issues. They were removed from the code. And it's legitimate that Austin

[11:18:00 AM]

energy says they're no longer part of the code. But I do think whether it's in the energy code or elsewhere we should, as a city, be looking at how do we make new buildings ready for electric appliances and electric vehicles in a way that's cost effective and, you know, doesn't cause costs to go up. And so I would ask city council to send those three issues -- water resistance heating, electric vehicles, and electric-ready buildings -- back to the rmc and the uc for further discussion and deliberation with Austin energy, dsd and stakeholders, and then hopefully by the end of the year we could come up with either, you know, either amendments to codes or programs, or other ways to incentivize people. And we do know that the legislature passed a bill, hb17, signed by the governor, which puts some limitations on what city government can do in terms of electrification of buildings.

[11:19:03 AM]

My reading of that, though, and discussion that was held on the the house floor does not prevent cities from moving forward with energy efficient codes, or even electric ready or ev ready components. It simply says you can't actually ban certain energy sources. So I think we're well within our rights to look at these issues. And with that, I close. And thank you so much for continuing to make Austin an energy efficiency leader in terms of cities throughout the U.S. Thanks.

>> Next speaker is David Winkler.

>> Good morning. My name is David Winkler, a resident of slaughter creek neighborhood. And I'm calling to discuss opposition to the proposal to

[11:20:06 AM]

grant low-income tax breaks to proposed multifamily developments on property located at 2117 grant road. Put simply, this property is not consistent with multifamily development from a local or area perspective. The property itself has existing wetlands and extreme tree cover, including some very nice heritage trees. And we haven't really received much by way of what the developer intends to do to protect that. I mean, basically, you know, they said we're going to work this and that, but the answers as to, you know, how is there actually going to be a permanent restriction on disturbing these habitats, we can never get any kind of a formal answer on that. And so before such credits were granted, I should think that the city would want a stronger answer on something like that as

[11:21:06 AM]

well. And to echo some sentiments raised by other species, Brandt road is completely inconsistent with current traffic conditions. And there's no sidewalks at all. There's no lighting. It's a very unsafe road. My -- I have relatives that choose not to drive on the road because they find it unsafe. And I think building

an apartment complex back there in an area -- a part of town that quite frankly, is saturated with apartment complexes. Here along the I-35 feeder road it's just one after another. And when you're talking about such a beautiful property with so much wildlife and so much potential for natural enjoyment, I just can't think of anything more inappropriate than putting up another apartment complex there. So I just felt it necessary to call in this morning and register my personal disapproval with that plan, both as a local

[11:22:08 AM]

citizen and an urban planning professional. And, you know, generally if we're considering, particularly granting a number of large tax credits for development, we need to make sure it's good development. And we need to make sure that we're getting our best investment from this developer. I mean, they need to improve Brandt road. They need to improve the homeless situation, you know. They need to offer up some type of situation that actually improves the city rather than just well, you know, this property checked all the boxes for us, it's right by south park meadows and I-35, and well there's nothing there, so it's a great place to build an apartment complex. You know, that's just --

[buzzer sounding]

>> That's good for them. It might be good for their bottom line. Is it really good for Austin? And before we give anybody any kind of a tax credit for low-income housing --

>> Speaker, your time has expired.

>> Really need to think about

[11:23:09 AM]

that. Thank you very much, and y'all have a wonderful day. Thank you for your time.

>> David king. David king.

>> Yes. This is David king, calling in to speak on item 40, but not going to speak today since it's been postponed. I appreciate the postponement to allow more time to make the resolution better and expressed address concerned expressed. Thank you very much for your service and listening to my comments.

>> Ron Lorde.

>> Good morning, mayor and councilmembers. My name is Ron Lorde, a resident of Austin. I'm also a member of American society of plumbing engineers

[11:24:11 AM]

and ass international. I have 20 years experience dealing with plumbing codes and have worked with jurisdictions to utilize codes. And I'm in strong support of adoption of item 57 and 58. The uniform plumbing code contains some of the most cutting-edge technical aspects available. Atmo has worked with the federal government and institutions of higher learning to research the basis for all pipe sizing and plumbing codes. And now has most up-to-date information. And no other code has that. And also, the uniform plumbing code and mechanical code are both designated American national standards, and no other

[11:25:12 AM]

plumbing or mechanical code has that designation. The comment about training wouldn't be necessary if the city switched is completely disingenuous. Plumbing code is a very technical document. And switching to another code would require some training for all plumbers. And so that would be an unfunded mandate pushed down on folks that really don't need that kind of cost now, based on the slowing of construction during covid and the freeze over, you know, the call for more plumbers. Right now there's a shortage and we don't need to make it more difficult for people to come in.

[11:26:14 AM]

And the uniform plumbing code and mechanical code is adopted in the city of Houston and has worked in Austin since the '70s. So why change when you have a technically solid code, and you've had a working history of working with the other codes, a long-standing history. There's really no reason to change. One of the comments also about cost, there was a report by the international code council. And the cost, if you looked at it, the vast majority was in one and two-family homes. And these plumbing codes don't cover that. The international residential code covers that. And so bringing up those cost savings, again, is a rather disingenuous argument.

[Buzzer sounding]

[11:27:15 AM]

>> So, again, very supportive of adoption by the city council of item 57 and 58. Thank you very much.

>> Cynthia Vasquez.

>> Hi. Can you hear me in the back?

>> Yes, go ahead.

>> Hello? All right. Hey, this is Cynthia Vasquez, go Austin. First I want to just thank you all for postponing and acknowledging the multi-layers in item number 40 and really publicly vocalizing the importance of how transportation impacts land development. I find that working in my community, those dots are not often connected in public. So, thank you.

[Laughing] I'd like to bring to light also,

[11:28:15 AM]

just William canyon, for those of y'all who need better understanding or strengthen your understanding of how land development is really impacting, like, even impervious cover, it was a heck of a time navigating the canyon right now. Also, I support item number 23, of course, the agreement and execution of your contract with vamos Austin. I yield my time. Thank you.

>> Mayor, our next speaker is our last speaker, and it's Zenobia Joseph. She's also registered to speak under the aafc agenda, so let us know if you'd like to proceed how you have in the past -- speak three minutes on the consent agenda, then . . .

>> Mayor Adler: We'll do it exactly that way, first the three minutes, then we'll recess

[11:29:16 AM]

this. Colleagues, we don't have a lot of time left before 12:00 P.M., only 30 minutes. So rather than just starting in the stuff, maybe we'll try and take care of some of the items left, the eminent domain, public hearing items, if we can. But let's go ahead to Ms. Joseph, and we'll recognize her twice, first in this meeting for three minutes.

>> And actually, mayor, I misspoke. She is only registered to speak on ahfc.

>> Mayor Adler: Okay. Then let's go ahead and recess the city council meeting right now on June 3rd, 2021. The time is 11:30. And we're going to go ahead and convene the Austin housing and finance corporation meeting this Thursday, June 3rd, 2021. We have a quorum of the directors present. This meeting is being held virtually, as is allowed by the emergency rules.

[11:30:16 AM]

We're convening for the purpose of taking speakers that have signed up, and then we'll -- let's see how -
- if we can just handle the items of the ahfc, if that makes sense to do, since this is our last speaker.
Clerk, do you want to see if there's a speaker?

>> Sure. Zenobia Joseph.

>> Thank you, mayor, council members. Mayor, as a technicality, I did sign up against item 40. Do you want me to do the Austin housing finance corporation, or tell you my comments on item 40 first?

>> Mayor Adler: Why don't you do the housing finance corporation since we're in this meeting now. We'll come back and give you time to speak on the other item.

>> Okay. I appreciate that. Thank you, councilmembers. My comments specifically, mayor, are related to 1934 Rutland, the property, as you are aware, I am

[11:31:16 AM]

looking at a December 4, 2020 email that I have. Specifically when this property, the 4% low-income housing tax credits was approved, it relied on route 142, which is a flyer route. That means the individuals no longer have fixed route at that location. And I just want you to understand, a flier only runs twice in the morning from north to downtown, and then twice in the evening to bring people back from their jobs. The individuals would then be walking the rest of the day. June 3rd, 2018, literally three years ago to the date, capital metro implemented cap remap and the planners eliminated 240 Rutland. You've heard me speak about the Rutland bus before. It operated from north Lamar transit center. It stopped at St. David's and then it went to Parmer and loop one. That was the route. I want you to understand that when you had the presentation from Diana gray on Tuesday of

[11:32:17 AM]

this week she mentioned \$84 million for the homeless. Well, this particular property has 101 units out of 171 that will be for people who earn 30% area median income, approximately \$20,000. And they will only be able to pay a third of the income towards the rent. I want you to understand that the criteria that she mentioned on Tuesday was the distance to a school. This particular establishment would be 0.7 miles from cook elementary. What about safe routes to school? Within two miles, Austin independent school district is not going to give these students a ride to school. The other thing I'll have you understand is it's housing first. And so there are going to be issues that people need wraparound services for. But she mentioned transportation. I'm going to ask you to table this item and recognize that if you're telling us that transportation is paramount, and

[11:33:18 AM]

as Ms. Harper-Madison said is, with we need to get it right. And so transportation is key if you want these people to actually thrive. And I would just call to your attention we know that we're talking about African Americans, largely. And so, please stop pining our pain and do right by the African American community and put the bus there. If you have the \$84 million, then you can restore the route. It was \$945,000. It exceeded capital metro's ridership. It was 20.3 riders an hour on that bus. The minimum service guidelines and standards in 2017 was 15 riders an hour and they have not changed it. On the weekends it's 12 riders an hour. But what they did was created routes at twice the cost for half the riders.

[Buzzer sounding]

>> In southeast Austin. And I have put in an open records request to try to figure out why Caritas --

[11:34:19 AM]

>> Your time has expired.

>> Has made it a priority. And I thank you for the time, Mayor. But I want you to know, KXAN said on May 3rd there would be 51 units for the homeless there. So it's --

>> Mayor Adler: Thank you. We're going to come back to you when we get back to the city council meeting. While we're in the Austin Housing Finance Corporation meeting, do you anticipate we can get through the agenda here quickly?

>> Yes.

>> Mayor Adler: Go ahead and lay out the consent agenda for us.

>> Absolutely. Mayor, Mandy Demayo, Austin Housing Finance Corporation. We have two items on today's agenda. The first item is approving the meeting minutes from the May 6th, AHFC meeting. And the second item is approving AHFC to issue multifamily housing bonds in the amount of up to \$20 million for the Aspario at Rutland project. The resolution and backup

[11:35:20 AM]

references authorizing the execution of a ground lease. However, we are not asking the board to authorize the execution of the ground lease today. So that will not be included in the resolution you are voting on today. I also want to address some of the transportation issues that were brought up by the previous speaker. And I want to reiterate staff and the developer's commitment to ensuring that folks who live in this proposed development have access to public transportation. I want to note the project located at 1934 Rutland is four minutes from Capital Metro route 325, which runs every 15 minutes in

mornings, afternoons, and evenings, north-south, the bus stop is at Rutland and metric, a stone's throw from the property. In addition, at Rutland and burnet road we have the 803,

[11:36:20 AM]

which, of course, is rapid transit. That's a 15-minute walk and there is a sidewalk the entire way. The 803 terminates at the domain and goes south to downtown. In addition, we are anticipating a red line drawn stop at the Austin fc soccer stadium and the train stop will be 15-20 minute walk from espero. With that, I offer these two items on consent.

>> Mayor Adler: Is there a motion to approve the consent agenda? Councilmember pool makes a motion. Councilmember Renteria seconds it. Any discussion on the consent agenda? Those in favor of the consent agenda, please raise your hand. Those opposed?

[11:37:25 AM]

So, 10-0 vote, the directors, the consent agenda passes. That's all the things we have.

>> Thank you very much.

>> Mayor Adler: Thank you very much. 11:38, we are ajourneying the adjourning the meeting, and pulling bang into back intothe Austin city council meeting. We had a short break. We're now going to finish call-in speakers. I think that Ms. Joseph wanted to speak on item 40. Is that correct?

>> That is correct.

>> Mayor Adler: Okay. This item, Ms. Joseph, has been postponed until next week. So I don't know if you want to address your points today or wait until next week.

>> Pool: I think it was postponed indefinitely.

>> Mayor Adler: No. We had originally talked that way. At the break it was pointed out that I misunderstood. The request was to postpone for

[11:38:27 AM]

a week.

>> I missed that discussion. Last I heard you were asking if it was indefinite. Okay. All right. So June 10th.

>> Mayor Adler: All right. Ms. Joseph.

>> Yes, mayor, thank you. I'm Zenobia Joseph, councilmembers. I would recommend, mayor, that you post upon item 40, the equitable transit oriented item indefinitely. And my reason for that is that the U.S. Government accountability office specifies fraud is trying to get something of value through willful misrepresentation. And so I am relying on the April 15, 2021 presentation by sharmilla from capital metro, which actually has the 13 stops that are proposed with this \$900,000 grant that capital metro received and it includes north Lamar transit center. As you are aware, mayor, you testified before capital metro on December 2018, it's south of

[11:39:28 AM]

U.S. 183 to downtown. You do not own the right-of-way. I want to call your attention to may nine, 2019, when you postponed permanently or indefinitely the area from north Lamar to tech ridge when you talked about small area planning. And in that work session on may seven, 2019, councilmember Casar said we don't own that street. And he is correct. From north Lamar transit center north, that's Texas department of transportation's right-of-way. That's loop 275. And specifically, in your July 27, 2020 board packet it specifies there will only be metrorapid. It is disingenuous to use them. You don't own that right-of-way. For the community that's listening, 3893, I want to thank the Republican senators and the

[11:40:29 AM]

many staffers who listened to me when I explained that title six of civil rights act of 1964 prohibits discrimination based on race, color, and national origin. If they passed that bill they would have been complicit in discrimination occurring in Austin and jeopardized federal funding. But the members on council keep playing Russian roulette with federal dollars. I want you to understand, mayor, on the blue line you rezoned that on October 17th, 2019. And then before Travis county commissioners court, the developer wanted to set aside two-thirds of units for people who earn 80 and \$90,000. The community that's listening, we're in the formal comment period. You can Google capital metro federal register Orange line, may 24th, 2021 is when it was posted. We have 20 more days to put your communities. Comments. The Orange line, it says on page 5 of the document that it

[11:41:30 AM]

is the northern segment. No. It only includes north Lamar transit center. There will be no displacement at north Lamar transit center. I discussed that. They have \$4 million and that has since been removed.

[Buzzer sounding]

>> I ask you to do the right thing, mayor, and postpone this item indefinitely and recognize yesterday I sent you a copy --

>> Your time has expired.

>> Transportation and inspector general complaints against the city and --

>> Mayor, that concludes all of the consent speakers.

>> Mayor Adler: Thank you. That gets us back to the consent agenda. Items 1-40 and 71-75. The items being pulled are 13, 28, and 73. Not without any objection, but to allow us to discuss this afternoon in a larger context. The other items that have been pulled are 15 and 71.

[11:42:33 AM]

Item 40 is being postponed. Councilmember kitchen's amendment to number 14, without objection, will be added and is part of the consent agenda. Any further discussions on the consent agenda? Councilmember tovo.

>> Tovo: Mayor, I had provided some direction, too. I know someone indicated --

>> Mayor Adler: He did. That was accepted. That direction is included as well without objection. Let's take a vote on that. Councilmember pool.

>> Pool: On that item, 55 that I said I would read into the --

>> Mayor Adler: That's not on our consent agenda.

>> Pool: Oh, that's right. It isn't. I'm not going to read it into the record anyway, but I will make a comment when we get to 55.

>> Mayor Adler: Okay.

>> Mayor, this is Jannette. I believe item 29 is being withdrawn as well.

>> Mayor Adler: Yes.

[11:43:34 AM]

Councilmember Fuentes, then councilmember alter.

>> Fuentes: Thank you. I wanted to comment on item 24, which authorizes an interlocal agreement with pflugerville for the expansion of a classroom. I support this item and think that any opportunity that we have to expand affordable, high-quality early childcare throughout our community is absolutely necessary. And so I wanted to also comment that as we consider the American rescue plan dollars that we also reinforce that commitment to expanding pre-k and childcare options throughout our

community, especially in our marginalized communities. And for me, I want to draw attention to del valle ISD and the potential partnership there and expanding pre-k dual language, pre-k classrooms. And that was included in the United Way supplemental recommendation. And I hope that we have conversations around childcare

[11:44:34 AM]

and what we fund through our process, that we recognize the significant need that we have in del valle, and the \$1.5 million that has been included in that supplemental request would help fund 188 children in our del valle community.

>> Mayor Adler: Great. Thank you. Councilmember alter.

>> Alter: Thank you. I just want to first add that I support councilmember Fuentes' call for us to be supporting the pre-k and the early childhood education at every turn we can. And, you know, worked with councilmember Fuentes to work with United Way and success by 6 to add those recommendations and I'm very supportive of them. I have a couple items that I want to make some comments on. First I want to take a moment to acknowledge items 21 and 22. These are interlocal agreements

[11:45:34 AM]

with the county and with UT that are part of a larger effort to share resources and knowledge between entities with a stake in preventing and mitigating wildfires. I'm really happy to see our city taking these important steps. Wildfires are everyone's fight. The more we work together on prescribed burns and land management, the safer we will all be. So I wanted to comment on those items. For item 6, I'd like to be shown voting no. And then for item 14, colleagues, as councilmember tovo mentioned, I submitted a series of questions in the q&a. And I'm not sure that the responses fully resolved my concerns. There was a lot of data there. And I appreciated the thoroughness of that. But I'm not sure that the data clearly made the case for the proposal in front of us. When you compare the volume levels from 2019 to 2021, the difference seems marginal and the positions we're adding also

[11:46:35 AM]

don't appear to fully align with the stated need. I also continue to be concerned about whether the projected revenue from an increased volume of permits will be sufficient to cover the cost of these positions without a fee increase. Therefore, I want it to be on the record I'm going to expect dsd to deliver on making positions work without increasing fees. I understand the anticipation is no fee increases this fiscal year. If a request is made for a fee increase next fiscal year or the year after I'm going to want evidence that the fee increase is not related to this action today. So I just want to be really

clear about my expectations. I am going to support this item today because I do regularly hear stories and complaints from dsd customers about their frustrations getting projects permitted. And this is one step we can take to address those concerns. I want to be clear, though, that while I agree that some of those challenges can be solved by

[11:47:36 AM]

staffing, many of the stories I hear relate to receiving conflicting information from the department or unhelpful resource from the staff when responses from staff, when trying to resolve challenges. So as we continue to make improvements in this department, I hope we can take all of the above approach to making our permitting process easier to navigate, particularly for everyday austinites, not just large industry actors. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I wanted to comment on a few items. First, item 72, which relates to the senior exemption. I am pleased to be a cosponsor of this item. I think it's important that we continue to recognize the challenges that our seniors,

[11:48:36 AM]

people with disabilities have in remaining in their homes and their neighborhoods, and continuing to address increases in that exemption as necessary and important to help them with every tool that we can to stay in their homes as long as they can. So I'm proud to support item 72. I understand 71 has been pulled and I'll speak to that when we get to it. Item number 6, we had a very good conversation, which I appreciated, at the work session to explain what that does and does not do. Item number six does not set the tax rate. It is simply a calculation of the potential tax rate. We do not have an option to choose to set it between 3.5 and 8 so in order to preserve our options on what we might eventually set the tax rate at I think it's important that we

[11:49:38 AM]

move forward with calculating that at the 8%. I would not want to calculate it at 3.5% because that would really tie our hands and would not allow us, if we ended up needing to, to set our tax rate at 4% or 4.5 or 5%. I, too, support keeping our tax rate as low as possible and I'll be looking to do that when we make our final decision at the budget. But at this point, we need to preserve those options. Thank you.

>> Mayor Adler: Councilmember tovo.

>> Tovo: A couple quick things. I am going to postpone for one week my green building item, which is item 77, I believe -- 74. There is an error on the matrix that our city staff need to help us correct. And so we'll be bringing that

[11:50:38 AM]

back next week. And I just also wanted to add my voice to those of my colleagues on number 24. This is really exciting to see some of the great movements that we've made in investing in childcare over these last couple years. And as I may have mentioned in the past, it was a goal of the families and children task force from I can't remember when they did their work, early 2006 or something, they asked us the childcare portion of that group asked us to really start emphasizing the importance of childcare as an economic development issue. And in this last year I think we've seen that connection between economic development, workforce, and especially women being able to remain in the workforce. We've seen the connection between that and really having high-quality childcare option, so I'm very supportive of item 24. I'm also excited about the work that's going on at the joint

[11:51:38 AM]

subcommittee with councilmember alter, and commissioner Travillion and I, and others working with Travis county on looking for opportunities for partnership. I hope that we continue to make that a priority and to recognize the importance of those childcare options. On Tuesday's work session, I mentioned in passing our new development services building that engineered out the childcare facility that would have served our own employees, as well as potentially others in the area. And I hope that those experiences are behind us and in addition to investing in childcare options for others in our community, we'll continue to look at ways to do so for our city staff as well. It's an important investment in the future of our workforce to come. So, thanks.

>> Mayor Adler: Councilmember Casar.

>> Casar: Thanks, mayor. I second the thoughts on the senior exemption and the childcare work.

[11:52:40 AM]

I also appreciate the council and the airport having temporarily delayed the loan items for the hotel there. We're going to pass them here today, but in that intervening time that there was the postponement, my understanding is a significant number of people at that to he will hotel received a 40% bump in their wages, which can really change people's lives. So I appreciate the hotel and the airport, and the council taking a breath, taking a minute and making sure that in some of these moments where we're going to provide some financial benefit that there be a conversation to make

sure everyone, especially those that need the most help, get some help. Thank you to the postponement of the airport, for your patience, and I'm ready to move forward with those items here today, as we protect the long-term financial interest of that hotel in the future.

[11:53:40 AM]

>> Mayor Adler: Okay. Anybody else have anything before we vote on the consent agenda? For me, I would call out, I'm particularly proud to be working forward on item number 12, which increases the parking lot area. I appreciate councilmember pool taking that even a step farther. The pre-k work, item number 24, I think is something that we've all pointed to, so thank you for that, and I agree with councilmember Fuentes' comments on that. The senior homestead exemption item also is something which is particularly needed in our community, proud to be part of that. Vote on the consent agenda, items pulled are 13, 15, 28, 71, and 73. And those are the pulled items. 29 is withdrawn, 40 is

[11:54:40 AM]

postponed, and 74 without objection is also being postponed. Those in favor of the consent agenda, please raise your hand. Those opposed? 10-0 vote, the consent agenda is passed. We have a few minutes before we do citizen speakers. I want to call the imminent domain items, 41-45. Is there someone that wants to move passage of items 41-45? Nonconsent items. Recognizing the city council of the city of Austin authorizes the use of the power of eminent domain to acquire the properties set forth and described in the agenda in the current meeting for the public uses described

[11:55:41 AM]

therein. Councilmember Ellis makes that motion. Is there a second to that motion? Mayor pro tem seconds that motion. Councilmember Ellis, do you want to address . . .?

>> I did. I had just a couple of brief comments. These are very similar to some other items that we had approved, I think it was April. So items 41-45 are eminent domain for the water utilities to be moved out of the right-of-way for the oak hill parkway. These are very similar to the ones that were April 8th, at that meeting. And my opinion is it's important for us in water to be able to access the infrastructure when they need to repair or replace water and wastewater infrastructure. These are very serious issues in district 8. We've seen a lot of issues with what happens when our water and wastewater utilities aren't functioning quite properly. So we need to support our water utility in proper maintenance. I do want to thank my constituents for being a very

[11:56:42 AM]

dedicated part of the conversation around the oak hill parkway. They've offered tons and expertise and experience. I've spoken with many of them about the main concern that they brought up at the last meeting, and that we continue to speak with them regularly about, which is the concrete batch plant. Because of their persistence and communication with ACC trustees and staff, txdot and the constructors, and the ACC trustees heard those constituents and renegotiated the lease to remove the concrete batch plant option from the pinnacle campus. It's been a really controversial part of this project, and I and my team continue to work on trying to find a solution for this particular problem. But today's items are about eminent domain for the Austin water utilities. And to be able to move them out of the right-of-way for txdot. So I will be supporting these items today.

>> Mayor Adler: Any discussion on these items? Councilmember pool.

>> Pool: Mayor, I continue to oppose the city of Austin's

[11:57:43 AM]

efforts with the oak hill parkway, as I have from the very beginning. I'll be voting no on all of these eminent domain items. My firm belief is that the city could have and should have fought harder with our -- the good neighbors in oak hill to press for a seat at the table with txdot on the design and location of this massive infrastructure. It's absolutely needed in oak hill, but it doesn't have to be built the way it is being built. So I firmly oppose any additional efforts to enable it, even while I recognize and support the work of our water department in recognizing that they need to be able to get to their easements and water lines. But it didn't have to happen like this. So you -- I'll be voting no on 41-45. Thanks.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote on these

[11:58:43 AM]

items, 41-45. Those in favor, please raise your hand. Those opposed? I'm showing councilmembers pool and tovo voting no, the others voting aye. Councilmember Kelly off the dais. So, in an 8-2-1 vote, these items pass. I show us now at 12:00 P.M. The intent at this point is to go ahead and hear and after that is here and work through the public items, and then execute itch session, zoning at 2:00, speakers consent, and then we have to have that conversation today if we can

[11:59:44 AM]

with Dianna grey. Clerk, we're ready to call the citizens communication speakers. Let's do that.

>> Yes, mayor, we are pulling up some -- some documents that they submitted to us, but the first speaker is Karen riling. Karen, please unmute.

[12:00:57 PM]

Okay, mayor, the speaker disconnected. Please give us a minute.

>> Mayor Adler: Okay. Karen riling?

[Echo in audio]

[12:01:57 PM]

>> Mayor Adler: Everybody mute if you're not talking. When we're done with the sitcomspeakers I'll ask if anybody wants to speak. We'll handle the public hearings as if they were consent agenda so we can let some staff members go. So things that are not going to be discussed, or people have questions about, we'll approve those so that we can let some staff members go. We won't discuss any of those items until after lunch. Councilmember kitchen?

>> Kitchen: I have seen a request related to item 48, to postpone that. And so -- to the July meeting, I believe. I don't know -- I've gotten an email and I don't know if it's made it to the appropriate staff person yet.

>> Mayor Adler: Yes. Okay.

>> Kitchen: It's from an applicant.

>> Mayor Adler: Okay. So the staff could take a look at that and let us know after the sit com speakers.

[12:02:01 PM]

And the items that I will see is treating as consent before we break for lunch is the public hearings, items 47 through 60. And also the items -- 83.

>> Mayor, I'm going to go ahead and try, is that okay?

>> Mayor Adler: Sorry?

>> Can we give it a go with the speakers?

>> Mayor Adler: Yep, yep.

>> Karen riling? Karen --

>> Hello, yes, can you hear me?

>> Yes, go ahead.

>> Okay. Thank you.

[12:03:02 PM]

As residents of oak hill we are alarmed about the overbuilt freeway plans for 290 and the concrete plants and the storage yard that goes with it. We're here to ask for two remedies. First, to hold the line on any zoning change that would put the Colorado river constructors concrete batch plant within 440 yards of any neighborhood, as well as any storage yard or heavy equipment and aggregate. Secondly, we seek a resolution from you, supporting a redesign of the highway project through oak hill, this design would require an evaluation of the traffic projections modeling, and reevaluation of the environmental impact statement connected to the project. So who are we? We are residents of oak hill from numerous neighborhoods. We believe that two threats to our community are so important that we are pursuing every available avenue to stop them.

[12:04:03 PM]

The right decisions now mean sustainability, and the wrong decisions now mean blight and ecosystem disruption. Several months ago, C.R.C. Began negotiation to put the concrete batch plant vehicles and piles of raw materials in the A.C.C. Vehicles. We mobilized to protect the area from airborne postulants and air and water contamination, while C.R.C., for the moment, has pulled the concrete plant from their negotiations. We oppose any residents being subjected to a concrete batch plant closer than 440 yards. We always oppose any neighborhoods being subjected to blind particulates and diesel fuels from the trucks and the equipment and the storage yards. As to the highway design, txdot brings to a flawed traffic projection model that inflates the traffic numbers. I have documented this in

[12:05:03 PM]

materials sent to you. This, plus an original assumption of the toll highway, led to a 12-lane overdesign, now projected to be a \$700 million project. It can be achieved for less. Txdot with the required E.I.S. With emissions and then the federal highway administration allowed txdot to improve its own I.e. Forevermore, wrong on so many levels. I thank you for listening.

>> Okay. Carol sastetes?

>> Hello, this is Carol -- can you hear me?

>> Yes, go ahead.

>> Hello? Okay. Mr. Mayor, members of the

[12:06:07 PM]

council, our oak hill community of oak hill is about to be swallowed up by a highway. And in 2004 we learned that highway 290 was going to be built very soon, but as a toll road. Now no one likes to pay a toll to drive home. But that wasn't the worst part. The issue that really threatens us is a quirk of the Texas state law that prohibits the tolling a 15 highway without an equal number of free lanes. That means a six-lane toll road. That would require six lanes of free access road to match it. Totaling 12. Never mind what it would do to williamsson creek and the ancient oak groves. We were appalled. We tried to talk with txdot and that didn't work, and we talked to campo. After two years of debate, campo voted to toll -- to build a highway as a toll road.

[12:07:10 PM]

Then reality set in. Txdot didn't have the funds, the market crashed, and txdot was informed by the F.H.A. That its environmental impact study from the 1980s was too old. So txdot launched a new I.S. And we presented our ideas and had a proposal for a parkway, a freeway without continuous access lanes that would take less space and less money. Austin city council voted to support us and on August 28th, 2014, adopted a resolution recommending a non-elevated and non-tolled parkway design. The only result was that txdot officially adopted our name, oak hill parkway, but the signs did not change because the highway was still to be a toll road. Two years later, they removed

[12:08:11 PM]

tolling, but kept everything else. Same height, same width, same massive concrete. And now it seems that concrete will be produced in a concrete batch plant proposed at the A.C.C. Pinnacle campus. The alternatives being even closer to the heart of our neighborhoods. We ask the city to reject that, to reject the positioning of any point within 440 yards of homes and apartment buildings. A concrete plant does not belong in any neighborhood. This project must be scaled back before it literally swallows oak hill. Thank you very much for your time.

>> Navine Caputo.

[12:09:12 PM]

>> I'm here, hello? There is a de facto regime operating in the oak hill neighborhood in Austin. The multinational corporation which includes the fortune 500 company with earnings over \$19 billion, along with Balford with revenue over \$10 billion operate here as Colorado river constructors. This group along with the state officials have decided which neighborhoods the concrete batch plant will be located in. The same group has decided how to built a freeway. Ignoring hours of meetings and input by the people who live in the community. We're not happy. The cement batch plant operation that was to go in one neighborhood has been relocated to a school campus surrounded by many neighborhoods. Cement batch plants do not belong in any neighborhood. They are industrial operations that do not belong in areas

[12:10:14 PM]

where kids ride bikes, joggers run, and people walk their dogs. We need the city of Austin to help us to negotiate this. And in Mansfield, Texas, the Republican of Arlington, along with a state center, a Republican of collieville, supported the neighbors in opposing a new concrete plant in their neighborhood. The city council of Mansfield passed a resolution opposing it and the tarrant county commissioner also opposed the plant. We need you all to help to negotiate this for the oak hill neighborhood. The oak hill community wants a highway crossing without excavation and elevation that also remedies the traffic problems. I learned from a recent article in "The New York Times" about a movement in 33 cities to get rid of overbuilt highways that split neighborhoods apart. The elevated and excavated highways are being dismantled to reconnect the neighborhoods. These projects are being funded

[12:11:15 PM]

with federal dollars. If this is a trend, why can't Austin be forward thinking and have a smaller grade level road, and avoid the txdot plan for elevated and excavated 12-lane highway? The traffic improvements will come, the neighborhoods will stay intact, and there will be more green space. Please help us. Thank you.

>> Ava corbion.

>> Can you hear me?

>> Yes. Please go ahead.

>> Okay, thank you. Thank you, everyone, here in attendance for hearing the concerns of oak hill residents. I'll talk about the health and safety risks when placing a concrete plant in oak hill where

there's simply no non-residential locations to install a plant at a safe distance from homes. And keep the residents safe from airborne and waterborne waste.

[12:12:18 PM]

Those who occupy a particular location, for no more than 180 days or until a single construction project is completed during the not so temporary timeframe of five to seven years. And the oak hill residents, especially elderly and aft mastic and pregnant women and infants and children, will be put at risk. Misinformation passed to the public at the A.C.C. Meeting with C.R.C. Is highly concerning, where the residents were assured that this is a given with any project. When asked to disclose what is in the aggregate comprising said dust, only non-toxic ingredients were listed and resident his to push for disclosure, at which point the C.R.C. Mentioned this. And we were informed that the asphalt parking lot at C.C. Is the perfect location for a plant because toxins cannot be absorbed into the ground because of the impervious surface. You only have to explore behind 71 to see how the process of water directed off asphalt

[12:13:22 PM]

works, as it goes directly into Williamson creek. A defense such as asphalt parking lot containment of toxins can only speak to either sheer dishonesty or ignorance. I'm heartbroken at the scale of the project overall as other speakers have mentioned. The inevitable disregard for the aqua system, and I wish to emphasize the adverse health effects. Due to the concrete plants, oak hill will face what others have lived through. And coating homes and cars and cutting through communities and emitting pollutants while idling outside plants waiting to load. Sadly, the emissions from idling concrete haul trucks are not even included in the calculation. What can be tracked is substantial enough to cite that the residents are unaware. They are required to report about the chemicals at a given

[12:14:22 PM]

facility, precisely because of the amount of Earth and people and unfriendly materials stored and used and to prepare for chemical events that could affect the community. In addition to chemical additive, it includes materials such as white ash, and fumes which are intended to make the concrete economical and reduce permeability and increase strength. Hazardous waste is used as fuel for the flame and create Mercury and toxic acid gases. Air pollutants, carbon monoxide and volatile compounds, particulate matter --

>> The speaker's time is ex expired. Paul robins.

>> Can you hear me?

>> Yes, please go ahead.

>> Council, I'm Paul Robins, an

[12:15:24 PM]

environmental activist and consumer advocate and a resident of Oak Hill. I live about half a mile from the Pinnacle campus that is proposed for equipment storage, material storage, and a batch concrete plant for the expansion of Highway 290. My neighbors and I oppose placing a concrete plant near any residential neighborhood and we call for a freeway that is human scale, and not an expensive throwback to the 1950s transportation planning model. How can you budget billions of dollars for light rail and then tolerate a dinosaur like this? I have three points. First, I have provided Council with a map that has been distributed by the contractors who are royally paid to build the Oak Hill freeway. It shows the logistics of the staging area from -- for the proposed concrete plant,

[12:16:25 PM]

equipment storage and material storage at the Austin Community College campus site. This map also shows that the road for access to heavy equipment to -- to the heavy equipment storage yard, is only about 25 feet from the nearby apartment units. The equipment storage yard is only about 70 feet away from the nearest apartment unit. The material storage yard, which will probably contain aggregates and possibly even chemicals, is only 250 feet away. And the 70-foot away distance is for the equipment storage yard. This map shows how insensitive the contractor is. Can you imagine trying to live next to a site like this that can theoretically operate 24 hours a day with loud equipment, backup hazard beeps and diesel

[12:17:27 PM]

pollution and wind-borne aggregates and possibly chemical smells? Sleep deprivation is considered a form of torture. Second, the campus general office, proposals for this site, are not uses associated with geozoning. They are industrial. Third, the disruption to this neighborhood from a highway project that is being monstrously overbuilt by about 300% above what is really needed to fix the traffic problems will be massive. It has pollution, diesel pollution, light pollution, noise pollution, and traffic problems caused by this are going to be galling, creating tremendous resentment. There are several ways that the city can oppose the mispending of several hundred million dollars of wasted transportation funds. We are asking you to engage in them. Thanks for your attention.

[12:18:30 PM]

>> Diane Hume.

>> Yes, can you hear me?

>> Yes, please go ahead.

>> Okay. Thank you for the opportunity to speak of my opposition to a concrete Blach plant placed so in oak hill in order to support the building of the oak hill parkway. The Colorado river constructors had a meeting in April for oak hill residents to hear their reasoning why the A.C.C. Pinnacle campus is the optimum site for the batch concrete plant. They had a good presentation and they even gave out a brochure listing their reasons, however, their reasons are towards advantages for them with no consideration to the people who live near the campus. C.R.C. Stated they can only put the site at three locations. A.C.C. Pinnacle campus, highway

[12:19:33 PM]

290, and scenic brook drive, and at the Y interchange. They said that the A.C.C. Site allows them to keep equipment from nearby neighborhoods when the team has noise and dust exposure. This is untrue. The maps they provided, which I believe you have, show incorrect measurements from their equipment yard, materials yard and plant to houses, apartments, childcare centers and restaurants, for all three locations. The actual distances are much closer measured in feet and not yards. C.R.C. Said that the noise from the plant would be periodic with noise levels at 45-50 decibels for people living 200 yards away which is comparable to the sound of running a dishwasher. Again, this is less than 200 yards and it is measured in feet, which means that it will be louder than 45 decibels.

[12:20:35 PM]

This is enough to cause hearing damage over time to those who live nearby. C.R.C. Will be operating at times 24 hours a day, with constant noise with everyday activities such as sleeping and being outside and working from home. This is not factor in the noise made from as many as 200 trucks today in and out of the site. Multiple studies have proven that long repeated exposure to sound impacts non-auditory health issues such as increased stress, hypertension and anxiety. C.r.c.'s only valid reason to put a plant near our homes is that they are close to the construction site. A fact that willave them a lot of money. Another fact is that these sites will immensely impact our quality of life. It does not have to be put so close to where people live.

[12:21:38 PM]

Please have them consider other locations further away from people. Thank you.

>> Sandra bannister.

>> Can you hear me?

>> Yes, please go ahead.

>> Can you hear me?

>> Yes.

>> Okay. My name is Sandra bannister and I have been a resident of oak hill for over 20 years. Until retirement around five years ago, I was a daily commuter from oak hill to north 35. And so I'm familiar with the traffic problems and the bottlenecks that frustrate commuters on a daily basis. I can attest to the fact that oak hill compares to I-35 during the morning and evening commutes. Txdot is poised to waste nearly three-quarters of a billion dollars on a toll road.

[12:22:39 PM]

By their own admission it makes congestion worse, not better, with a life span of 30 years maximum before having to be redone. The citizens of oak hill agree that there needs to be a solution at the Y in oak hill but are requesting that revisions be made to the oversized txdot design due to begin construction soon. Instead of a mile long, and the high speed upper deck and two miles of 30-foot jackhammered underground excavation roadway are solutions to expand 290 into a freeway on the ground, and not above or below grade. Alternative designs have been developed by professionals, including a highly regarded engineer that takes into the needs of oak hill residents. Our plan will save time and money -- money to solve some of Austin's many transportation challenges, like I-35, or Austin strategic mobility plan.

[12:23:39 PM]

If txdot proceeds with the freeway design for oak hill, 288 protected trees representing 65,000 years of growth, will be destroyed. Roadway with a size of the aster dome will be excavated and the water quality of Williamson creek and Barton springs will be threatened and lives lost by the effects of air pollution. Don't let txdot destroy our community and environment by going through with their overdeveloped freeway design. Advocate that they compromise with oak hill neighbors and save lives and money. Thank you very much.

>> Moyd mabar.

>> Hi, can you hear me?

>> Yes, please go ahead.

>> Thank you so much. So I would like to start by

[12:24:41 PM]

thanking the council for its time and attention to its constituents. I don't think that it would be too much of an overstep to state that the previous seven speakers and myself and the next two are sincerely grateful for the interest and care that you are showing in lending us your unbiased ears. I have been a resident of oak hill and I have been happy here many years. I was trained as a physicist and I'm now working in the software industry. My cellphone business helps to generate revenues and pays the salary and health care of local workers and engenders commerce here in Austin. I have encouraged other software companies to set up shop here and some of them have done so. I'm also a proud patron of the fine arts in the city and a long-time season holder to the orchestra and the ballet and theater. I have a deep love for the artistic vibrance of the city. So the first two points that I think that have been eloquently pointed out, I don't know how

[12:25:41 PM]

much I should draw on them here, but at the risk of too much repetition I will just state that there's really -- there's really no reason to have a concrete batch plant anywhere within -- anywhere within the city limits. Anecdotally, I called to my father who had five decades of work experience as a civil engineer, and just sort of off-handedly asked him, hey, dad, how close would you put a concrete batch plant to the city limits? And without even thinking he said, oh, man, probably five to 10 miles away. So that's -- the reason that sounds like common sense is that it is. And now on the second point, which is that the environmental impact statement being approved by the Texas department of transportation themselves, the applicants, as per the faa in 2016, it should go without saying that is an illegitimate

[12:26:42 PM]

approval and it should be revisited. Outside of those two points, going over and over again, I think that I'd like to highlight the other point that was made earlier, which is that we should be forward thinking. Now, whether or not the infrastructure built, that is being considered, you know, whether or not Austin gets a chunk of that, I think that we should be forward thinking and do not have a dinosaur wasteful spending. We should be engaged and be forward thinking and sustainable about how we want to build our city. Really outside of that, I don't have much more to add. So thank you again so much for your time.

>> Bob levinski.

>> Good afternoon, mayor and council, this is Bobby levinsski speaking as an attorney and a

[12:27:44 PM]

member of the oak hill community neighborhood. And the environmental officers said that a permit requirement in our operating requirement for Barton springs requires Austin to participate in regional actions that may affect the quality and quantity of water in the aquifer. And on March 11th of this year, Harris county sued txdot over plans to widen I-45 near downtown Houston. It's based on preceding with the highway expansion design that ignores the harms that will happen to the community, and the environment, as well as the fundamental flaws in the study process. It sounds pretty familiar. Let me redo this quote from the lawsuit, Harris county filed this lawsuit because the project must be more carefully considered and designed to meet the needs of the future and to reflect the altered work

[12:28:44 PM]

patterns and new transit initiatives, learn from the region's past experience that wider freeways cause more traffic, not less. And without unnecessarily displacing hundreds of families and businesses. While the facts of these projects are somewhat different, the basic premises are the same. Txdot made a mockery of the environmental review process, reviewing and rubber stamping its own work. Txdot's continued March towards oversized freeways harms the community, worsening traffic and ignoring climate change. And txdot has refused to reconsider its artificially high traffic projection, with the adoption of a regional mass transit plan. The association have filed lawsuits against txdot over the oak hill freeway project. Why isn't the city of Austin supporting these lawsuits? The switcharoo done with the process is abhorrent. They designed a toll road expansion with the requirement that there be service lanes to

[12:29:47 PM]

replace the existing lanes. And that is on a reasonable scale. And then they got rid of the toll road financing and refused to reevaluate those alternatives. And it resulted in a project oversized and over scale. We need the city of Austin to stand up like Harris county, please fight for our future, and I'll end by saying that the Harris county's actions should serve as a model for dealing with the I-35 expansion as well. We need to start creating a record of opposition, and preparing to sue txdot over their continued ignorance of climate change. Thank you.

>> Steve buyers.

>> Hello, this is Steve bears. I hope that you can hear me. I am -- I am testifying today as

[12:30:49 PM]

a board member of the Barton creek association. I want to point out or repeat one obvious point, which is this industrial land use is not appropriate for residential area. To further amplify that point by noting that there was an existing concrete plant that is outside of oak hill but close by that is operating today and appears to have enough capacity to -- to supply this project. The corporations and the rest under the C.R.C. Banner don't want to share the money. As a contractor on an almost \$700 million project, they don't want to separate this part out and get a sub-contractor. They don't want to have to split the money. So I think that this is a matter of convenience and greed on the part of this contractor working

[12:31:52 PM]

with this bloated project, that it's putting this community unnecessarily in the gun sights of this concrete plant. But the concrete plant is the least of it in a way. The excavation west of the Y is 2.5 miles, 30 feet deep, 200 feet wide. As people have said that's enough rock and dust to fill the astrodome. The other -- the other business about it as well is bigger/better. What we've proposed, that is all of the plaintiffs in the lawsuit that involves seven plaintiffs, including the Barton creek association, but also two groups that are local to oak hill as well as several individuals, affected by this project. What we've consistently asked for is what the law says, which is that you have to study all reasonable alternatives to

[12:32:52 PM]

proposed actions. So since 2004, we have touted the idea of a parkway. They took the name, but they did not take the design. A parkway is a freeway that is fully access controlled, no at grade crossings and no traffic signals and it's ramped only. The same six freeway lanes that txdot proposes, so identical capacity on the main lanes but on the ground rather than 30 feet in the air for one mile, and 30 feet below grade for another two miles. So, therefore, you know, bigger is not better. Bigger is just more costly. Bigger is a boondoggle. This is a billion dollar boondoggle when it's all through. It's not going to be a parkway because there's no park in this parkway. It's a parkway -- it's full of pork. Pork barrel boondoggle project.

[12:33:53 PM]

That's what it is. We have another --

>> Speaker's time has expired. Mayor, that concludes the speakers for citizen submissions.

>> Mayor Adler: Great, thank you. Councilmember Ellis.

>> Ellis: Thank you for recognizing me, mayor. I know that we don't always say anything after citizens' communication time, but I just wanted to share the sentiments of my constituents. You can obviously see this concrete batch plant is worrisome, to me and to the neighbors and to other people who will be affected by this project. So I thank you for coming and sharing your opinions. I thank you for those of you who I have been able to meet with over this time, and we will continue to try to find workable solutions to protect the health and safety of the residents of oak hill.

>> Mayor Adler: All right, thank you. Councilmember pool.

>> Pool: Thanks, mayor. I wanted to weigh in a little

[12:34:55 PM]

bit on the citizens' communication here today to thank folks for coming out and giving us a pretty blunt assessment of what they are experiencing and their deep concerns. I find all aspects of the oak hill txdot freeway expansion to be distressing too. Especially the concrete batch plant. It is a deep concern to me that Austin community college did not, in fact, recognize the serious impacts to the surrounding neighborhoods, and did nothing in the first place to stop that from -- to stop the concrete batch plant from being offered the opportunity to use the pinnacle campus site. The A.C.C. Trustees could have prevented this all in the first place, and we wouldn't be having to have these really difficult conversations. If, indeed, the batch plant is moved from the pinnacle campus, I'd like to know where will it

[12:35:56 PM]

be located? So leaving that question out there for our staff or maybe the advocates can get an answer to that question, but I want to know where that concrete batch plant will be located. I want to know why the city of Austin is, in fact, not filing an amicus brief in request as Mr. Lefinski has suggested, he's asking why there's not a brief in support of the neighbors and the residents. And I'm asking that question too. The situation is beyond distressing. And I -- I continue to believe that we didn't have to be in this place today if we had been stronger and more resolute in our voices and our positions, even two years ago. So thank you for giving me the chance to weigh in here, and thank you to the advocates who spoke here today and brought

[12:36:57 PM]

your deep concerns that I know that have been festering for a really long time. And I join you in your concerns. I share them, and I find this all extremely distressing.

>> Mayor Adler: Thank you. Colleagues, before we break for lunch, let's look at these consent items and see how many we can just deal with. I'm looking now at items 47 through 60. And also item 83. Are there items that people would want to pull and discuss within that group? Councilmember kitchen?

>> Kitchen: I just wanted to make a quick comment to say that the sentiments that councilmember pool raised and particularly the request for information about the ambicus brief. I think we have that information, whether that's in a memo or perhaps in an executive session.

>> Mayor Adler: Okay.

[12:37:58 PM]

Staff, is 48 to be postponed?

>> Yes, mayor, we just heard from hawco they would like to postpone that item.

>> Mayor Adler: Okay, other than 48, is group 47 to 60 and also 83, things that we need to pull? Yes, miss Thomas.

>> With item 83, so you would want to pull that in with item 83?

>> Mayor Adler: When we consider 83, yes. Are there any items 47 through 60 and 83 -- other than 48 -- that we want to pull? Yes, manager?

>> Mayor, I think that on item 55, we want to make sure that we're able to have staff weigh in on that motion --

[12:38:59 PM]

>> Mayor Adler: Let's pull 55 as well.

>> We pulled that down. There's no motion.

>> Mayor Adler: Oh.

>> On 55.

>> Thank you, councilmember, for that clarification.

>> So you can leave it on.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I would like direction to go with item 55, as councilmember pool mentioned earlier. So whether it's an amendment or a statement.

>> Mayor Adler: Let's pull 55 so we can get to lunch. A motion to approve items 47 through 60, not including 48, and not including 55, and also 15 and 83? Is there a motion, it's a consent -- mayor pro tem makes that motion. A second? Councilmember Ellis seconds that. Any discussion? Let's take a vote. Those in favor of approving items 47 through 60, plus 83 and 15, but not including 48 and 55,

[12:39:03 PM]

those in favor please raise your hand. Those opposed? I'm seeing everyone voting yes with the exception of councilmember Kelly is off the dais. It is 12:41. Let's come back here at 20 until 1:00 and see if there's -- 20 'til 2:00 and see if there's something to handle before consent speakers and the zoning at 2:00.

>> Mayor? I wanted to note for the record that we're requesting to postpone item 48 to the July 29th agenda.

>> Mayor Adler: Okay. Postpone to the 29th, 48 being postponed -- we pulled that. So we'll do that when we dispense with that.

>> Thank you.

>> Mayor Adler: Let's come back at 20 minutes until 2:00 and hopefully we'll get the zoning speakers at 2:00. We are in recess. See you guys then.

[12:40:05 PM]

(In RECESS)

[1:44:04 PM]

Bye-bye.

>> Mayor Adler: I'm going to go ahead and reconvene the Austin city council regular meeting here on June 3rd, 2021. Being held remotely. We're just back now from our lunch break. Colleagues, remaining items, 48, which I think is going to be postponed to July 29th. Someone may have wanted to say something. 55, which I understand should go quick, but some people wanted to say something. 76, councilmember tovo is

[1:45:04 PM]

going to be the name change of the committee, that should go relatively quick. I think that will get us to the zoning cases, consent. The only things that we're discussing I think are two postponement discussions and potentially the cases if not postponed. We have item 71, the homestead exception. We have the executive session and we have the discussion with the homelessness stuff. Generally we will also be considering 13, 28 and 73. So let's begin with item number 48. Is there a motion to postpone this item to July 29th? Councilmember alter makes the motion. Seconded by -- councilmember pool seconds. Thank you. Any discussion on 48? 48 before

[1:46:04 PM]

we take a let's take a vote. Those in favor of postponing item 48 please raise your hand. I think that is the seven of us here. So the that vote is postponed 7-0.

>> Harper-madison: I think there are eight of us, mayor, with you.

>> Mayor Adler: Okay. Not with us right now in that vote was Ann kitchen, who is back, and -- what was vote on, mayor?

>> This is the vote is to postpone item 48 to July 29.

>> Kitchen: Please show me as voting yes.

>> Mayor Adler: I think everybody is voting yes. The people that are not with us in that vote are councilmember Kelly who is not with us here today,

[1:47:06 PM]

councilmember Fuentes, and that's it. So 9-0-2, that passes. Item number 55 is there a motion to approve item number 55? Councilmember pool makes the motion. Councilmember tovo seconds. Any discussion on item number 55? Councilmember pool.

>> Pool: Thanks. I just wanted to thank the citizens and our -- [echo on the line]. And our planning commission members who were hire today. I really appreciate especially the expertise of the folks that we've asked to advise us as volunteers on our many boards and commissions. So this isn't direction, it's an appreciation for their work and an indication to expect an ifc from me at an appropriate time. We will be taking some further action and I know that councilmember kitchen with the work that she did in the early days of the 10-1 council on smart

[1:48:06 PM]

mobility. And councilmember alter with the good work she has done on electric vehicles that has amplified work that councilmember kitchen has done as well and councilmember tovo and I have been working closely with the boards and commissions members on these issues relating to the comments that cyber street brought us today. I really appreciate all their efforts. And y'all stay tuned for some ifc's later on this year as time willing. Thanks.

>> Mayor Adler: Sorry, councilmember kitchen.

>> Kitchen: Yes, thank you, councilmember pool. I just echo that. I'm placed to see you bring forward ifc's on things that our speakers spoke to, some additional actions that need to be taken to follow up on

[1:49:07 PM]

conservation issues. I've been pleased to work on moving forward our city around electric vehicles, appreciate the work that are councilmember alter has done. And the work that everybody else has been doing on conservation, electric vehicles and making sure buildings are electric ready. So I look forward to seeing the ifc.

>> Mayor Adler: Let's take a vote then. Those in favor of item 55 please raise your hand. Those opposed? And with a 10-0 vote, councilmember Kelly off the dais, that passes. Councilmember tovo, do you want to lay out item number 76? Changing the committee name.

>> Tovo: Sure. So this is --

>> Mayor Adler: Could you move your microphone a little bit closer.

>> Tovo: This is an item that has been discussed for the last couple of years to match the name of the committee, the council committee that most directly relates to the department

[1:50:08 PM]

with the actual department name, the department changed of course from health and human services to public health, so this would just carry that change through the committee name. So I'll move approval.

>> Mayor Adler: Okay. Is it there a second to that motion? Councilmember Fuentes seconds that motion coming from the committee. Any discussion before we vote? Those in favor of thee name change please

raise your hand. Those opposed? The name change passes 10-0. All right. We industrial a few more minutes. Let bring up the homestead item. Councilmember Casar, you pulled this one.

>> Casar: Thank you, mayor. As y'all know, I have traditionally in past years not -- I have voted for the senior homestead increase, but have not voted for the

[1:51:08 PM]

percentage base homestead increase, but this is really different with the change in state rules for me. I think the biggest downside of the percentage-based increase was that it provided too little relief to people who needed to Moore while taking up city resources that we needed to use to help those same folks. But with the change in the rules, I think there's a really big shift in the calculus, at least for me. So while of course it would be much easier and much better if we could have a flat exemption, we don't have that. So if this is the only tool available to us. It seems the only downside if there's a small impact to tenants in that it doesn't do enough for tenants. But for me that isn't enough reason to not support this because I think that the -- unfortunately too small a benefit to some working

[1:52:08 PM]

class homeowners is still a real benefit. So all that being said, I think that the right path for my vote would be to move this forward, but to also move forward a substantial increase in our tenants assistance. Our rent assistance program could run out of money as soon as this month and we don't want folks to be put out of their homes. So I would be most comfortable with moving forward with this item on first or first and second reading and coming back next week and moving forward, refilling a lot of our tenant assistance that we need so badly. The Home Depot exemption is about -- the homestead exemption is about a 25-million-dollar shift in taxes off of homeowners so I would want to see if we could get 20 to \$25 million

[1:53:09 PM]

in additional tenant assistance. I expected that we would be voting on those issues next week weekend be voting on this issue next week, and so I would really appreciate the opportunity to be able to discuss all of that next week so I would be ready to vote yes on this on first or first and second. And then also to bring forward that 20 to 25 million in tenant assistance so that we can help both homeowners and tenants with those votes. So that's where I stand and would appreciate conversation on the topic.

>> Mayor Adler: Councilmember pool and then councilmember Ellis.

>> Pool: Thanks, mayor. So I don't know that we have to delay approval of this today in order to accomplish the tenant assistance work because that is already part of the conversation that we're having with arpa.

[1:54:09 PM]

And it feels a little bit quid pro quo-y to me that I don't think is necessary in this case. I have certainly voted in support of tenant rental assistance. In fact, all of those efforts that you have brought to us, councilmember Casar, and wouldn't expect to change that. And I think that this dais would be supportive of that. What I would ask is that we not tie this one up and slow this one down to make it sound like the only way we would be doing that is because then we would release this action. I don't think that's true and I would not want to give our community the idea that the only reason we would be approving this is -- that the only reason we would be approving additional tenant rental assistance is so that we could somehow free the homestead exemption from this additional tie-up.

[1:55:10 PM]

So I appreciate what you're saying, but I actually don't think it's necessary for us to go that extra step.

>> I want to make sure we have a percentage that we're talking about. Is it the maximum 20%?

>> Mayor Adler: It will be. It's not a motion that's been made quite yet, but that will be the motion. Councilmember Ellis, did you raise your hand?

>> Ellis: I could still setback supportive of doing all 3D eggs today. I do know that we need to do as much as possible for renters. I think we do need to increase rental assistance. As someone who is an apartment dweller myself I'm keenly aware of how the market can affect these. I know we're not talking about what to vote on how many readings today, but I would be supportive of the full 20% whether we do two

[1:56:11 PM]

readings, three readings today. But this is a really necessary tool to keep a lot of homeowners in their place. There's so many people reaching out to me saying that they don't know their next step if they can't stay in their homes and that is to me going to affect the rental market when people get priced out of their homes. I think we should be doing all of it. I look forward to what you bring or what staff brings some something like that is on the table soon, that would be really exciting. But I would love to look forward to supporting this.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: Thank you. I think for me I would be supportive of us approving this item on first and second reading. I think if we'll be talking about and considering doubling our homestead exemption that it's important that we consider the impact on renters in this community. And especially knowing that our eviction moratorium has

[1:57:11 PM]

been lifted and our funds need replenishing, I think it's an appropriate time for a conversation around ensuring that we have ample tenant assistance. Also when we take a look at the tenant assistance that's come in its come from the local, state and federal levels, and this increased doubling of our homestead exemption is a permanent mechanism. So I think it's important that we equally show to renters in Austin that we're identifying pathways for us to not only ensure that we have funding available, but I would also be supportive of identifying pathways for us to ensure that we have a permanent sustainable fund for renters here in Austin. And so I think my support for this item, item 71, I would like for us to consider this on first and second reading and would be supportive for us delaying

[1:58:11 PM]

that third reading to the next council meeting.

>> Mayor Adler: Colleagues, I put this on the agenda and hope that it gets passed. I'm real appreciative of the six co-sponsors that have signed up indicating the support. You I also intend to vote for additional money for tenants as I think we tried to deliver a soft landing rather than an eviction tsunami as we work through it. But recognizing that, I would probably be comfortable with a motion that approved this on first and second reading today with the understanding that we would then bring it up next week. It also means next week we would have a full dice dais, and I think that one of the co-sponsors isn't with us today and might want to be able to vote for it as well. But because of the strength

[1:59:11 PM]

that this has and of the people that have indicated on the dais, I'd be okay with first and second reading, approving it next week. We can consider then separately, I agree with councilmember pool for me the things are not tied, but both the import. And that would certainly enable the public to see us doing both should that be the decision that the council makes. Further discussion. Mayor pro tem.

>> Harper-Madison: Thank you, Mayor. I appreciate it. One of the things that just occurred to me as my colleagues were discussing the item, especially as it pertains to renters, is that -- just the difference

between how the two would be applied. So all homeowners would be eligible for the increased consideration, but not all renters are eligible for rental assistance. And so that's not entirely

[2:00:15 PM]

apples to apples, but that said, I originally didn't intend to support this item today, but I would be comfortable with supporting first and second reading today. I think a lot about equity obviously. With this item what's the impact on our tax revenue? What existing services are we going to eliminate because of this tax cut? In there's absolutely no denying that we have an affordability crisis in this city. We've been all been -- the frog's in the boiling pot for years and years now and it shouldn't be any surprise that we're a city of nearly a million people, which is more than double what we were 30 years ago, but at the same time we've made it as difficult and expensive as possible to add new affordable housing in the parts of town where people want to live the most. So guess what, high demand and limited supply means values go up. And that's

[2:01:16 PM]

disproportionately hurting working class people, people of color, seniors, young families, immigrants and so many others. I appreciate the desire to provide relief in the form of tax cuts, but I just don't know that this is fair, equitable or even substantial enough to be worth it. If we go up to 20% the median homeowner will save \$141 a year. That's less than \$12 a month. That might be sufficient for a couple of breakfast tacos, but it's really not sufficient in my mind's eye. So the water boiling feels like -- it feels like we're making an offer to -- for some relief, but I frankly don't see it. I think to say that this strikes me as the opposite of equitable strikes me as an understatement. So I struggle with the idea of an inequitable tax rate that will cost us revenue that we could use to build

[2:02:18 PM]

more affordable housing or address homelessness or support parks or police or potholes. I don't know that \$12 a month is worth it. So with our revenue caps and questions around hb1900, the state putting us in really tricky financial situations, I think as a municipality there isn't a whole lot we can do about some of that. And I would like to think that our only option isn't a tax break worth about four breakfast tacos on month. I think we need to grapple with the fact that a sprawling car-oriented city with a restricted housing supply is going to come with costs. And we can't avoid that. I also think we need to grapple with the fact that our own inaction to do anything about that in the past 10 years is only making things worse. So again I'll support first and second reading today.

>> Mayor Adler: Mayor pro tem, I appreciate the support on first and second reading. The concern you raise about

[2:03:19 PM]

losing income that we can spend on other things is something that, Ed, can you speak to that? Does the change in the way that it's being calculated this year as opposed to past years changed that paradigm?

>> Yes, mayor, Ed van eenoo, chief financial officer. And it does, up until last year increases in exemption did result in less revenue for municipalities, but in fiscal year 2020, the state comptroller revised their tax calculation forms and so that no longer certify the case. These exemption increases would not result in less revenue for the city of Austin. So that was a positive change.

>> Mayor Adler: Thank you. Councilmember Renteria.

>> Renteria: Yeah, I'm supporting first and second. And for next week I'll be voting for the third reading. You know, people don't realize that the low income people do live here in the

[2:04:22 PM]

east austin-cesar chavez-govalle area. Our house value right now, mine personally, the market rate is \$668,000. That's \$668,000 for a house that I bought 42 years ago for 21,000. And that's how it's begun been going on here in east Austin. And if we don't give a tax break people going to say why bother staying here. I can give 700, \$800,000 for my property here, and I'm leaving, and I'll just go down to Lockhart or Smithville or Buda or other small cities to the east and south of us where the value is not as expensive. So that's where they're

[2:05:22 PM]

going. Del Valle is seeing an explosion there. And those are the people who lived here in east Austin and they can't afford to live here anymore. The value of their property and their taxes have just gone up sky high. And they've taken their money and they're leaving and they're going out to the Del Valle area. And unfortunately because that's quite a bit of it is incorporated and we cannot provide transportation to that area. It's not part of our transit boundaries. So we need to give our people here some relief. It's not our fault that -- the way Texas calculates its taxes, and they just strictly put a value on your property and your house. We have no income tax and never have had one. We [indiscernible] Years ago when it was a constitutional amendment.

[2:06:23 PM]

So you need a statewide vote just to change the taxes. So we do need relief. I'm sorry to three one or two or three or four tacos out there, for for us who have that face value so high that's a lot more and we are really -- thank you.

>> Mayor Adler: Guys, so there's a motion out in front of us, I will move first and second reading passage of this item at the 20,000, which I think is, southbound ra, how it is -- southbound ra, how it is posted. Is there a second to that? Councilmember alter seconds that. Councilmember kitchen, I will recognize you.

>> Kitchen: I just wanted to say that I support going to the full 20% homestead exemption. I am pleased we were at a point with the change in how that is calculated and how

[2:07:23 PM]

it impacts us, our budget that we are able to do that. I believe that we have to use every tool that's available to us. And although homestead exemption is not the perfect tool, I think it's important. I think it matters to people. And I really don't think we should be thinking in terms of just this one thing versus other things. It can make a difference to people couple actively. So I don't think it's a matter of a few tacos here or there. I think it is important to people. I also think it is equitable. And I also think if we need to use every single tool that we have in the toolbox because different tools help different people and we need to be using them all. This is not an either/or situation. I also really have to take issue and we can talk about it -- we will continue to talk about it, but this council has not done nothing with regard to affordable

[2:08:23 PM]

housing. We have been systematically working to improve affordable housing. Can we do more? Yes. We can do more and we'll continue to do more, but it is not something that we have been ignoring by any means.

>> Mayor Adler: Okay. Further discussion on the motion in front of us to approve on second and third reading? Councilmember tovo.

>> Tovo: Yeah, thank you, mayor.

>> Mayor Adler: Can you move your microphone.

>> Tovo: I always forget to do that. Thanks. I intend to support this today and next week as well. I have not supported the last couple of times that we've taken a vote as a council to increase the home Depot exemption. I -- the homestead exemption for some of the same reason, for all of the same reasons that

have been expressed. I actually created the first homestead exemption when we did a very fractional -- we were able to do a fractional percentage that equated to a flat rate, a base flat rate

[2:09:23 PM]

of \$5,000, which was not a lot, but it was the first homestead exemption we had and the only way in which we could achieve a flat rate. As we talked about on Tuesday, I hope somebody we have the legislative ability to use a flat rate. I think that would resolve a lot of the issues we talked about, including giving such large tax breaks to some of the highest cost housing in the city. So having said that, I do think the new calculation resolves at least one of the issues about not reducing the amount of income we can bring in. I did ask a question that I just want to call my colleagues' attention to in the q&a on 71, and councilmember alter asked some good questions as well in the q&a. The one I asked asked our staff to take a look at how this would shift the tax burden among the different classes of properties. And it does -- I think it is pretty clear to see where

[2:10:25 PM]

that shift would occur and it does shift to commercial and it does shift to multi-family and it does shift to residential non-homestead which is more likely occupied by renters as the staff have said. I do think it's important to acknowledge that some of this -- yes, rents are set by market conditions, but in some cases that is also passed along. The property owners of those commercial properties, those multi-family properties, those nonresidential, non-homestead residential properties will pass that increased cost burden on to their tenants. So it will result in a rental accuracy for many in this city. So I am very supportive of continuing to work toward -- to continuing to look at the ways that we can provide rental relief as several of my colleagues have said, we have already been having that conversation -- sorry, I don't know why this keeps freezing in the worst -- most terrible facial

[2:11:26 PM]

expressions. We're already working with that in the American rescue plan and I hope we have other funding options that the staff have made us aware of that might also come to bear. I think it's important to do it not just this year, but as the homestead exemption is a permanent exemption, we should also look at whether there are ways in years to come to provide that relief to renters knowing that we're doing so for our property owners.

>> Thank you. Councilmember alter? You're muted.

>> Alter: Thank you, mayor, for bringing forward this item. I'm proud to co-sponsor. I seconded the motion for first and second reading, but I think we could move forward on all three readings, there's clearly a

[2:12:29 PM]

majority on owe there are seven of us who are signed on as co-sponsors. We have a lot on our plate next week anyway. And we also passed earlier today the next steps for exploring a universal basic income, which I think is related to this. And you know, I very purposely co-sponsored both the homestead and that item and I believe that we should be moving forward today. I would prefer to move forward on all three readings. I think it sends a stronger signal to the folks who are homeowners who have not experienced relief who are anticipating hearing from us today that we were voting for this. Obviously if that's not the will of the dais we'll wait for next week, but I believe that the votes are there and have been clearly stated. The circumstances have changed with respect to some

[2:13:31 PM]

of the issues in a positive direction. That being said I think that in the future we should really work with our delegation to see whether there are some opportunities now that we will have reached the 20% threshold to say that the legislature we'd like to offer more relief under these rules. Can you allow us to do X amount of money or this percentage, whichever is greater or something like that. And see if we're able to do that, to provide some more targeted relief to folks who are on the lower end of the income scale. So I personally would prefer to do all three readings.

>> Let's go ahead and vote so we can get to the speakers. Mayor pro tem.

>> Harper-madison: Thank you, mayor. I appreciate it. I thought the motion was first and second, but twice now you've said second and third. I want to make sure we're clear about --

>> Mayor Adler: First and second.

[2:14:31 PM]

>> Harper-madison: First and second, thank you.

>> Mayor Adler: Let's take a vote. Those in favor of this item -- councilmember pool?

>> Pool: I'm going to vote for first and second, but I want to make it really clear to the record that I think we should be voting on all three readings for this item. And so we have to vote for this because my vote -- if any vote is no it seems like I'm against it. That isn't true. I'm against how we're doing it. I don't think

we need to hang this over into one more week in order to assure that we provide additional support who have gotten the significant support from us already, not only this council, but long past councils have also -- this is a city that's very welcoming and caring and we are always embracing folks who are in need. We will never be able to fill all those needs, but it's a constant, constant effort. And I don't want anyone to walk away from our meeting

[2:15:33 PM]

here today with any sort of feeling like we are not fully committed to everybody who lives in this city no matter what their economic status or any other status. It has to be an item of faith for all of us because those are our constituents that we are with doing the work for them.

>> Mayor Adler: Thank you. I think it's pretty clear. We have spoken support both this week and next week. Maybe we can move to unanimous. Let's take a vote. Those in favor please raise your hand. Those opposed? I'm showing this vote being unanimous on the dais 10-0. Passed on first and second reading. Colleagues, we have to pass it next week in order to meet the statutory deadline to make this happen. So next week we'll finish that up. Let's go ahead and move to

[2:16:35 PM]

the zoning portion of the day. I think that there are two -- if I got the instruction right there are two discussion postponement issues that we should probably address first. Do we have a speaker for and a speaker against the two postponement items?

>> Mayor, this is Jerry rusthoven with the housing and planning department. We do. We have Angela Benavides Garza is going to speak on behalf of the neighborhood for both postponement requests. And Alice Glasco is the agenda on on number 69 and Michael whellan on item 70.

>> Mayor Adler: Colleagues, it would be my intent to call up these discussion items on the postponement issue and then after we know whether or not they're postponed, then we'll go to the people that have signed up to speak. That enables people not to speak if their item gets

[2:17:37 PM]

postponed or the like. So Jerry, let's call up each of those two cases separately. First one and then the other. And let the two people speak for and against the postponement and then we'll go to a council discussion.

>> Okay, mayor. Item number 69 is case c-14-2020-0089, 12th and braille residences. As I said, we have Angela Benavides Garza here to speak on before of the east million mlk contact team who is is requesting a postponement to July 29th. The agent, Alice Glasco, it is my understanding she is okay with the postponement to June 10th, but not before that.

>> Mayor Adler: So the neighborhood wants it postponed to July 29th or to June 10th. Was it the neighborhood who asked for the postponement?

>> The east mlk contact team.

>> Mayor Adler: Let's give them a chance to speak first. Clerk, can you help us with

[2:18:38 PM]

that?

>> [Indiscernible] Benavides.

>> This is Angela Benavides Garza and I want to make a couple of things clear as I was listening to y'all. Last night we called an emergency meeting with three new co-chairs in the east mlk contact team, Nadia, Diane, myself. We had meeting last night because we had two neighborhood associations bring this up to our attention why they were needing a postponement. And respectfully and responsibly we looked for something more middle ground because we kind of figured -- we were looking for something like the end of June, but I think y'all are going to be off. And then that's why it went further out to July 29th. June 10th, though, is too soon for these folks. And if you review the information that came from Nadia who was writing -- she wrote this as we were sitting together last night, and just reflected on everything we discussed. The reason for the postponement on behalf of the community and what we

[2:19:38 PM]

have viewed as three co-chair ladies in the area is that the community has not had enough time to review this information. They're still asking questions. Some of the community, let me make sure I'm clear on that, they are--

[inaudible].

>> Mayor Adler: Did we lose the speaker?

[Echo on the line].

>> We lost the speaker. We'll call her -- we'll call her in.

>> Mayor Adler: Let's fuse a second and let do you that.

[2:20:07 PM]

>> Angela, go ahead, please.

>> Hello?

>> Go ahead.

>> Can you hear me now?

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

>> Okay. So I want to -- I don't know where --

>> Mayor Adler: You were saying --

>> I want to make it clear --

>> Mayor Adler: You had just said [indiscernible] When we lost you.

>> Okay. So I want to make it clear this was the result of the neighborhoods coming to us on this issue. So this neighborhood association in the area, east mlk neighborhood association, asked us to go ahead and request for a postponement until July 29th because they are in the middle of getting an

[2:21:09 PM]

independent -- there's a lot of bullet points in that email, in the middle of getting an independent environmental study among other things to make sure to get clarification about this development that's rising. So -- I'm just bouncing off what we discussed last night and in that we adopt adopt this. And that's item 69 that we're talking about right now?

>> Yes.

>> Right. So they are in the middle --

[buzzer] They have not had enough time to get all these facts together to get that done. And again, responsibly we looked for something that would be more in line like the end of June but we couldn't find a date to fit in there. But June 10th is too soon for them, they've made that clear.

>> Mayor Adler: Okay, thank you. Speaking for June 10th is that Ms. Glasco?

[2:22:24 PM]

>> Hello, can you hear me?

>> Yes, go ahead.

>> Good afternoon, mayor, mayor pro tem, council members. I'm Alice Glasco representing the applicant on item number 69. We do not oppose the request from the neighborhood association to postpone to July 29th, however, I wanted to take this opportunity to make a brief community. We've had two virtual meetings with the mlk neighborhood association. The last virtual meeting was on January 15th, 2021. At that meeting the members who attended that meeting asked my client to consider several community benefits. Some of them required some research that I needed to reach out to the watershed staff regarding flooding and the [indiscernible] Of the cemetery and withdrawing the

[2:23:27 PM]

rezoning for tract one. I said I would need to reach out to the different departments and agencies. I replied back on January 22nd indicating our acceptance of their community benefits requests salamander explanation. However, we have never received a reply back to our acceptance of what they had requested of us. So my brief comments are simply to say that it's really a two-way street if we're to work together there needs to be some reciprocity and we're not getting any reciprocal responses here. We've done a lot of research, we've conducted studies on the site as requested. So we are not opposed to the postponement to July 29th. I just wanted to make those brief comments so council is aware for the record that we've done a lot of stuff for this property to provide research and information that is available to the different city departments that is accessible to them.

[2:24:28 PM]

So we look forward to continuing to work with the neighborhood in a respectful manner, and one that is reciprocated. And I thank you for your time.

>> Mayor Adler: Okay. So what gather from that is you're in agreement with the neighborhood, this part of the neighborhood's request to the postponement to our meeting in July, July 29th.

>> That is correct. That's correct, mayor, thank you.

>> Mayor Adler: So then we'll move this back to the consent agenda with the postponement to July 29th. Jerry, do you want to call the next case.

>> Sure, mayor. The next item is item 70, c814-2020-0104, the Springdale green pud. Again we have a postponement request from the east mlk contact team to July 29th. Angela will speak again to the postponement request and the applicant is Michael whellan.

[2:25:31 PM]

>> Angela Benavides.

>> Mayor Adler: Go ahead.

>> ... From what we've done on the ground. A portion of the neighborhood association who support this project, we have a huge portion of about five neighborhood associations and two contact teams that have come together as a result of this and quite a few people incorporate for this project at this moment. However, we were still willing to have a conversation with the applicant to continue to come up with some type of consensus. On the portion of basically the support of the project -- are you there?

>> Yes, go ahead.

>> Okay. So on a portion for the support of the project, I do want to speak to specifically on

[indiscernible] Who lives in the area that's being impacted by the flood of the

[2:26:33 PM]

streets as a result of another development that went up near that street, which the sauce say dough street, which is that street. And my kids' family happen to live on that street. They confirmed the work that Mr. Sam Rodriguez has done in that area. They have confirmed the work he's been doing to work would the neighbors in that area and including getting an independent engineering study as well. On the flip side all five neighborhood associations and two contact teams are in complete support of no matter what the outcome is that at the very minimum that we could all get behind and fully support Mr. Sam Rodriguez and the Saucedo street that's getting flooded already, that's getting impacted now. Again, what we're asking for, and I appreciate Mr. Whellan and he's been very respectful as well. We're asking for a postponement to July 29 bath we've had a transition to the contact team and a lot

[2:27:33 PM]

of people don't know what the vision of the property is going to be. Of course there are environmental concerns as well as questions that still have not been answered and have not given our community the confidence they need to really see in their head that this is safe ground to move forward on. There are tons of questions still. And it isn't because Mr. Whellan hasn't tried to, it's just that people haven't had enough time to get those questions clarified. So respectfully what we did is we looked again at the end of June to find out if we had a more viable time. June 10 is just too soon. The next available date that we had for everybody to do this was July 29th unfortunately. I do want to commend the community, five neighborhood associations coming together, two contact teams coming together. All of us in full support of supporting Mr. Sam Rodriguez and Saucedo street getting cleared up. All us coming together to find consensus and all of us coming together to work together to get to that

[2:28:35 PM]

consensus. So the conversations are still continuing, they just need more time so that they can get all the facts in front of everyone and communicate to the community what's going on.

>> Mayor Adler: Thank you.

>> You're welcome.

>> Mayor Adler: Let's call Mr. Whellan.

>> Michael whellan here. Mayor, mayor pro tem, council members, Michael whellan on behalf of the applicant. This case has been before the city for over a year. We filed -- we actually met with the contact teams that were just referenced, two of them, prior to filing or immediately after we filed in may of 2020. And we presented to council the development assessment in August of 2020. We then filed the zoning case, the rezoning case in September of 2020 and since then we have met extensively

[2:29:35 PM]

with the neighbors, the neighborhood groups, the contact teams and city staff as well as appearing before the environmental commission where we received unanimous support. And in front of the planning commission where we also received support this past February. Excuse me, this past March before the planning commission. As you know, we appeared before you on April 22nd and even after that meeting on April 22nd we had subsequent meetings with the contact teams where we were presented with more ideas for which community benefits which we responded to by taking the suggestions and increasing our package which we'll go over during our presentation by \$925,000 in addition since April 22nd. There also has already been one neighborhood postponement granted in this case. Lots of people have signed up and are ready to speak go

[2:30:35 PM]

for and against this proposal. It's ripe and ready. Next week, June 10th, is a packed hearing and I know we have already begun site work at the site under a site development permit, under an f1 permit to begin site work. And we're ready to proceed with an up or down vote from the city council for this extraordinary community benefits package that we plan to present during the hearing I hope later today. So we could ask that you go ahead and proceed with the case, vote down the postponement request and let's have I think the case is ripe to be considered. We've responded to all questions that have been proposed including within hours questions at the last minute that were sent to me on Tuesday, before eight P.M. I had documents and

[2:31:37 PM]

documentation to respond to all the tceq environmental questions and can continue to answer those questions if there are any remaining ones related to how we have to build under tceq requirements, but that's not a zoning issue, that's a tceq and building permit site plan issue.

>> Mayor Adler: Colleagues, that gets it back to us. Any discussion? Pio?

>> Renteria: I have been following this very closely and I think we should proceed. I think as Mr. Whellan said we could vote it up and down. I think there are a lot of community benefits that we will end up losing if we don't, but I'm going to let my colleagues make that

[2:32:38 PM]

decision. Not me, but I'm ready to proceed with it and get it over with up or down.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I'm comfortable with proceeding today.

>> Mayor Adler: Is there a motion to postpone? If not we'll call the consent. Councilmember kitchen.

>> Kitchen: I'm not going to make a motion unless I get more -- hear from more colleagues. I would be okay with postponing. I understand the level of effort that has gone into this on behalf of the developer and I really, really appreciate this. And I'm hearing the concern about this being before us for a year. But I would also just remind thaws this is a pud and puds can be complicated. And I am pleased that the --

[2:33:41 PM]

that such a collaboration is going on among the neighborhood groups to try to reach consensus. And I feel like progress has been made. And so I am okay with giving a bit more time do that, but I'm not hearing any of my other colleagues. So if we need a motion I'll make one, but not unless there's one.

>> Mayor Adler: Colleagues, anyone else want to speak? Councilmember Fuentes.

>> Fuentes: Thank you. I'm also on supportive of a motion to postpone. I think given the sensitivity of this area, this area is one of the fastest gentrifying area codes in the -- zip codes in the nation, giving the neighborhood more time to have these conversations. I believe Ms. Benavides mention the there's been a change in leadership with one of their contact teams and so I think postponement would do well by the

[2:34:45 PM]

community. I want to share that I'm appreciative of the conversations taking place and progress has been made and the increase in the community benefits package. And so I just want to share that I would also be supportive of a postponement.

>> Mayor Adler: Okay. Councilmember Renteria.

>> Renteria: Mayor, I just want to remind my colleagues that we did the same thing over there on [indiscernible] And Cesar Chavez where they wanted to build 330 unit family apartment. And we kept on delaying it and delaying and they kept saying no. And they eventually -- we ended up with a huge office complex there with no people. Our school had to close because there were not enough children in that area. We keep thinking that we're actually helping out, but it's not helping out. You know, they're going to

[2:35:45 PM]

build a 60-foot building there and they're not going to give us zero. We're not going to get nothing. And the flood will continue and those people will always be suffering because of the flooding and the decisions that we're going to make.

>> Mayor Adler: Colleagues? Councilmember pool.

>> Pool: Can you confirm which item it is that we're talking about now? We heard from all three --

>> Mayor Adler: Item number 70.

>> Pool: Okay, we're talking about 70, thanks.

>> Mayor Adler: And I would be fine with proceeding forward with it today. Further discussion. Any motions? All right. Jerry, would you please call the consent agenda and list this as a discussion item.

>> Sure, mayor. The first item is item number 62, case

[2:36:45 PM]

c-14-2020-0145, this is a postponement request by applicant to June 10th. Item number 63 is case c-14-2021-0036, this is also a postponement request by staff to June 10th. Item number 64 is case c-14-2021-0031. I can offer this case for consent approval on first reading. However, I would like to note that the applicant a and neighborhood have agreed to one additional conditional overlay restrictive covenanting

service station as a permitted use and I would also like to make note while the case was recommended by the staff, it was forwarded to the city council without a recommendation from the zoning and platting commission. So that would be consent for first reading only with service station as a prohibited use. Item number 65 is case c-14-2021-08038, this is a postponement by councilmember Kelly to your June 10th, 2021 agenda. Item number 66 is case c-14-2021-0043 this case is ready for consent approval on all three readings. Item number 67, case

[2:37:46 PM]

c-14-2021-0050, ready for consent approval on all three readings. Item number 68, this is a postponement request by the staff to June 10th, 2021. Item 69 is case c-14-2020-0089, we have a postponement request from the neighborhood on this case to July 29th. Then item 70 will be a discussion item.

>> Mayor Adler: And what was item 65?

>> 65 was a postponement request by councilmember Kelly to June 10th.

>> Mayor Adler: Thank you. Colleagues, the consent agenda seems to pull item number 70, the others proceeding forward. Is there a motion to approve the consent agenda, which is item 62 through 69? 70 is pulled. Is there a motion to approve the consent agenda? Councilmember Renteria makes the motion. Councilmember Ellis seconds. Discussion?

[2:38:47 PM]

Those in favor please raise your hand. Those opposed? It looks like --

>> [Inaudible].

>> Mayor Adler: Wait. We can't vote on this yet. We have speakers that have signed up. Thank goodness I'm here at city hall. Now that we have the consent agenda established, let's go ahead and hear from speakers. And speakers should know that on item 69 it's been postponed. Clerk, do you want to call the speakers?

>> Sure. The first speaker for item 67 is duray sitco.

>> Hi. Thank you for entertaining my comments. I'm the president of the south park meadows west owners association, which is a master association that oversees the area of item number 67. We also have two subordinate

[2:39:47 PM]

associations and I am the vice-president of one of those, the court yards at south park mode doughs. I've also worked closely with our other subordinate association and obtained his support in favor of my comments today. This proposed zoning came as a proo surprise to our association. We hadn't received any discussion or innovation from the applicant about the rezoning. The area is bound by restrictive covenants as you can imagine and some of the items that are interested in being rezoned will also be revised in some of our restrictive covenants which is separate from the city actions. The discussions were held for the first time this week with the developer and property owner and we have ongoing email communication about it. I'm quite naive in this process so I apologize. I don't know if there's an opportunity to postpone the

[2:40:49 PM]

vote at this stolen. If there's not an opportunity to postpone the vote, I would say this time our position as associations remain opposed to the rezoning without enough information to be in favor of it. If there's an opportunity to postpone maybe we can have discussions with the applicant and reconsider that position. Even if the council decides to proceed today with the rezoning vote, we are most concerned with some of the removals of some of the conditional overlay restrictions as well, including the maximum height and impervious cover requirements especially. So we would ask that if you are prepared to vote you would not least consider not allowing those and preferably not voting for the zoning change at all given the limited information we've been able to exchange with the applicant. Thank you.

[2:41:49 PM]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Mayor, this was just presented to us, item 67 as on consent. And we are hearing now from neighbors and affected parties that this is new to them. I'm going to be asking do a postponement of it.

>> Mayor Adler: Okay. Thank you.

>> Next speaker is Alexandria around non-

>> Hello?

>> Mayor Adler: Yes, go ahead.

>> I signed up and registered to speak for item 69 and 70.

>> Mayor Adler: 69 has been postponed and 70 is -- you could speak to it. It's coming up today.

>> Okay.

[2:42:49 PM]

Is this -- are we discussing item 70 right now?

>> Yes, go ahead.

>> Okay. So I wanted to speak in support of the neighborhood association. I am against -- I am against having the building height go to 93 feet in this area as discussed already by several of the neighborhood associations, the contact team, the location of this development along the corridor goes through the highest densest tracts of minority communities in Austin. The precedent setting by allowing this building at 93 feet would domino along this corridor and could influence similar cases in other neighborhoods. The environmental concerns are two [indiscernible] On land left by the killer tank farms will not be removed.

[2:43:50 PM]

We ask first that we can have time to investigate the status quo as far as technologies that are available to address these flumes. Also, the downstream effects of water leaving this toxic site, for the flooding issues, and I know a gentleman spoke earlier today teamwork years ago an adjacent 10-acre development, Springdale general, was allowed by the city to create a point discharge for water in the rear of the development. This results storms must drain through the yards of the neighborhood to exit storm water drains for that street. The gross negligence by the city and private planners have caused extreme flooding for the houses on that street. I just say that we -- I

[inaudible] The neighborhood as far as having compatible standards and community benefits and having the

[2:44:51 PM]

building height be 60 feet from this their. Thank you.

>> Shaun auckland.

>> Thank you for this opportunity to speak. My name is Shaun auckland. I've been in Austin since 2003, a govalle resident for 14 years. How the city council continues to support development is not compatible to residential neighborhoods. I've seen time and time again the city moving forward with development in east Austin. Disproportionately in the name of the housing supply issue. The developments in this region do not have housing for middle income at potentially at-risk demographics. Continuously these

developments do not benefit the community such as traffic with limited sidewalks and walkability support. Continues to support the developers versus the

[2:45:52 PM]

community. I believe that the 93 height has no come -- compatible standard. You are going to create here in Austin the moving up where you are going to have small craftsman-style home surrounded by 93-foot developments. And again there is no mention from city council that I've heard that really support this and support change. This is a time when you can create that change. That is by continuing to have the 60-foot -- have only be able to build 60 feet. We need to stick with that for these communities. And I want to speak on Pio's statement. Brooke elementary was slated to close not on use -- the data will show increasing --

[2:46:54 PM]

and I have on the Guthrie condo development, there was approved -- was approved without a traffic study and the complex has turned a two-lane road into single lane which has led to several accidents. Again, you all want to increase development proportionately in east Austin without having the studies that are required in other regions. Springdale green has not proven unique hardship for the site. Without proven hardship, there is no reason to grant the height limitation exemption. If you allow this exemption from our city development code, all surrounding neighborhoods, all of Austin will suffer from such an un principled reason. Thank you.

>> Monica Allen.

[2:47:01 PM]

Monica Allen, please unmute.

>> [Indiscernible].

>> Monica, can you hear us? We will call her back. Harrison Hudson.

>> Thank you. Please let me know when the power point is on the screen and I'll begin my speech. Sorry, can you all hear me?

>> Mayor Adler: We can hear you, yes.

>> Is the slide up -- or the presentation up?

>> Mayor Adler: Not quite yet.

>> We're pulling it up now.

[2:48:02 PM]

>> It's up. You can proceed.

>> Mayor, mayor pro tem, council, my name is Harrison Hudson, an engineer hoping to design the Springdale green pud. I'm working on many aspects of the pud, but today I'm going to speak regarding the ways this project will improve drainage in this area above and beyond what would otherwise be required under existing zoning. Early on neighbors along Saucedo street let us know and we worked to provide -- here on the screen you can see our site. When you go to the next slide --

>> Mayor Adler: Hold on just a moment. I don't see the screens yet. Screens are coming up now. We have a map that shows the outline of the property.

[2:49:03 PM]

Slide 1.

>> You can probably move on straight to slide 2. You can see the adjacent system, a roughly 40-acre system which the water runs to the Tannehill branch creek. If you can move to slide 3. The shaded area you see here is Springdale general. The project directly north of us which constitutes 19% of the neighborhood basin. Next slide, slide 4. Currently storm water from Springdale general flows to the Tannehill branch creek and runs directly through properties on the west side of Saucedo street. It goes directly through Saucedo residents' property and down to elf avenue. It backs up during smaller, more frequent storm events

[2:50:05 PM]

which nation the flooding -- makes the flooding problem worse. Our proposed solution uses a berm and swale and moves it downstream to detention facilities where it will be held and released gradually over a 24-hour period. To put that into perspective, we'll be capturing over seven acres of runoff often moving it down to our detention facility. Next slide. This plan has three main points. First, it diverts storm water away from the neighbors which as you can see will double the size we would otherwise be required to provide. And third, all of the water we are holding there both from the site and from the additional seven acres worth captured runoff will be released at a slower rate than what exists today just on the tank farm site alone. This slower rate of release will help improve the creek's ability to manage storm water. This will help lower peak flows in both watersheds and these calculations don't take into account with water

[2:51:07 PM]

we'll be capturing for other use.

[Buzzer sounding] The fact we'll have a 600,000-gallon cistern that will be capturing and retaining storm water. All told this project if approved would meaningful improve the drainage at no cost to the city.

>> Speaker, your time has expired. We've Monica Allen back on the line. Monica? Monica, if you are on the line, please unmute. Okay, we'll try Monica once again.

[2:52:10 PM]

The next speaker is Matthew Caldwell.

>> Hello, my name is Matthew Caldwell. I'm a life-long resident of Austin. I'm also in the [inaudible] Neighborhood. I'm speaking in support of my neighbors in the govalle neighborhood association to oppose the increase in height of allowable buildings from 60 feet to 93 feet. I do think this will end up simply exacerbating the gentrification problem we have in that neighborhood which I didn't know they are the most rapidly gentrifying neighborhood but they are. This is just an opportunity for us to say if we want to accelerate that process or maybe put the brakes on. And, you know, I would feel for anyone who lived between

[2:53:15 PM]

two 93-foot tall complexes. My second question is just the rezoning process. You know, I understand that developers have to come to the council and apply for that, but, you know, who really gets to decide? It seems like the neighbors should have more say. If the neighbors really think this is a good thing, they should support it and come out for it. And if they don't, I believe they should be listened to. And then the last thing I want to say is, you know, this is directed towards councilmember Renteria's comment and with all due respect, sir, that sounds really defeatist when you are saying if we try to oppose development we're going to fail and end up with the result that is, you know, definitely worse than the original proposal. And I'm just like listening to that thinking if that's the case, then what's the point of even trying to fight to preserve a neighborhood. So I think a lot of people

[2:54:16 PM]

in that neighborhood are trying to at least preserve what they've been handed down and there's also new people from different backgrounds and different ethnicities and whatnot that have become a part of the neighborhood and they really want to preserve it. And we are working together to do that. I know you can't get everything you want, but it seems that we should have some more support at least coming from institutional level and infrastructure level to get things like drainage and whatnot taken care of. You know, I listened to the gentleman from the engineering company saying that he was going to be able to capture 600,000 gallons of water. Well, that's great, but that's -- that amount of water could fall in a matter of, you know, days or weeks. I was trying to calculate the square footage, you know, if you have an inch of rain and that's really a drop in the bucket as far as

[2:55:19 PM]

having drainage improvements. I think some of that --

[buzzer sounding]

-- Should be structural and should be infrastructure from the city or state. And not necessarily from a new development. Thanks for listening to my comments, council, and mayor Adler.

>> We have Monica Allen back on the line.

>> I'm trying to get in. I just can't. Y'all won't unmute me.

>> Is this Monica?

>> This is she.

>> We can hear you. Please go ahead.

>> Oh,, well, wonderful. I finally got in. Hello, mayor and councilmembers. I just want to let you all know that I'm against the 90 feet going up. I'm not against the project that's being done, but I also feel that what the

[2:56:20 PM]

gentleman just said right now Mr. Pio being so negative about the -- this item 70, I think you should reconsider a lot. You know, in this area of

[inaudible], we've needed him constantly but he's always been on the side of the development. I think this time he should say for the community instead. Hello?

>> Please continue.

>> I'm through. Can you hear me?

>> Yes, please continue. Okay, the next speaker is Ben Ramirez.

[2:57:23 PM]

>> Yes, my name is Ben Ramirez, secretary of

[inaudible] Govalle neighborhood plan. The overwhelming consensus in the area is support for Springdale green pud at 60 feet with compatibility standards and community benefits. Our tax paying citizens deserve to have all the answers upon to investigate them. We've only had them for 24 hours. They have the right to know the current environmental state of the land and toxic plumes that lie beneath. We need a type -- current type 1 assessment done on the property. We need periodic published testing. What little time I've had to lead through the answers have only led to more questions. There should be more night to have environmental text written into the pud. The seven residents at the end of Saucedo street are a perfect example when a project is rushed. Rushing this project

[2:58:25 PM]

could -- we are the fourth fastest gentrifying community in the nation as well as the most economically challenged residents of color in Austin consisting of single-family homes. Our natives are truly being ran off the reservation at breakneck speeds. I lose neighbors every day. Please consider the overwhelming opposition to the project at 95 feet which includes govalle neighborhood association, rosewood naked association, mlc neighborhood association , govalle contact team. Let's please take the time to consider everyone and make sure that we don't rush through and have other problems like the ones that got created on south Saucedo street. The seven additions are the only ones I've heard in favor of the project. This is my first time to meet them and I welcome them to neighborhood association meetings. I also understand they were

[2:59:25 PM]

put in this position by rushing the Springdale general project without closely examining the effects to neighbors. We don't need that to happen again. An attempt at diplomatic negotiation was made with the inclusion of residents and contacting. We all came to consensus on community benefits package that could occur. The developer with an inferior counteroffer including many benefits that are required and do not touch the community. Included in the -- I just -- I have to say the effects that this is going to have on our neighborhood and the height that it's going to bring, we don't have the housing for this. This isn't a housing development that's going to help improve our housing. It's going to further our gentrification in our neighborhood. And it's really sad to see that all the neighbors that can't afford to live here

anymore and are being pushed out of our neighborhoods. There's been several articles recently in the paper and I'm sure y'all all read of the displacement of

[3:00:27 PM]

black people in our neighborhood.

[Buzzer sounding] I'm hearing all my hispanic brothers and sisters getting moved out of our neighborhood. I hope you take the time to consider --

>> Speaker, your time has expired.

>> And the people.

>> Tona Vasquez.

>> Okay, hi. Good afternoon. Can you hear me?

>> Yes, please go ahead.

>> Okay. Thank you. Good afternoon, mayor and councilmembers. My name is Tonya Vasquez and I've been a 60-year resident of east Austin and I've spent my time lately keeping up with legislative and council sessions. And along the way I've learned from community leaders like David king, Monica Guzman and others what not only myself but my neighbors have been

[3:01:27 PM]

currently facing. I oppose item 70 by having you note the following. Some of the previous speakers have already shared what I was going to use as some of my talking points, but I do want to add a couple of things. And that is that the surrounding neighborhoods support the 30-acre pud at 60 feet with compatibility standards and community benefits. Now, again, the president said by allowing this building at 93 feet will domino along this corridor and could influence similar cases in other neighborhoods. And around the environmental concerns, we have to remember that there were two toxic plumes underneath this land that was left by that tank farm.

[3:02:28 PM]

And so I appreciate the presentation that was noted earlier, but I still believe there still needs to be more time to investigate further concerns about the downstream effects of water leaving this toxic site. What I also noted is how is this information really reaching and being expressed to our spanish-speaking population. Around the flooding issue, it is around Saucedo area neighborhood that is getting flooded.

And the 30-acre pud at Springdale green offered to fix the flooding issues in exchange for support of increased permitted building height. However, the proposed flooding fixes are not optional and condition number 7 by city staff for a pud in this case requires

[3:03:28 PM]

big flooding fixes for the Saucedo neighbors. Now, you are public servants, which means you serve this community for the common good. Are you, mayor and councilmembers, ready to stand up for our families and try engaging the community in a consensus based approach? Thank you.

>> Grace Hutchinson.

>> Hi there, Grace Hutchinson Rodriguez. I live at 1103 Saucedo street B next to the proposed development, about 60 feet from the site. I'm here today to ask that you approve this case regarding Springdale green pud under existing zoning conditions, the developer can build up to 60 feet. Increase impervious cover, lay down the bare minimum requirements for storm water

[3:04:28 PM]

and call it a day and provide no additional community benefits. I think it's imperative we focus on the positive aspects of bettering our community and this can be seen through the extensive package that the developer has agreed to fund and the monetary contributions to local organizations. The developer has been in constant communication with my family and many other neighborhood residents and I believe this is reflected in the significant work that has been done to clean up the former tank farm that's been left neglected. Contributions to improvements of the goal valley and Givens park, funding for trails, neighborhood funding mitigation, affordable housing contribution. My neighbors and I live closest to the property. We're the ones whose homes triggered the city compatibility standards and we're the ones asking for you to approve this project. It is also my understanding and belief --.

>> Grace, are you still

[3:05:28 PM]

there?

>> Hello?

>> Grace, please go ahead.

>> Yeah. Oh, sorry. I, like my neighbors and I live the closest to this property, the ones whose home trigger the compatibility standards. This request to be approved, myself and neighbors will be positive I have been impacted by the -- the willingness of developer to divert all runoff to a new development of Springdale greens. I confirm this flood mitigation plan will provide a sense of benefits to the neighborhood as we have hired an independent professional mitigation engineer to review the plans. So I ask that you please listen to those who live closest to the project and approve the Springdale green

[3:06:29 PM]

for the betterment of the neighborhood and the community. I appreciate your consideration and thank you for your time.

>> David king.

>> Hello, this is David king and I'm speaking on item 70, the Springdale pud. The proposed Springdale pud adds insult to injury for residents of east Austin neighborhoods by layering economic racism on top of environmental racism. This council's predecessors sanctioned and facilitated the location of the killer gasoline storage facility in east Austin communities of color. Every council since then has failed to take responsibility for poisoning families of color. The city should provide free health care to affected families, buy and restore the site and give the land to an east Austin development corporation to build income restricted housing and facilitate local

[3:07:29 PM]

community based businesses. Although the developer promises to restore the site, two toxic plumes will not be removed or mitigated by the pud. Setting precedent for more 93-foot buildings and more development that expedites gentrification and displacement of families of color, low-income families and small community based businesses against their will. Please don't approve a deal with developers that perpetuates environmental racism and imposes economic racism on communities of color in east Austin. East Austin communities of color have a fundamental right to both environmental and economic justice and equity. Thank you for considering my comments and for your service.

>> Christen Powell.

>> Mayor, mayor pro tem, council, I'm Christen Powell and I live on 1102 Saucedo

[3:08:31 PM]

street, unit B. Just two doors down from the proposed location of Springdale green. I'm calling to ask that you approve Springdale green rezoning with the 8 million-dollar community benefits package. As Mr. Leeland pointed out earlier, the developers of Springdale green have been in close contact with the residents of east Austin who are most directly affected by this project for many months. They have been very open to hearing our concerns. They've been quick to answer our questions. And they've been very cooperative when working with us to come up with a plan that benefits all parties. They have presented a generous neighborhood benefit and environmental restoration package which includes contributions towards affordable housing, local park improvements, and ample green space. Most importantly for my neighbors and me on Saucedo street, they've presented a plan to mitigate flooding in our neighborhood.

[3:09:31 PM]

As you know and everyone has pointed out, we experience a great deal of flooding every time it rains on Saucedo street and it lasts for several days. There's currently algae in my front yard from the rain that has happened this week. Springdale green has agreed to a costly but comprehensive plan that redirects this water from our property to theirs and is extremely helpful to the residents of Saucedo street. Development and change in east Austin is [inaudible] And new businesses and people are moving here every day where we like it or not and there are people moving here. People who deserve a great place to live. The momentum is not going to stop any time soon and denying two additional stories on an office park that's already planned is not going to stop gentrification. Building up and not out is better for the environment. It's better for

[3:10:31 PM]

affordability, it's better for overall quality of life for all residents of Austin. I strongly think that the city should make it a priority to work with developers that are willing to communicate and work with the community residents like Jay Paul company has. And, you know, developers who are committed to improving our environment as the community of Austin grows. I ask that you approve the rezoning so Springdale greens neighborhood benefits package can continue to improve conditions and quality of life for east Austin residents. Most closely -- especially those most closely located to the project. Thank you for your time and your consideration.

>> Michael Floyd.

>> Hello, can you hear me?

>> Yes, please go ahead.

>> I'm Michael Floyd, mayor and city councilmembers.

[3:11:32 PM]

If these office towers are built, I will live in their shadow. One of the creeks they propose to divert 600,000 gallons of water is in my backyard. I would like to present testimony between two developers, Ned and Fred. Hi, Ned, any big projects these days? Yeah, one called Springdale green in east Austin. Offered them a bag of trinkets. The glitziest was the flood control piece. Lots of folks went Gago over it even though it doesn't solve the problem. Remember that story we read in elementary school about how the Dutch settlers bought Manhattan from the Indians with beads? It's kind of like that. Once the neighborhood got infatuated with all the

[3:12:35 PM]

trinkets I slipped in the, 90 feet, that's totally out of scale for the rest of the neighborhood. How did you get away with that? You have to remember, Fred, that we're talking about east Austin. Of course 90-foot office towers would be unthinkable in Hyde park or tarrytown, but in east Austin anything goes. Once we get these 90-foot buildings up, we'll get that downward spiral started and have our own little town off airport boulevard. It will be nice for folks who drive in to office there but not nice for those who live there. If they don't like it, they can always move to manor or del valle. See you around.

>> Sam Rodriguez.

[3:13:41 PM]

>> Councilmembers, thank you so much forgiving me the time. This is certainly a heated topic and the community, the neighborhood associations and several others have obviously expressed to you concern or support one way or the other. For myself, I've been very fact driven this entire time. It's why I hired an engineer, it's why we seek legal counsel and why we continue to invest in resources who can provide us with accurate information. After conducting our due diligence, we do feel the community benefits package as shared at the \$8 million point reflects not only an initial contribution but a willingness by the developer to come back to the table, hear the neighborhood and contribute at a higher level which they have obviously proven they are willing to do. We do support this. I personally do support this development. And I want to point out that the solidarity from the neighborhood has been very

[3:14:43 PM]

eye-opening. As a new resident in Austin, I welcome the opportunity to meet so many people with such a diverse background and so many historical ties to this neighborhood. I would also point out that there is a lot of transition in this area. Some might call it gentrification. I think it's more of an evolution. Evolution is always necessary in order to improve the quality of life for those in any specific area. I do

support the project. I hope you consider it as a positive when you read all the benefits of the project. I know [inaudible] Which is why so many people have brought it to your attention today. I take offense to the narrative provided earlier that we were traded a bag of trinkets. When you do the due diligence and read all the facts, I think many people realize that there are tremendous upsides for all of us living in this neighborhood and we want to be very supportive our neighbors and those who have

[3:15:44 PM]

been here before us. We also want to look at all the angles. I think positive outcome is right around the corner for many of us and in my experience a deal made is never a deal that all parties are happy with and so far it seems like we found that middle ground. Everyone is a little upset and happy with what is being proposed. I'm not sure more time allows us to get to any different outcomes. I appreciate the time to speak with you today and share the information I've been finding out from

[inaudible] With my neighbors. Thank you.

>> Susana Almanza.

>> Yes, good afternoon. This is Suzanna am man is a with poder. Poder and the east Austin strategy team were two of the main leading groups that fought to close the toxic tank farm. People were exposed to numerous chemicals,

[3:16:44 PM]

byproducts from petroleum and we fought to save the next generation, our elderly and our families and there was five of the toxic tank farms which included this particular site only cleaned up to industrial standards. As we work to rechange the zoning, the zoning for gr, I don't know why the city put mu because under the law you could not ever put housing on the zoning where the contamination is still left in place. Also too this is a continuing legacy of racism by zoning. Because you are exceeding the current zoning that is allowable there at the particular place. And this is not evolution. It's racism. And I feel very insulted by the white people who have spoken and talk as if this placement is a good thing and it benefits the community when it doesn't. It hurts the community, it hurts the family, it hurts the people who have had a

[3:17:45 PM]

culture understanding and a togetherness there. I also want to talk about the Saucedo street, they act like the only white people live there. And there was only a few people that sent in letters. You have the Riveras that were personally impacted by the toxic tank farm whose health has been damaged by that.

There's many families there. So to act as if the new gentrifiers are the only ones that have the right to say anything and as if they are the new ones and the new voice, I agree with the previous person who said these trinkets they are accepting and trying to make it feel like it's the right thing and it's okay to displays people and gentrify people and all the flooding from the mitigation funds. Yet the drainage fees don't go to where it belongs and we shouldn't be having to answer to developers when we all pay into the drainage free fund.

[3:18:45 PM]

That brings up another thing. They are not the only one who has a right, all the people who triggered compatibility study is -- not just the people who live there. As poder and one of the original people that worked hard to protect the environment and the people, we say that you should abide by the comment standard and not let them exceed 60 feet. I'm disappointed I can still continue to hear councilman Renteria say, hey, you know, wouldn't something else bad there if you don't accept this? That's the same language we've heard several other times. No, we want something positive and as you heard --

[buzzer sounding]

-- People are not good evening the project, they are against the height of the project. Why not bring it down. Nobody is fighting the project and saying it's not a good project. That is not environmentally sound.

>> Speaker, your time has expired.

[3:19:45 PM]

>> Thank you.

>> Jessica elay.

>> Hi, can you hear me?

>> Yes, please go ahead.

>> Hi, I'm Jessica eely, co-chair of the govalle neighborhood association. You guys got some documents - first of all, I just wanted to reiterate what Suzanna was saying. This is not housing, right, we're talking about the city has come up with density bonuses to help build more housing. This is not housing. This is an 850 square foot office park that is only going to increase the demand for housing in the immediate area and it's not going to do anything to address the supply issue. So why are we talking about giving them this extra height? We always give extra height if we can get nor miscellaneousing especially affordable housing out of it and that's not this case at all. The pud grants the developer

[3:20:46 PM]

enough flexibility with building and design, so please ensure that they build a pud, but we want the legal height of 60 feet with compatibility standards and yearly testing of the runoff. So I want to talk to you about the environmental concerns. I put a bunch of questions that we've got over the meetings that we've got into one document and got answers back and I appreciate Mr. Whalen fast tracking that. But it's raised more questions than it answered. They are going to be storing the flood water in aligned tank on the site before it -- before it's allowed to flow into boggy creek. Tceq hasn't looked at that. We don't know how the -- we don't know what the quality of the liner is going to be. You have the potential for that runoff to become toxic at some point. We would like more time to continue negotiations. We feel that for the safety

[3:21:47 PM]

of the neighborhood to make sure that the city of Austin doesn't have blood on their hands, that we ask for yearly testing of the runoff from this site. We need yearly testing to make sure that a problem does not arise. This is not a clean site. It's got a closure letter for industrial uses, but it does not have -- you can't have residential purposes on there. There was a lawsuit, exxon-mobil reviewed it and forbid any construction plans for the next 60 years. I don't even know if they know about these construction plans. There are real concerns here. We would like to see this project developed, but at the legal height and with our concerns addressed. And I would like more time to work on this case. I feel like we're getting really close to a consensus position, but we still have some wrinkles that we need to work out. There is a real environmental concerns here

[3:22:48 PM]

and there's real -- as you can see everyone is real fired up. People are paying attention now. They weren't necessarily paying attention a year ago. Please back the community and give us time. Approve this on second reading only and give us --

[buzzer sounding]

-- A chance to figure stuff out for the third and final reading. Thank you.

>> Monica Guzman.

>> Yes, can you hear me?

>> Yes, please go ahead.

>> Hello?

>> Yes, we can hear you.

>> Afternoon. I'm Monica Guzman, council district 4, rundberg resident in 78758. I support the mlk planning area neighborhood and their opposition to item 70. They support the 30-acre pud at 60 feet with compatibility standards and community benefits as well as request time to address existing flood and

[inaudible] Concerns. The toxic plumes under the

[3:23:48 PM]

land left by the tank farm which was once located there not being removed is alarming. I demand postponement. Allowing time for investigation and remediation of the toxic plumes and since the in two different watersheds study the potential effects of water leaving the site. The flooding issues are not new. They are known and must be addressed. You cannot and must not grant an exchange of fixing flooding issues for an increased permitted height. Doing so conveys the message developers' interests are more important than the residents'. Granting the requested zoning change allowing the building at 93 feet will set a precedent, tipping the gentrification needle, causing a domino affect along the Springdale corridor. Similar cases in other neighborhoods resulting in a wave of displacement in one of Austin's -- allied to the

[3:24:51 PM]

mlk residents, center the residents and their concerns and demands. In closing, I'm disappointed when I hear defeatist attitudes from the dais. We elect our leaders to talk to us. Work with us. Make equitable decisions. Not throw their hands in the air and shut us up. I'm disgusted when I hear people speak about gentrification as if chatting about the weather. It doesn't have to happen and can be greatly minimized. If not prevented. When you plan communities with the people who are already there. So my thanks to the councilmembers who requested and supported a postponement. Thank you.

>> Robin west.

>> Hi, mayor, mayor pro tem and councilmembers. My name is robin west and I live at 1104 Saucedo, which is the third house in from

[3:25:51 PM]

the Springdale green property. I've been active in this case throughout the process particularly regarding ways the developer could help improve flooding in the neighborhood. In fact, I've been talking with the

city drainage staff for over a year. So when the new owners started the rezoning process, they introduced me to Michael Whellan so we could explain the localized flooding issues and discuss possible solutions. Like many other areas in the city our neighborhood floods during large regional storms. But our problems go beyond just those larger storm events because we also flood during smaller, more frequent localized storms too. According to the city's floodplain manager who I met with yesterday on these issues, our neighborhood is, quote, the largest shallow flooding area in the city, unquote. Our sewer system is outdated and undersized and quickly backs up. According to the staff, this system can only handle a two-year storm.

[3:26:52 PM]

Much less a 25-year or 100-year storm that we've been seeing. This one individual project cannot solve all of the regional flooding issues our city faces due to climate change and the bigger, stronger storms we've been experiencing, but it can make very real improvements to drainage in our local area for all of the residents who live here now. Our drainage system area is about 41 acres in size and the developers agreed to take runoff from over 19% of the impervious cover and by variety it and slow it down.

-- Divert it and slow it down so that flooding will be minimized. There's a long list of commitments, all of which will benefit our neighborhood and which I support. But in order to benefit from improved neighborhood parks, the neighbors need to actually be able to stay in the neighborhood. And improving our drainage makes that possible.

[3:27:52 PM]

I thank you for your time and I hope you will vote to approve the Springdale green pud.

>> Daniel Yanez.

>> Thank you. This is Daniel Yanez and I'm speaking on the Springdale green pud project. Simply put, a 60-foot building adhering to compatibility standards shows respect and desire to integrate into the neighborhood. Are you all hearing me okay?

>> Yes.

>> Okay. Thank you. So a 60-foot building adhering to compatibility standards shows respect for the neighborhood and the desire to integrate into it. A 90-foot building no compatibility standard shows disrespect and this project lines up with all the other projects that continue the exploitation, displacement and gentrification of people of color of east Austin by

[3:28:56 PM]

continued systemic racism through zoning. The United States has a legacy of using zoning as a tool of displacement of people of color and Austin is no different. Austin was created by a racist ordinance. Let's not forget that. People of color were forced to live there. They created vibrant neighbors. In the late 50s and early 60s, oil companies and other rich white polluting multinationals began to locate in black and brown Austin with a complicity of racism. Let's not forget Austin has a history of systemic racism through zoning. Now 50 years later, another rich white multinational is locating in east Austin. Not killing people directly like the tank farms did, but this time by contributing to the displacement and the pricing out of people of

[3:29:58 PM]

color with economic gentrification while changing the culture of our physical landscape from our neighborhood to skyscrapers. The neighborhood is not opposed to an office building at 60 feet with community benefits and compatibility standards. If the developer builds at 60 feet, they are integrating into the neighborhood and joining us in turning the tide of Austin's systemic racist legacy of displacement through zoning. I'm appealing to you all. It's not a cliché. We're living it every day. A 93-foot building against the wishes of the neighborhood, the developers joining all the other exploitative projects that have been participating in the continued exploitation of black and brown people of east Austin by systemic racism zoning. I'm asking this developer, I'm asking Mr. Whellan, asking city council to join some of us who are trying to

[3:30:58 PM]

turn Austin away from its racist legacy and asking you to support the neighborhood position. A 60-foot office building with compatibility standards and flooding benefits to the community which they are joining. I will end by saying that the flooding issues in east Austin are not the responsibility of individuals, they are the responsibility of you guys on that dais.

[Buzzer sounding] And all the other councils who have neglected east Austin over so many years. And have caused these problems.

>> Speaker, your time has expired. Daniel woodruff.

>> Mayor, mayor pro tem, council. My name is Daniel woodruff speaking in favor of the Springdale green pud. I'm president of dwg, an Austin based landscape architectural process having the landscaping and

[3:31:00 PM]

sustainable strategies for the site. I've worked in landscape architect you are in in session close to 25 careers and professionally and personally this is one of the most innovative ecological sustainable projects that includes restoring close to 20 acres of Vern asensitive creek and floodplain areas. By implementing a species management plan and mitigate and manage and remove a number of invasive species on the site today. By planting over 400 trees and over 2,000 understory trees, shrubs and herbaceous plants. Additionally, we're using silva cells, structural cells for over 15 of the trees around the project shall be one of the largest uses in the city. Our project is transplanting a magnificent heritage oak

[3:32:01 PM]

tree on site and will provide tree mitigation at a rate of over 50% above the baseline. We are reducing the amount of impervious cover that will be allowed on the site by over two acres. The project will manage our entire water volume through innovative water quality strategies such as rain gardens and green storm water basins. And as Mr. Hudson said earlier, we'll be using a massive 600,000-gallon system to meet at least half of our irrigation needs through the recycling of storm water and ac condensate, further reducing the impact to local and downstream flooding. All of these commitments would go above and beyond what the city would otherwise require under the existing zoning and take important steps of addressing and correcting the damage that the site had during it's time as a tank farm. As over a 15-year resident

[3:33:01 PM]

of the govalle, Johnson tear race neighborhood, as a small business owner and landscape architect, I'm proud to have the opportunity to work on this project of this significance that is committed to the liees level of sustainability, innovation and design excellence. And I ask you the council vote in favor of it. Thank you for your service and for your consideration and I'm available for any questions.

>> Melanie Dixon.

>> Hello. Can you hear me?

>> Yes, please go ahead.

>> Mayor, mayor pro tem and councilmembers, my name is Melanie Dixon and I represent the martin Luther king, Jr. Neighborhood association. We are adjacent to the Springdale pud area and

[3:34:02 PM]

absolutely opposed to a 93-foot building. And many of our concerns include, first of all precedence and what this building would represent and how it would allow other developing to proceed throughout our entire neighborhood. And while the Springdale pud is just one specific area within our east Austin crescent, there are many other areas that would be greatly affected by the flooding and the water quality that has yet to be answered in terms of questioning. We have asked questions as to what kind of water quality is -- will be provided that's going to be going into the boggy creek area. To no answering to that. We have asked questions regarding the community benefits and we're still working on those areas as well. So while a few of our neighbors will benefit from the development of this

[3:35:03 PM]

project, there will be more of us that will not perhaps benefit from this 90 feet development of this project. We as an adjacent community would ask please council do not recommend this -- this 93-foot building because of the fact that of promoting racism and racial injustices and unwanted precedent for our neighboring communities. Thank you.

>> Megan meisenbach.

>> Hello? This is Megan meisenbach. And I would like to speak against the 90-foot tower being put in the spraining spraining -- Springdale pud. It would be great if this council and the mayor and the mayor pro tem could look

[3:36:03 PM]

into the large number of long-term residents who ask you to give them more time and to investigate concerns about the two underground collection points of toxic fluid which contaminate the water that runs off. Only 60 feet tall building with compatibility standards is what they are asking for, yearly testing of the runoff as been referred to, and it needs to be researched, the flood waters being kept in tanks with liners on site. And then to release that into boggy creek, that doesn't sound like a good idea. We talk about mitigation and displacement here in this project you can prevent displacement. I ask you to postpone and thank you for listening and thank you for your service.

>> Cynthia Vasquez.

[3:37:09 PM]

>> Hello? Can you all hear me?

>> Yes, please go ahead.

>> All right, cool. My name is Cynthia Vasquez. I'm a chican in a native east austinite and I had my whole spiel ready to go, but after hearing today's testimony, I want to focus on the humanity of gentrification in east Austin. I don't have -- I wish, I wish I had the words, the smooth words like David King and Monica Guzman and all of our on or about friends and advocates especially Daniel Yanez. I want to -- I want to have these nice words, right? I don't have the smooth words. I just learned the word plums this past week in a -- flumes this past week. Aside for not having the words, I don't have that, but what I do have is family history and my lived experience in the east side for almost 40 years of my

[3:38:10 PM]

life. And I'm not opposed to the Springdale pud project. What I'm opposed to is this developer circumventing the community consensus. And that is not to

[inaudible]. I don't know about y'all, but my [indiscernible] And when we see --

[indiscernible] That man that read the email between Fred and another developer, that is a good example of why I stay mad about this issue. I don't need people to tell me to calm down because people like that are still thinking that wearying nor rant walking around in our city.

-- Ignorant. I don't even know how my city didn't become my city anymore. But today I see it. I see how it's happened. We keep ignoring the history of east Siders making toxic

[3:39:11 PM]

places livable and safe while they are suffering and dying. Once it gets safe and livable, other people come in and take it. The same thing happened over there at thorn field when I was a kid. If you are an east side native, it was Thorpe when we were growing up. It continues to happen and I hear we've got to leverage relationships, but bring it back down to me. Pio, you mentioned something about like yeah, Monica hit the nail on the head. We're not defeated. I don't feel defeated. What I want to see is people talking about creating that tax bubble around my mama's house. I want to see somebody creating a bubble around my aunt's house. Something that keeps us from being so affected by these extra height levels or extra credits that y'all give developers and Danielle, thank you for saying that's not the responsibility of the developers. It's the responsibility of the people on our dais. Because then it becomes --

[3:40:14 PM]

what did that guy say? A trinket. How about it just be a standard.

[Buzzer sounding] From y'all at the dais. Help me out. I'm not going to use this time to tell you what to do. I'm using this time to tell my community this is a transparent right here today --

>> Speaker, your time has expired.

>> Thank you

>> Paul dubowski.

>> Hello, can you hear me?

>> Yes, please go ahead.

>> Well, thanks for having me. I'd like to consider for a second the optics of this project. And I just want to say for the record that I am joining my neighbors in opposition of the 90-foot height for

[3:41:15 PM]

this pud. The optics of Austin's growth and gentrification here makes it feel lately that every time the city grows, black and brown people are the ones that are expected to make sacrifices. Mainly because of eastside now has become valuable land, but you compare that to some of the wealthy folks over on the lakefront, they were recently asked to sacrifice and chip in and they tried to secede from the city. So regardless, we fully expect that we will keep being asked to make this sacrifice but the optics are suggesting hey, get out of the way, we need your property. We have a new downtown to build with some more 90-foot towers. I'd like to make one thing clear, developers and the attorneys that represent them, they will by their very nature try to get away with putting up as little as they have to. It's the nature of their job and of their business, so

[3:42:18 PM]

please, council members, do not be smitten with what seems like a lot of money and incentives. It pales in comparison to what they put up for communities in California. I realize the city is facing a deficit and another office tower can potentially widen the tax base, but remember that the city still owes the Springdale millions. If we're going to look photo a developer to pay for the work the city should have already done, let's really put them to work. So I get it, old Austin is gone and this is the new 21st century Austin and now it's corporations and office towers and more racism through zoning. It's really no secret. And yes, black and brown people are being asked to move out of the way again. Study the runoff con Nan, fix the flooding and keep the 60-foot zoning.

[3:43:18 PM]

I promise you linkedin or whatever it is, they can afford it. Thank you.

>> The last speaker is Janet Delia.

>> Can you hear me?

>> Yes, please go ahead.

>> Hello? I'm Janet Delia and the C -- of the applicant of the Springdale pud. Over the past few weeks we have met with neighborhood groups and defined our community benefits package based on their feedback. As a result we've increased the overall community benefits value by an additional \$925,000, bringing the total to over eight million dollars. This includes \$475,000 for the Guadalupe development corporation to fund four new affordable housing ownership opportunities in the neighborhood within a 15 minute walk from our site.

[3:44:19 PM]

An additional \$225,000 to parkland for a new total of \$350,000 for improvements at govalle and givens park. Partnering with workers defense project to ensure protections for the people who will be building the project and doubling the contributions to the east Austin conservancy in order to fund a new executive director position for the first year. We're proud of the proposal we put forward and believe it will turn the page on the site's past as a tank farm. I would also like to speak about the comparison some people have made to another community benefits package, the J Paul company put forward on another project in Palo alto, California. Since the top dollar figure from that project, almost \$50 million, seems very high, allow me to explain.

[3:45:26 PM]

The \$60 million in benefits package was proposed to accompany a 138% increase in our entitlements. At Springdale green by contrast, we are only requesting a 15% increase in entitlements. If we were to provide a community benefits package here at the same rate as we did in Palo alto, it would reduce the community benefits to \$5.4 million rather than the over eight million dollars we've admitted too. Also the Palo alto example is in context with significantly higher rents and even with this example we would be investing two million dollars less than what we have currently committed to Austin. All that to say we worked very hard with many different stakeholders to design an ambitious plan for the site. It's a plan that we're proud of and I believe provides significant community benefits to the city and to community above and beyond what could otherwise be provided. Thank you again for your consideration and I hope we can count on your support.

[3:46:27 PM]

>> Mayor, that concludes the speakers for zoning.

>> Mayor Adler: Great. Thank you. Colleagues, let's move forward. It's 10 until 4:00. We still have executive session and we have a briefing with Diana and we have to complete zoning. Jerry, I think that consent zoning in front of us is items 62 through 69 but councilmember kitchen had indicated there might be one of those items that she wanted to postpone. Where are we on that postponement? Jerry?

>> I wanted to say it was item 67.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: Yes, I want to ask that it be postponed. I know that the case manager has reached out to the developer to ask for a consent but I don't know if

[3:47:27 PM]

we heard back from the developer yet. Wait a minute, I think we may have. Let me check my email real quick. I'll be right back with you.

>> Mayor Adler: Jerry, do you know?

>> Jerry, we did let the applicant know that councilmember kitchen was going to be asking for a postponement. He asked to which day and that's what we're waiting to find out now. He did not indicate a positive or negative reaction to that.

>> Kitchen: Jerry, Jerry? What I'm saying is that they're amenable a postponement to June 10th.

>> Mayor Adler: All right. Is that okay? We'll leave 67 on consent with a postponement to June 10th. Jerry? The consent agenda is item 62 through 69. It's been moved and seconded. Any discussion before we vote? Those in favor of the consent agenda please raise your hand. Those opposed? I'm seeing everybody in favor. Councilmember Kelly off the dais.

[3:48:28 PM]

That leaves us items 67 and 70. Is there a motion on item number 70?

>> Kitchen: Mayor? Mayor, we just approved 67 to be postponed.

>> Mayor Adler: You're right. I'm sorry. Just 70. Councilmember Renteria, do you want to make a motion on 70?

>> Renteria: Yes, mayor, I move that we approve this on second and third reading. >>

>> Mayor Adler: It's been moved to approve item 70 on second and three readings. Is there a second to that motion? Councilmember Ellis seconds. Any discussion? Councilmember Renteria, you can go first.

>> Renteria: Yes, mayor, thank you. You know, this is a very hard item here. You know, it's -- it has a lot of history behind it. It was a tank farm.

[3:49:30 PM]

A person there on shady lane which was on the other side of apartment noticed that his grass was dying. He had a well that he was watering his yard and found out that the gas was leaking. And so yes, it was closed down. It was determined later on that section there would not be able to be developed as residential because of the contamination was so severe. So it would only be industrial or general retail, which basically it was a used car lot for a long time there. And also it was an hispanic Latino church that rented it out on Sunday. So it's been like that ever since. They did do some cleanup that was required but it did lead to fumes underneath

[3:50:32 PM]

underground that they didn't want to touch it. But they have cleaned it up on top and it can be developed. Around the flooding part of it also, the family contacted my office about a year and a half ago concerned that they were going to be flooded out, they can't do anything with their property because of the flood. And Springdale green did contribute a lot to it, but it was also in the floodplain because of the runoff off of the two vacant lots that was there before. So we've been trying to help this family and this is one of the solutions so that we could keep them from getting flooded. They go down underneath for parking garage because of the contamination. So they just have two-floor parking on their building, which that's what they're

[3:51:33 PM]

requesting. And then the benefits that we delayed it, I approved it on the first reading and the neighborhood came and asked for a postponement, which we granted. And the developer reached out and came up with a pretty good package. I'm going to let the applicants explain what went on so that -- so I just wanted to state that with that brief history.

>> Mayor Adler: Thank you. And we should let the applicant speak. Before we let applicant speak does anybody else want to speak? Councilmember Fuentes.

>> Fuentes: Thank you. I have questions around-- this question is for staff. I'm trying to get a better understanding of how Steve Austin coordinates and works with tceq on the water

[3:52:36 PM]

quality studies that are performed and conducted. If you could touch on that relationship.

>> I'm with the Austin watershed department. The city of Austin does not regulate this type of environmental contamination. We solely rely on the state and tceq to regulate these sort of environmental concerns. We have relied on the letters and the deed provided by the applicant that have shown the background and history on this site. But city code does not speak to this at all.

>> Okay. Any other question I -- the other question I have, are the community benefits that are proposed, are all of those that are listed in

[3:53:36 PM]

that worksheet, are they included in the ordinance? In the draft ordinance?

>> Council member, this is Jerry rusthoven. Yes, the conditions from the table would be included in the ordinance.

>> Fuentes: And my final question for the applicant, it was mentioned 150,000 was proposed for the east Austin conservancy for one year. Can you explain more about that and you have all considered increasing that amount so that more years are provided in the management of the funding.

>> Michael whellan on behalf of the applicant. We entered into a pledge agreement originally for \$75,000, and then the contact team after the April 22nd meeting presented us with a list of additional community benefit

[3:54:38 PM]

items, which included a meaningful increase to east Austin conservancy. I then had a discussion with Mr. Raul Alvarez who indicated they were looking to hire an executive director and that they were posting that job for 65 to \$75,000, which then prompted Ms. Dalia to commit to at least funding that for the next year. So it's in addition to our pledge, \$75,000, which was done prior to -- well before the April 22nd meeting.

>> Fuentes: Okay. So you have all considered funding for additional years as part of the agreement?

>> I think we looked at everything, so the answer is yes, we considered it. And we saw an opportunity to

[3:55:38 PM]

invest in four homes for gndc that are a 15 minute walk from this site. Two building permits have -- one for sure has already been pulled. Mr. Mark Rogers told me. And another one is just about to get pulled. So we are expediting payment to help with those two and that's outlined in a letter of commitment that we made into gndc. So we pivoted a little bit and focused the resources on those four homes that the Guadalupe neighborhood development corp is building, while also increasing the east Austin conservancy commitment.

>> Fuentes: Okay, thank you.

>> This is Jerry rusthoven, if I could make a quick note, the items discussed between you are a private agreement between nndc and

[3:56:39 PM]

the private conservancy and are not a part of the city ordinance.

>> Mayor Adler: Anything else before we give the applicant a chance to present? Councilmember kitchen.

>> Kitchen: Yes, I do have some questions for staff. And my question relates to the flooding relief which has been a large concern for the folks who live around this development. So when I'm looking at part 8 that speaks to drainage I'm assuming that this is the part that addresses the community benefits to -- I just want to make sure that I'm looking at the right part and then I have a question about it. Because it's two part. Basically it talks in terms of diverting between seven and nine acres of storm

[3:57:40 PM]

water runoff and then it says that interbasin transfer doesn't work. And then it would be # hundred thousand contributed for drainage improvements. So I have a couple of questions. One question is, is the thinking that the diversion between seven and nine acres off site runoff will be sufficient to address flooding? That's one question.

The second question is: If that doesn't work, the 400,000 contribution to the off storm system basin, is that sufficient to resolve the flooding issue? And the last question is I'm trying to square that with I thought it was a 24,000 benefit on the benefits form if I was looking correctly for flooding. And this says 400,000. So can you help me with those questions?

[3:58:44 PM]

>> Councilmember kitchen, approximate [indiscernible] With the watershed protection department. Yes, so the seven and nine acres does cover most of the Springdale general site. So much of that site will be diverted to boggy creek watershed. And they couldn't come to an agreement -- of course it is our preferred option because it resolves the issue, they build it and then the neighbors are taken care of. But if for some reason they can't come to an agreement with Springdale general, we need to [indiscernible] The pud in case there was a dispute between the two landowners. And the 400,000 would not cover all the of the storm sewer infrastructure cost to rectify the problem. We would set up a fund in watershed and that money would be deposited into that

[3:59:44 PM]

account and we would use those funds towards that project. There is a project in the works. I don't know what the timeline project, but we would put this money towards that project. It would be paid for by the city and the funds here.

>> Kitchen: Okay. Am I confusing -- I want to make sure I'm not confusing anything, but the-- I thought the benefits document said 425,000 towards flooding. I don't have it pulled up right now.

>> It may, but I don't know if Michael whellan can speak to that. It's always been \$400,000 I know.

>> Kitchen: The community benefits document that I'm looking at that's in backup says Saucedo street

[4:00:46 PM]

[indiscernible] Solutions 425,000 and it's described as receiving [indiscernible] From 7.4 acres of off site impervious cover. So am I comparing apples and apples here?

>> I'm not sure. That might be a typo. I would have to go and look.

>> Kitchen: Which might be a typo? The ordinance?

>> The ordinance is correct.

>> So the community benefits sheet might be wrong?

>> Correct.

>> Kitchen: I need some clarification on that. So we need to ask the applicant about that, but I thought it was --

>> Mayor Adler: Let's go ahead and give the applicant five minutes to speak and then we'll get back to discussion.

>> I can answer that afterward quickly.

>> Kitchen: Okay. I haven't finished my questions, but I'm happy to come back to them later.

>> Mayor Adler: Okay. We'll come back.

[4:01:46 PM]

Mr. Whellan, you have five minutes.

>> Okay. Please let me know when the presentation is up.

>> Mayor Adler: It's up.

>> Thank you. If we could go to slide two, I'm here to talk to you today about the revisions we've made to increase our community benefits in response to the specific feedback from nearby neighborhoods. To put all this in context, the code modifications we have requested will allow us to achieve a 15% increase in developable square footage over what we can do today while a revised community benefits package offers an increase in value over what the city could otherwise require of us under the current zoning we have. In other words, we are offering a superior project and one that is supported by city staff, the environmental commission, the planning commission and as you heard the closest neighbors to the property. If we could go to the next slide.

[4:02:46 PM]

Here you can see a summary of the revisions we have made to the pud since first reading and as a result of contact team feedback as Ms. Dalia referenced. In each of these amounts is in addition to everything I have previously presented and I will be showing you the new total in a moment. So we have increased our affordable housing contribution by \$475,000 to gndc. We have doubled the amount going to Austin parks foundation and to the east Austin conservancy. We've more than doubled it to apf. And we also have proposed to lower the height allowed within the first 140 feet from the single-family property line from 75 feet of height down to 64 feet of height. If we could go to slide four. There's been a lot of discussion of the environment and the

[indiscernible] And provide restoration above and beyond what would be required if the council rejected this request. Ultimately the decision before you is not about whether it redevelops, but what about -- about what it

[4:03:47 PM]

becomes, should it become a sprawling four story office under current gr zoning with mobilities or a six story office with only 15 percent more square footage, two acres less impervious cover and eight million dollars of community benefits. Go to slide five. This is a list of all the environmental restoration and sustainability benefits we will be providing fired what would occur if the height were capped and it were forced to be redeveloped under the gr zoning. You can see most would not occur under the pud. There would still be tree plantings, but less and a scaled back version of the water strategy. Importantly none of the over \$2.5 million in community benefits for affordable housing, neighborhood flooding solution and parks and urban trails would be provided under traditional zoning. And when we go to the next slide, slide 7, here we see what makes all that happen. And our core ask, really our only major ask is the ability to provide a six

[4:04:47 PM]

story office building up to an overall 93 fatty of height with the accompanying approximate compatibility modification. That additional height allows us to reduce our impervious cover meaningfully by two acres and ultimately it allows us to provide about 100,000 extra square feet of office that we would not otherwise achieve under traditional zoning. Next slide. So that's what we're talking about, gaining over 7.3 million in community benefits by allowing an additional 100,000 square feet. To put those numbers in context we're only asking for a 15% increase in square footage. And when you go to the next slide you can see we're offering a 1,129% increase in community benefits value. The next slide there's been some talk in meetings and a little bit here about a 2013 case in pawl. I wanted to actually do an apples to apples comparison. In the 2013 case there was an offer to build a structure for \$50 million and in exchange its zoning

[4:05:47 PM]

would increase the square footagely 138 percent. In this case the owner is seeking a 15% increase in square footage from what they are already entitled to construct. If we go to the next slide, I am not an algebra expert, but the true comparison of these two cases would yield approximately 5.4 million in community benefits and in this particular case, which is 2.6 million less than what we have committed to. Stated differently, proportionately we are actually providing 50% more in community benefits than what was offered in Palo alto, a case that was withdrawn in Palo alto. If we go to page 12, next slide, as a reminder we are offering all this at the intersection of two imagine Austin corridors within an imagine Austin center and near a planned green line station at Springdale and airport. This shows the support we have and finally, next slide, to recap, we have revised our request to

[4:06:47 PM]

request the community benefits and decrease the step-down in height near the rear of the site. We are asking for a 15% increase in square footage and are offering over one thousand increase in community benefits. And finally, we have the staff unanimous environmental commission, unanimous environmental commission support, planning commission support --

[buzzer]. Thank you and I will answer other questions as they get posed.

>> Mayor Adler: Thank you. Councilmember kitchen? So I understand the 125,000 is the benefit for the flood relief, but the ordinance only says 400.

[4:07:49 PM]

>> May kel whellan, I can answer that. That's updated figures we got from a contractor. So it is 425,000. We would have no objection to the pud being increased to 425,000 if our solution that we're working on for some reason doesn't work. I believe that we will still implement the solution we've presented. We've surveyed the area behind Springdale general and you don't need to hear all the detail, but we're basically, our next site plan update is going to include the solution that we've already heard Harrison Hudson describe.

>> Kitchen: I have to tell you -- I appreciate that. I really appreciate that. It gives me some

[indiscernible] To read the ordinance and find that what we're being asked to vote on doesn't match what we've been being told the community benefits are. So I'm going to have to ask some other questions also then. Let me back unagain.

[4:08:49 PM]

The other question I was asking that we started to talk about with staff is this sufficient, the diversion of the 7.9 acres or the 465,000, is that sufficiently solve the flooding problems on Saucedo?

>> Is that to staff or to me?

>> That is [indiscernible] With watershed protection. The diversion plan is enough to resolve the flooding on Saucedo. Around now the 425,000 will be put together -- put towards a project if the first solution is not feasible.

>> Kitchen: So 425,000 would not solve the flooding on its own.

[4:09:53 PM]

>> Michael has said he is willing to put that amount of money towards the city projects.

>> Okay. I'm sorry. I'm a bit confused. So the first option, the diverting the seven to nine acres would resolve the flooding issue, but they will give a certain amount of money that won't completely stop the flooding issues.

>> That's correct.

[4:10:54 PM]

>> So they're not really equivalent in terms of the two things. So you talked in terms of putting that 525,000 into a fund? Does the city have the rest of the money that it would take to solve the flooding problem?

>> There is a project in the works and the city is planning to spend city funds to correct the flooding problem in the future.

>> Kitchen: Do we have the money now that we could commit?

>> I'm not sure of that.

[4:11:54 PM]

I can't answer that right now.

>> Kitchen: Okay. That causes me some concern. My concern is that the flooding is -- solving the flooding is one of the major reasons that people are supporting this project to nearby neighbors? If I'm understanding correctly what I'm hearing, but I'm not certain that this ordinance gives us that surety. So that's a question I have. Okay. I will have to think about that. The next question I have is part 11b which is the zoning modifications. I think that language might need updating too based on what I just heard from Mr. Whellan.

[4:12:55 PM]

I thought that had been changed to a maximum of 64 feet. Did I hear him right? Mr. Whellan, did I hear you right?

>> Michael Whellan on behalf of the applicant. Yes I did. And we have circulated already to city staff an updated land use plan that shows 64 feet so that modification could be made from the date today. We made that modification again after the April 22nd meeting and hearing some of the feedback.

>> Kitchen: So mayor, I'm hearing a few things that need to be added to the ordinance with what has been sped. So I'm not certain I can support this because of the concern about the flooding, but I would at least like to make sure that the numbers that are voted on matches what we say we're voting on.

[4:13:56 PM]

>> Mayor Adler: I understand.

>> Kitchen: So I don' know how to do that. Does that need to be an amendment or not.

>> Mayor Adler: So the amendment would be to take the 400 to 425.

>> Kitchen: Okay.

>> Mayor Adler: Can we just make that change that applicant's agreed to?

>> Yes, mayor,. I think that would have to be a part of your motion if there's a motion to approve the case on second and three readings.

[4:14:54 PM]

>> Mayor Adler: Councilmember Renteria has that motion. Councilmember Renteria, is that part of your motion to go from 400 to 425?

>> Renteria: Yes, it is, when they gave me that presentation that we had agreed on. Thank you.

>> Mayor Adler: Sounds good. Councilmember tovo.

>> Fuentes:

>> Given the comments heard from the community, given the history and the horrific legacy of the environmental racism in the area, it does give me significant concern that we are potentially voting on this draft ordinance that isn't

[4:15:57 PM]

completely accurate and needs to be updated. I think we owe it to the community to give them that time or at least for us to have that revised language. So my question is -- I have two questions. The restrictive covenant, has that been signed between the applicant and the neighborhood?

>> Michael Whellan -- may I respond? Paige on behalf of the applicant. Council member, on that day we sent it to both contact teams, the MLK team that were within and the Govalle contact team across airport. So they've both had it for several weeks.

>> Fuentes: So not at this point. I'm sorry, go ahead.

>> Yeah, so they've had it for several weeks. Everybody has known about it.

>> Councilmember Renteria, given that the contact teams have not signed the

[4:16:59 PM]

restrictive covenant and changes needed to the draft ordinance, would you be open to passing this on second reading only and coming back for third reading and hopefully that will give time for the contact teams to sign the restrictive covenant, especially since the restrictive covenant will include that -- the contribution to the GND and I'm sure there are a few other community benefits included. I would hate for the community to not sign this agreement if --

>> Renteria: I can tell you what, they're not going to sign it. A lot of those people that represent the contact team don't even live in Govalle. And that's the sad part about it. Daniel Yanez lives on

[indiscernible] Street not even near the tank farm there. And that's the big problem that we've been facing here in east Austin. We have these contact teams that they think they run the whole city, the whole east Austin, which they don't.

[4:17:03 PM]

I proved them twice. I won the first election and then won the second. They do not represent the true people of my community. So there are always going to be -- I don't believe they will. And I tell you what, you don't want to vote for this. I can understand it. Thank you.

>> Mayor Adler: Any further discussion?

>> Mayor?

>> Mayor Adler: Yes, council?

>> Mayor, this is Jerry Rusthoven. I wanted to clarify that in councilmember Renteria's motion that also included changing the number of 75 to 64 in part 11b4, which is what Mayor Kel Whellan just agreed to.

[4:18:04 PM]

>> Mayor Adler: Yes.

>> Thank you.

>> Thank you have something else?

>> It's what Jerry said, just to make sure that the ordinance in the backup is what was passed to first reading so any changes need to be made by motion.

>> Mayor Adler: Got it.

[4:19:04 PM]

Councilmember kitchen.

>> Kitchen: Just a question related to the affordable housing piece. I think I heard the applicant -- I think it was the applicant who was describing the community benefits and as part of that mentioned 475,000 to gdnf if I heard that correct. I was just wondering if that was a piece that can be reflected? I think I saw it on the list of community benefits too. Is there a place that that would be in the ordinance? Because I didn't see it. I'm just asking where that should be reflected.

>> No, council member, that would be a private agreement between the developer and the gndc so Mr. Whellan would have to address that.

>> Kitchen: Okay.

[4:20:05 PM]

So is that an agreement that's signed at this point? With gndc.

>> May I respond?

>> Mayor Adler: Yes, go ahead.

>> Michael on behalf of the applicant. The -- mark Rogers, executive director and president of the Guadalupe neighborhood development corp does not have, quote, an agreement form. Instead he and I spoke and he asked me to send a written commitment letter which we have done. Jannette Dalia signed that commitment letter and sent it to Mr. Rogers. Our first payment by the way will be open on December 15, which I know is a special day.

>> Kitchen: Okay. So that would be the -- that's been sent to us, right?

>> Mayor Adler: Okay.

>> Kitchen: Is that what you said, that it had been sent to us?

>> I've sent it -- I don't

[4:21:07 PM]

know -- I haven't sent it widely. I know you have a copy and shame on me if I did not send that around and try to collect the commitment letters, but we have written to -- we signed a pledge agreement with east Austin conservancy, Mr. Raul Alvarez, and have now -- have also done the same, sent a letter to Austin parks foundation.

>> Kitchen: O thank you. My last question then goes to the affordable housing. Part 7 speaks to the in lieu donation. And I assume that that calculation -- that calculation, the bonus area plus the pud fee at the same time of site plan is estimated to equal the 1.175 that's listed on the community benefits. Am I right there? Is that what that is reflecting?

[4:22:07 PM]

>> Ms. Kitchen, I can tell you that it is a tier 3 over the baseline F.A.R. I don't know what the exact dollar amount is. I think Mr. Whellan would know that because they filed the site plan.

>> Kitchen: I'm just wanting to true up our background documents.

>> Yes. So the 1.175 -- Michael whellan on behalf of the applicant. May I respond?

>> Mayor Adler: Yes, go ahead.

>> The 1.175 is a combination that says city and gndc because the baseline requirements within the code will be done once there's a certification about the number of square feet above the baseline that we ultimately end up at. And that will be multiplied by the fee at the time. Right now it's seven dollars a square foot so it would be \$700,000 is the very rough estimate. And in addition there would be the \$475,000 to the gndc,

[4:23:11 PM]

which is why the total is 1.175. Does that make sense.

>> Kitchen: Thank you. That reminds me. Okay. So that formula is supposed to equal 700,000.

>> Yes. At today's fee, yeah.

>> Kitchen: Okay.

>> And it goes to the city's housing fund.

>> Kitchen: Okay. So I have a question for our staff then. So that goes to the housing fund. Is there a way to designate a use of that amount in this area? Or in this part? My preference would be to designate it for use by the gndc -- I think I'm getting my -- anyway, to be used for the same entity, but I understand we may have some limitations there on being able to do that. Is there the possibility to indicate that it be used in this area?

[4:24:11 PM]

>> Council member, the code just requires it go into the housing trust fund. I think I'd have to check with either the law department or Rosie truelove to see if it's allowable to designate for a certain area.

>> Kitchen: I know that both resolving the issues and affordable housing are two of the main concerns for the neighbors and that's why I'm asking that. So maybe legal can answer that?

>> Sure. I see that Rosie is moving over as well. My gut reaction on this, unless Rosie contradicts me, is that would would not be something that you put in a zoning ordinance or you can address it in however you address the housing trust fund. I see Rosie is here so she probably knows better than I.

>> Rosary truelove, director of housing and planning. Mitzi, can you repeat what you were saying?

>> I was saying that designating its use would not be appropriate in the zoning ordinance but that you could do whatever it is you do with -- and how you

[4:25:14 PM]

designate the Austin housing trust fund that that's how do you it rather than as on zoning ordinance.

>> Yeah. We have had situations in the past where we have designated -- restricted certain donations or contributions to the housing trust fund for certain geographic areas so I don't think it's outside the realm of feasibility, we just need to figure it out and realize that the zoning ordinance is probably not the appropriate place.

>> Kitchen: Mayor? Mayor?

>> Yes.

>> Tovo: So I had a conversation with some of the neighbors about this when they came in and talked about -- and we talked through the Springdale pud. And Mr. Rusthoven, you may remember. I think it was probably the smupi pud where there was compliment from the developer about some affordable housing money and we did pass council direction to allocate that for the community development corporation in that area, which was the

[4:26:15 PM]

Bouldin creek community development corporation and has since changed its name and I can't quite remember the new name. But we did pass that as part of the pud decision. So maybe you could remind us what the mechanism was for doing that? Because I think it's very similar to what councilmember kitchen is talking about.

>> Yes, councilmember tovo, I do remember doing that. I'd have to go back and look at the ordinance and see exactly how we worded it to make sure it was in the ordinance. I do remember a portion of that money going to the CDC and a remainder going to the trust fund, generally speaking.

>> Tovo: I'll take a look and see if I can find it. It became quite a kerfuffle, but I'll see if I can find it while we're still talking about it.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Mayor -- thank you, councilmember tovo, that's exactly what I was trying to get to. And it sounds like it's legal for us to do that.

[4:27:19 PM]

And I would think that would be helpful unless someone has an objection, I would like to proceed with that.

>> Mayor Adler: Would that be part of this motion or would that be something that's handled --

>> [Background noise].

>> Kitchen: I'm not quite sure I'm understanding, but I would think it would be part of the motion unless councilmember tovo finds that we need to do it a different way. I think she's checking right now.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, mayor. I'm not opposed to trying to specify where this should be used. I'm concerned that our law department is saying maybe this isn't the appropriate place to write it. And I think there's a way that we can work through this to find the right location, but I am just appear hen sieve when law says -- I'm not 100% we

[4:28:19 PM]

could do it that way?

>> I don't think we were particularly comfortable with the snoopy pud. I think we said a non-profit, not the name of the group. And I'm not sure that we limited the geographic area for the housing trust fund, but we can certainly pull snapshot pi pud and look at that. Snoopy pud and look at that.

>> Ellis: Thank you. I'm supportive of the idea, but want to make sure all our ducks are in a row.

>> Mayor Adler: Councilmember alter.

>> Alter: I thought you might look at the camelback pud. I know we had an amount of pud that went for foul. I think it was designated for district 10, but there would be a precedent and a mechanism to do that.

>> Mayor Adler: Is that something that goes in this motion now or is that something that's handled subsequent? And if it goes in this motion, how would it go in?

[4:29:26 PM]

>> Is that a question for Mitzi or for Rosie?

>> Kitchen: Mayor?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I don't know if councilmember Fuentes had a suggestion or councilmember tovo does around -- about this.

>> Mayor Adler: They both had their hand raised, but you raised your hand to speak. Okay. Mitzi, go ahead, and then we'll get to councilmember Fuentes. You're muted, Mitzi.

>> If we're going to do this, I think we might be better not specifying the gndc, but instead the area. And then let them apply through the affordable housing trust fund for those funds rather than specifying a particular O. So we can -- if we have a way and Jerry or Rosie, maybe you can help with how we specify the geographic location, what words we use

[4:30:26 PM]

for that, but I think we would be more comfortable with saying they're making this donation, it's going to be used within this geographic area and then it goes to the housing trust fund and the gndc applies for it.

>> That would be my recommendation as well, Mitzi. Not specifying a certain subrecipient of the dollars, but just an area or a geographical boundary that we're looking to go through. And that would come as an application through our rental housing assistance program or our ownership housing development

assistance policeman and then we would tap into the funds that are geographically set aside for that area not unlike what we would do with the homestead preservation funds.

>> Mayor Adler: Thank you. Councilmember Tovo. Councilmember Fuentes.

>> Fuentes: Thank you. And just reflecting on your comments, councilmember Renteria, it really disheartens me to hear that -- about the commentary we have about members of our

[4:31:27 PM]

community, given the feedback we've heard from residents during citizens testimony. I really -- this conversation that we're having right now of amending and perhaps considering different ways to specify the allocation of the affordable housing dollars, I would like to -- we owe it to the community knowing this is a rapidly gentrifying area, the areas of displacement, we owe them some more time. So I would like to offer an amendment that we consider this Springdale podium on second reading.

>> Renteria: Mayor, you know, my colleague here, you know, she's a gentrifier. She wasn't born here --

>> Fuentes: Councilmember Renteria, that is very disrespectful.

[Overlapping speakers].

>> Renteria: You can make whatever motion you want to make.

>> Fuentes: I just did. I just made the motion. Matured Pio, Vanessa, hang on. There's been a motion to go from second and third reading to just second.

[4:32:27 PM]

Is there a second to that? Councilmember Kitchen seconds that. Councilmember Fuentes, you get to address it first and then I will recognize Mr. Renteria.

>> Fuentes: Thank you. And councilmember Renteria, I'm happy to have a conversation with you offline. I definitely want to ensure that we're respectful of one another. And that we're creating a community, an Austin community that is inclusive of everyone, and especially as someone who is a daughter of an immigrant, I take very seriously any type of language that is anti-newcomer or unwelcoming. So with this I'd like to consider this podium on second reading only. I do think there has been significant progress made on the community benefits that have been proposed and I just want to ensure that it's codified and that we get the agreements signed and in proper place, especially with GND. And if we're able to dedicate the affordable housing dollars to a specified area, those are

[4:33:28 PM]

the things that I just want to make sure that we tighten up. And that we also give community a little bit more time to have that conversation with the applicant.

>> Mayor Adler:. Okay. Mr. Renteria, do you want to address it?

>> Renteria: Yes, mayor. You know, this is what happens to east Austin, you know. We have projects that we're trying to build where -- you know, and we -- we work real hard for community benefit. And we do have people that don't live there. There are some that just moved in too. And we use those words gentrifier, the white people came over here and gentrified us. And they also just want to be respected. They're not any different from brown people or black people. You know, they also want to be respected and when we say that it's all these rich white people coming over

[4:34:28 PM]

here, displacing us, you know, which there's no truth to that. There's a lot of reasons why east Austin has been gentrified. And there has been a lot of mistakes, a lot of mistakes that we have done here in the past that we lost because we made mistakes. And I can tell you the history of what mistakes we've had. We had a non-profit that owned the Q house, the corner -- that whole corner of Cesar Chavez and pedernales, and we lost that through real shaky deals. And I just don't like those kind of transactions. And I have fought hard to make this upfront, honest and getting the best deal for my neighborhood. And what we're going to do here is we're probably going to end up voting it down and they're just going to go

[4:35:29 PM]

60 feet and we're not going to get anything out of it. And it happens. And so I just wanted to just let you know that y'all can go ahead and vote for second reading and you might not see it come back.

>> Mayor Adler: There's been a motion to amend to go to second reading only. Are you guys ready to vote? Councilmember kitchen.

>> Kitchen: I wanted to see if this does pass for second reading that when we bring it back that the language related to designating the area for the affordable housing, that we track the snoopy pud potentially, I'd like us to look at that.

>> Council member, mayor, if I could interject very quickly. I just want to clarify that the money for the tier three bonus provision that we're talking about right now comes to the city housing trust fund and what I understand the council wants us to do is look at how we can allocate that towards a specific geographic area in the fashion that we do with

[4:36:30 PM]

the snoopy pud. I want to make sure is that the money to the gndc is entirely separate from this money that we're talking about here. That's a separate deal that Mr. Whellan has made with the gndc and it would not be affected by this motion.

>> Kitchen: I'm sorry,, >>>

>> I wasn't precise, thank you.

>> I had to say is that, thanks.

>> Mayor Adler: Thank you. So what is in front of us is the amendment to make this second reading only. And then we can consider an amendment in the second to just formally adopt the designation of the dollars to the area. We haven't done that yet N front of us is the amendment to make it second reading as opposed to second and third. Any discussion on that issue? Councilmember alter.

>> Alter: I was wondering when we say is that this is going to be second reading, when was -- when would we anticipate the third reading coming? And then when we have an answer from that I would like to hear from the applicant about the impact of second reading only. I think that we're getting a

[4:37:32 PM]

lot of community benefits with really the only benefit that we're offering them is that height. So I just want to get a better understanding. I want to be respectful of the fact that my colleagues are asking for more time and that there are neighbors who are asking for on more time. But I would like to know if we have a sense of when this would come back for third reading and then when we have that answered if we could hear from Mr. Whellan about [indiscernible] On the project.

>> Mayor Adler: Jerry, when will this come back?

>> Mayor, the normal answer would be July 29th. The agenda for June 10th has already been posted. We could add it as an addendum tomorrow, but I would need the law department to weigh in and feel if they could do the research necessary to change the ordinance before next week.

>> I think we could.

>> Mayor Adler: Okay. Mr. Whellan, do you want to respond to councilmember alter's question about the

[4:38:33 PM]

impact of waiting a week? >>

>> Michael Whellan, tired Michael Whellan. And y'all are very tired too, arrests I say Janet and mirror in a have done a fabulous job. Northward to one, I've just sent Jerry, so everybody knows, the pud from 4-25. I think you refer to as the snoopy pud. It does have a provision under tier two where \$50,000 went to nhcd to be referred reserved in a fund to be used by the Austin central community development corp. Only after they are eligible. So there is a paragraph there. However, our money is going to gndc. I just wanted to make that clear. Because they already have four houses, two building permits practically, one for sure, ready to go. And so those would be houses that are getting built now

[4:39:34 PM]

whereas this money would be more uncertain. So I just wanted to make that difference, that clarification, because I think that's impactful. And the \$700,000 is not something that you can direct is my understanding based on what city legal has said. So given that and that understanding of this, obviously our preference is to go today or certainly at least for the public hearing to be closed today. But I don't think there's going to be a change because the 475,000 to gndc cannot be put into this and based on the contact team's presentation to us, gndc is where they want this money because they have building permits ready to go in the area and property in the area for ownership units. And that is not anything -- based on what city legal has said they can do. They can't do that legally.

[4:40:39 PM]

>> Mayor Adler: Councilmember Kitchen.

>> Kitchen: Mr. Whellan, I hear what you're saying, but we are talking about -- that's what we were just talking about is designating those funds that would -- that would go into the housing trust fund. We are talking about adding an amendment that would designate them for gndc. So that's what we've just said with Rosie Truelove abuse the letter that you are talking about is a separate and the snoopy pud --

>> It is, that's right.

>> Kitchen: Okay. So that's the whole purpose of the conversation that we just had, I think.

>> Mayor Adler: Rosie?

>> I think just to clarify, we were understanding -- my understanding was that we would -- the recommendation from law and from myself is that we would not designate the funds for gndc but we would designate them for a geographic area and gndc would be welcome to apply for the funds, but to keep

[4:41:39 PM]

from specifically designating.

>> Kitchen: My apologies. What I meant is we would track the kind of language that we did in the snoopy pud for this 700,000.

>> Mayor Adler: The issue in front of us is whether we go to second and third reading or just second reading. In front of us. Any further discussion on that issue? Councilmember tovo?

>> Tovo: Yeah, thank you. I wanted to say I think this project is really moving in the right direction and I want to thank -- I think it was councilmember Renteria who postponed it at our last meeting so that the neighbors could sit and really tip to work on that and I think the additional community benefits that have come as a result of that conversation is a credit to the process and a credit to all the of parties who have been participating in that. I am going to support the motion to hear it on second reading. I'd be happy to -- Mr. Whellan, if it makes sense for it to come back

[4:42:41 PM]

next week if that makes more palatable the fact that it might only pass today on second reading. I'm very comfortable with that but I will -- there are the items that councilmember kitchen mentioned that need correction, and I would appreciate another opportunity to review the ordinance and I imagine the community members would too. I'm looking at the snoopy pud language and I think Mr. Whellan read the first provision which talks about the contribution to nhcd to be reserved only after that particular organization had developed an eligible program. The second provision might provide the better model for the language if we want to just restrict it to the area and it was these funds shall be restricted to use in the south central waterfront regulating district and within a two mile district of the southernmost boundary and Ta talks wittle a little about that for a period not fewer than 15 years from payment. If after 10 years of at the

[4:43:41 PM]

same time or if the south central waterfront regulating distance is not procure payment of the funds, the use of the funds will no longer be restricted. Between those two provisions and I don't think there was a recommendation that our -- that I think some of the staff had concerns about it so I want to acknowledge that. I still support doing it in this case, but I think we have the language that can provide the model for reserving this funding for use within this geographic area within a certain time period and having a reversion clause so that if it doesn't get used in time. But again, I'm going to support the motion to hear it on second reading, not because I want the project to go away. I very much look forward to seeing it come back to us, but would like the opportunity to really make sure is that these elements are really nailed down. And again, I appreciate the conversation that's taking place in the community and taking place with

[4:44:45 PM]

councilmember Renteria, with your office and with the developer. I think it's a much better project as a result of all of those conversations.

>> Mayor --

>> Mayor Adler: And then -- we haven't given council member pool a chance to speak and then I'll come to you. The issue is whether we're doing second reading only or whether we're doing second and third.

>> I wanted to ask about the gndc that is pending and the cash money that would come from this approval that would be directed to gndc and support of those purchases. I really like that particular aspect of the agreement from the

[4:45:50 PM]

parties. Mr. Whealan, can you speak to that, understanding that it sounds like it would be a one-week delay, if that would have an appreciable effect on what's happening on gndc

>> The two permits I talked -- I apologize. The two permits I talked to Mr. Rogers about, he asked that those get paid by December 15th, which is what we said we would do, which will be before in all likelihood -- before we have the final permits for the building of our site and that the additional payments for the other two because we'll have those done -- we spit into two payments the cost of the four homes

>> So I'm on this kind of middle ground where I want to

[4:46:52 PM]

give deference to the council member from the district where this project is happening because I think that is one of the kind of bedrock protocols that we have on the council. So I wanted to just check in with council member Renteria to ask if he's okay with one week to get --

>> Renteria: Yeah. I mean, I first of all want to apologize to my colleagues and council member Fuente. I did get carried away. I apologize that that

>> I would be happy to support

[4:47:55 PM]

the amended portion assuming everything is ready to go for third reading on June 10th if that's something Mr. Whealan is okay with

>> Mayor Adler: Council member, are you okay with that?

>> Fuentes: Yes, I am

>> Does that work?

>> Yes. I defer to the council in making this decision

>> Thanks

>> Mayor Adler: Okay. The motion in front of us is to approve on second reading only. I'll close the public hearing. Please work on the language about designated or not designating the dollars in the intermeaning period of time. Council member cotton -- I mean --

>> Just would ask in the motion if you can --

>> Mayor Adler: I was demotoring you there, I think

[4:48:58 PM]

>> There's some language that's also very good. I pulled that and it's not quite as complicated and I would ask if we can have some -- the motion to include the ability of the law department to work with the language to -- not married to the snoopypud language

>> Mayor Adler: It was second reading only. Close the public hearing. When you come back, come back with appropriate language to designate the dollars spent. Council member alter is next and then council member Casar

>> Alter: I support this. I want to note under the new rule we can close the public hearing but if they sign up to speak, we have to allow them to speak

>> Mayor Adler: That's true

>> Alter: Just so we're clear on what the rules are for the community so that they're not confused

>> Mayor Adler: Correct.

[4:49:59 PM]

Council member Casar. You're muted. . You're muted still. I'm sorry. I don't know if you want to call him? No? Okay. Let's take a motion on second reading only. Closed the public hearing but as council member

alter points out it has to be available for people to be recognized to speak. I am asking staff to come back on the language on third reading that would designate the dollars. Those in favor, please raise your hand. Those opposed? I see it with everybody. That makes 10-0 and takes care of that, which is our last

[4:50:00 PM]

zoning matter. Just a little before 5:00 o'clock. We have three more items that we need to address about the discussion about arpa. I would suggest we initiate that conversation until now. Take it until 6:00. Then we'll stop and vote on the three items and then pick up that conversation further in the special-called meeting on Monday if it looks like we still need it. We can then take a dinner break or go into executive session. In executive session, staff has indicated that Austin energy can be moved to next Thursday. The director is not with us on Tuesday, so go to executive session next Thursday, which means things we'll be discussing today would be house bill 1900, which is legal issues related to

[4:51:02 PM]

that so people could have that in mind and also the item 81, which was the hotel conversion issues. Council member tovo

>> Tovo: Sorry. I need to clarify what you indicated with the schedule here. So we are going to have our special-called meeting to talk about the American rescue plan funds

>> Mayor Adler: We can make that decision at 6:00 after we spend the next hour identifying issue. I want us to wait until Monday to introduce stuff in case there's work that staff or others need to do over the course of the weekend. We'll spend the next hour doing that. We can end early if no one has any questions or anything, and then we can make the decision about executive decision right away. I don't know that those will be particularly long but we can make that decision then

>> Tovo: I was wondering -- I

[4:52:03 PM]

still have a couple more questions about scheduling. I was thinking if we do the executive sessions, which gets more -- it's clear -- if we jump into American rescue plan tonight we're not going to finish before we have a dinner break. We usually break at 5:30. I think you said 6:00 -- what we can spend the next hour on that gets the most done for the day. If we went into executive session could we knock that out in an hour

>> Mayor Adler: We could. It's one or an hour. I'm concerned now that we've put this other items several times at the end of the day and not discussed it and I'm getting really frustrated by that. I would have us do that first because I'm concerned -- real important, first decisions need to be made next week and I'm concerned that we could end up in the same place we've in past and at the end of the day tired.

[4:53:05 PM]

I think we can handle 1900 and 80 and 82 in executive session. We have three items that need to pass that were on the consent agenda today that I want to make sure we vote and get done as well. Council member pool and council member kitchen.

>> Pool: Two things. On the three items on homelessness, mayor, that you're wanting us to engage in the conversation about and I just remind us all that council member Kelly asked that we wait for her too, and so we do need to remember that. I think she was looking at the Monday time, which isn't necessarily optimal for me but that is an ask out there for the Monday at 1:00 o'clock which I think had been floating. The two things I wanted to specifically say before we get too deep into the conversation because I'm concerned about the narrowing down of the items in

[4:54:06 PM]

the agenda and what we're approving. Specifically, staff went to considerable effort to craft a framework for the spending of the arpa funds almost immediately after it was announced by the Biden administration that a significant amount of money would again flow to municipalities. That framework was given to us and then two days later we voted in our meeting on an item wh I think you -- which I think you brought, mayor, that reallocated the moneys without us having taken up the framework the staff had diligently brought to us for consideration. I would respectfully like to ask that we put that document back into consideration out of respect for the work and professionalism and diligence for the city staff that brought

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it to us. I think there are good pieces in there that are in danger of getting lost because we haven't revisited them and they're getting overwhelmed by the force of the resolution we passed without including their suggestions and good work. I think our conversation will be richer by bringing that back to discuss. I feel like we are pushing, pushing this way too fast. We do not in fact need to make these final decisions by June 10th. I called for us to take up the arpa conversation in tandem with, not as part of, not as integrated into but parallel and in tandem with our fiscal '22 conversations which gives us more breathing space, more time for consideration, more inclusion of the community to

[4:56:09 PM]

think about what we are doing and so that we can in the end have a more -- more of a consensus and more of a final allocation. We have already fast-tracked about half of the first moneys we are getting in calendar '21s, the 44 million allocated couple meetings ago to Austin puck lick health. That -- public health. That is being fast-tracked and on the way. The rest of it, 50,000 give or take, is what I would like for us to be more deliberate tif in our discussions and allocations and that those discussions include the suggestions and the good work that our city staff brought to us in all good faith and we have not taken up their recommendations, and I think

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that we do them an injustice by not doing so. Thanks

>> Mayor Adler: Council member kitchen?

>> Kitchen: Just on the schedule, I would like to go ahead and take up the conversation with Diana gray about the homeless dollars first because we just -- I really -- I support what you were saying. We need to have this conversation. It won't be the last but we need to get started on the conversations. So I would like to do that. I do want to take a short dinner break, at least for me -- I need at least a short dinner break, so I'm not going to want to go straight from that conversation to the executive session. I'm going to want about half an hour there, so --

>> Mayor Adler: Council member

[4:58:10 PM]

Casar? No? I don't know if you need to go out and come back in or get a phone number, call into I.T. Or if I.T. Can call to Greg. Okay. So that's how I would call this. Let's talk about if Diana could come back to us and try to continue on questions about the presentation that she answered. Council member pool, we haven't made any final decision on arpa funding yet and certainly would be appropriate for you to move consideration at any point. It looks like we are -- to the priorities. I'm personally real comfortable and excited that the council took the action to say, hey, rather than setting this money up the way we had in the past, which is what staff dutifully

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prepared but to focus on key priorities and see if we can deliver something that would be really greed with the priority order with homelessness but also with child care and work force development and food but allowing emergency relief to the extent that it was necessary. I also think that if we're trying to rally the community to a really large investment on homelessness, to really -- to help move us toward taking that issue off the table, if the council is able to give direction on that before we take the summer break, I think that would be really helpful to best use the next six weeks in talking to partners in the community foundation nonprofits, but I think the threshold

[5:00:12 PM]

question is is the city willing to do that contingent on others participating. My hope is that next week we could get to at least that element of the conversation, certainly open to more than just that, I am. But let's bring Diana back

>> As Ms. Gray is coming back, if we're going to continue the conversation on Monday I would like to request that the document that the city staff had prepared for us be added to our agenda and sent to us fresh so that we can look at it again and see where we're in alignment, where there are some pieces that maybe have gotten lost in the shuffle because I know some things have, and we don't want them to be lost in the shuffle

>> Mayor Adler: That's perfectly appropriate. So staff could make that part of the back-up for the conversation on Monday -- post it.

>> As far as the timing when

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you're talking about making decisions on June 10 and I'm talking about fiscal '22 conversations and trying to align our additional funding appropriations, knowing what we are doing with our budget, do you see that there is room and some justification for pulling those two discussions, having those two discussions kind of in the same timing context?

>> Mayor Adler: I hear that and that would be an appropriate conversation for us to have next week

>> So the city manager is hearing that as well and so -- city manager?

>> Mayor, first, thank you council member. We'll get that information on back-up assuming we have a special call on Monday. All the information we presented so far with respect to the American rescue plan resources and the framework we have developed as staff and in response to the resolution. Staff is prepared to put an item on the addendum next week on

[5:02:15 PM]

June 10th to use as a vehicle for this discussion that happened at the council. We will put our recommendation forward. Some of that will be informed by this conversation tonight but we know that there will be further discussion, not just on Monday and Tuesday at work session but then as you consider that item on Thursday of next week. That will allow you to make amendments or even if you are not ready to make a decision, to potentially postpone that. We wanted to make sure that there was an opportunity for you to take an action and so we will be putting that item on the addendum for your council meeting next Thursday

>> That's really helpful because I wanted to make sure it was clear that we were not having to make all these decisions seven days from now -- that we do actually have additional path for that and good justification for why we might want to use that and it's there for the best results to

[5:03:15 PM]

come from our decision making. Thanks

>> Thank you.

>> Mayor Adler: Colleagues, Greg -- still can't hear you. I don't know what it is. I think you should try to get the phone number that -- whatever it is that Kathie uses when this happens to her and she can call in and get that done.

>> Sorry.

>> He can come to my office and use my camera

>> Tovo: Council member, if you're still online. I do web-ex on my phone and sometimes that -- web-ex -- I have it on my phone

>> Mayor Adler: You can walk into any of our offices and share the camera. That would be appropriate under our rules so long as everybody

[5:04:16 PM]

can be seen. Okay? Let's continue to have a conversation. Ann, did you have your hand raised? Diana, you had -- maybe you had brought a presentation. We really didn't get a chance to discuss it, where you were raising two things, I think. One was the encampment strategy issue and the other one was a description of the 3,000-plus people and three-year proposal that has the \$300 billion gap that we would be asking others to join us if we did that to help fill

>> That is accurate. Thank you, mayor, council members. On Tuesday we did make the presentation but as you note, had precious little time to discuss at that point. So I will take your feedback now as to whether you have specific

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questions you'd like to start with or there are portions of that presentation you would like to revisit to refresh all of your memories.

>> Mayor?

>> Mayor Adler: Yes, council member kitchen?

>> Kitchen: I don't recall that as a long presentation, Diana. I think you need to put it up again

>> Absolutely

>> Kitchen: At least part of it

>> Mayor Adler: I see several people shaking their head yes. Do you want to go through it, Diana?

>> Yes, sir

>> Mayor Adler: Thank you.

>> You want to try Greg again? Is he not working?

>> I believe I.T. Was prepared to have that presentation up for us. Is it available at this time?

>> We are looking for it for --

[5:06:20 PM]

I'm just not seeing it here.

>> Why don't I give an overview while they take a look for that just as a reminder and we may wish to doctor director mckneelly join us in case there are questions for her at this time. The presentation we shared on Tuesday did a couple of things. The bulk of it, while still a brief presentation, was on our progress related to the resolution that was passed on may 6th related to the potential of creating designated encampments, so we spoke to the effect of applying all of the criteria that staff had proposed --

>> Mayor?

>> Mayor Adler: Yes?

>> Kitchen: I wasn't interested in that part of the conversation. I thought we were going to focus

[5:07:20 PM]

on the part of the presentation that related to the potential for the lp funds

>> Mayor Adler: Right. I think we're going to -- potentially there could be questions about both of them. So I think you were trying to just go through them at a really high level -- both of them. I sense that most of the questions will be about the other topic, but we're open to both.

>> Certainly. Why don't I do this -- I think the summary relevant to the resolution from may 6th related to designated encampments was related to there might be a budget amendment next week in order to approve -- or include a small portion of arp dollars that would be available for utilization whether for designated encampments or extending, creating short-term

[5:08:24 PM]

shelter via hotels -- leased hotels. That would be separate of as is currently framed the dollars that might be approved for use via the arp in general around our efforts to address homelessness, which economic recovery had previously presented to council as a recommended \$84 million. So let's on this slide -- the presentation, I think if we go to the last slide or the next to the last slide -- see if I got that right. Continue. It's -- I'm looking for the table with financial figures in it. There we go. So I'm guessing that this is where the questions might be. And so I can give a quick overview of this if you would

[5:09:25 PM]

like and we can go from there. So -- is that appropriate?

>> Mayor Adler: Yes.

>> So this table represents our projected costs to reach the goals that were proposed through the summit to address unsheltered homelessness, which if you will recall at a high level was housing 3,000 people over the course of three years over and above our current rate of rehousing and that those would be people who were rehoused with robust services so likely either long term services -- we would also increase capacity in some of the shorter-term resources that help people really keep from entering into the system at the front door, if you will, and helping folks who have been homeless previously keep from falling

[5:10:26 PM]

back in to homelessness. So the total projected cost over the three years, 515 million, separated into five categories or buckets, if you will. The crisis services -- I think this is important. Here include diversion, which is essentially, as I said, that sort of front- door assistance when someone is abouts to become homeless and might be able to avoid by problem solving whether with rental support or family reunification and then outreach. This does not include shelter or costses of any temporary designated encampments. The next section, which is one of the two larger sections, really are the core housing services that we generally speak about when we talk about addressing the issue of

[5:11:28 PM]

homelessness. So in particular rapid warehousing and permanent supportive housing along with those intervention -- rapid exit which is one to three months of rental assistance and targeted prevention which, again, my "Targeted" we mean this is targeted to people who have become homeless previously and so are more likely to do so again. Other services relates to those ancillary behavioral health or employment services that we know are critical to helping people stabilize but might fallout side of a core case management package or direct mental health services, for example when interval care is the primary provider. Substance abuse treatment has been a big hole for this population so this is a piece of this. System capacity building speaks to building the capacity of our

[5:12:30 PM]

service providers to grow to increase fair number of services, to increase our efficacy, to bring new providers into this work or to open the door to them I think more effectively, to improve our performance really on the equity front. Our communications, planning, et cetera. And then capital investment which speaks primarily to the units that would be created in a bricks and mortar standpoint for psh and then some other modest investment in units that would be dedicated to the continuing care but not be psh. So those are the overall categories of the \$515 million projected expense. We have identified funding for about 222 million of that, which is either dollars that are already committed, are in an on going budget and not yet

[5:13:31 PM]

committed, or if they're with another jurisdiction -- for example with the state -- we have a good understanding of the stability of a funding stream like low-income housing tax credits or one of their other equity programs for capital. So taking that into account, the gap is just under around 3 hundred million. . Economic recovery proposed 34 million and because we have recognized that council has

spoken loudly and clearly, as had the summit leadership, that this is not intended to be only a city of Austin effort but any moneys that the city would dedicate out of arp funds should be part of a joint effort. This last column spreads that \$84 million proportionally across the existing gap but we all understand that depending on the sources that come to bear

[5:14:33 PM]

from other jurisdictions or the private sector, that may move a little bit, but it gives you some sense of scale I will pause there for questions

>> Mayor Adler: Council member kitchen?

>> Kitchen: So if you could speak to -- if I'm hearing this correctly, these are five components that we're thinking are necessary to look at the entire system of rehousing. You know, we've talked about that for many years and that's what we've been working on over the years, different pieces of it, starting with the plan that eco did and most recent work from barb poppy and the recent work for the summit. Would you say this is how they fall? It seems to make sense to me that all five of these together

[5:15:34 PM]

are combined different services you need at differences on the continuum of where individuals may be in order to have a comprehensive rehousing division.

>> That's accurate. This -- the summit vision really looks at making sure our system is functioning well. And so I will say that while shelter resources, shelter expenditures are not included here it certainly recognizes part of that process that some of that would be necessary. And really I think one of the things in addition to the numbers that are housed and that we are developing a system that is substantially more efficient and more effective over the course of these three years so that as we move forward we hope to see as some other communities have seen that their costs to rehouse someone stably has

[5:16:34 PM]

decreased over time. And I think importantly people stay homeless for shorter periods of time. We're able to get them back into housing more quickly

>> Mayor Adler: Council member Casar

>> Casar: Does this work now

>> Mayor Adler: Yes

>> Casar: My gosh. Kathie, I feel a lot of sympathy for what you have had to deal with. I was trying to pipe up in the Springdale issue but obviously couldn't but to state -- what I was trying to state then was our joint commitment to addressing issues and gentrification -- I appreciate everyone trying to work hard together on that because we all care about that. As related to the other time I was trying to pipe up around arp funds I appreciate, Ms. Gray, you presenting this here. As council member pool said, I think staff presented us with a strong framework that included

[5:17:35 PM]

the funding. I appreciate those details getting laid out and wanted to reiterate for the record that I -- even if we get more detailed after we move forward with this, that I would feel most comfortable before the summer break authorizing this amount you've laid out here so that we can start -- we can go to the other partners to work with them on getting the whole deal put together. So thank you for laying that out, and I would also feel comfortable with a child care amount laid out by the staff and food insecurity amount laid out by the staff along with addressing rental assistance as we discussed earlier today.

>> Mayor Adler: Okay. Council member alter?

>> Alter: Thank you. I appreciate -- I appreciate the

[5:18:35 PM]

chance to ask some questions and better understand this. So you list 222 million that is committed or on going. What portion of that comes from city funds?

>> I apologize. I was on mute. So I will need to do that math quickly, council member. I do have a sense of if the city were to commit roughly of the amount that we are looking at here, then -- I apologize. So let me get that for you fairly quickly. From the city standpoint for the 222 million, I believe that we

[5:19:39 PM]

have approximately 40 to 50 million in capital, and then we have probably 20 to 25 in services and operations, but I can pull that up for you fairly quickly here

>> To me that's a really important piece of this because we have, you know, 70-some million that was spent on homelessness every fiscal year, plus we have the capital deployed from the housing bonds that our community voted for. And I really need to be able to put all these buckets to understand what we're spending our money on and how much that adds up to. I have to be able to go to my constituents and

say this is what we're investing in solving this and this is where it's going. I would love to know who we have commitments from. Maybe you could tell us that, if

[5:20:40 PM]

you can, and how much those are.

>> Thank you. So let me give you a sense of the sources while I try to pull up the specific amounts. So actually, we have got of the 222 million, the city currently has about 92 million. About 18 million is committed or anticipated from our public housing authorities. \$94 million from the state, and that is almost entirely capital, and then about \$18 million from other sources. Should the city -- so that's 41 per cent of the committed funds. Should the city, the county and private dollars come in roughly equally for the gap, I believe that the city's contribution overall would fall to just above a third of the total dollars.

[5:21:46 PM]

>> Mayor, can you ask -- Ms. Gray, would you mind doing those numbers for us again, please

>> Absolutely

>> Tovo: Unless they're on the presentation somewhere and you can point us to that point

>> They are not as of present. Of the 222 million committed or anticipated, about 92 million or 41 per cent relates to city of Austin. 18-1/2 million, or 8 per cent, public housing authority -- housing authority of city of Austin. Approximately 94 million from the state. That would be 42 per cent of the total. And then 18 million from other sources, and that includes some of the continuum of care funding that comes through echo, potential medicaid reimbursement

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and some known reliable funding sources that qualify us

>> Tovo: Is this new funding, or is this funding that we have been receiving or knew about prior to the summit? I mean, some of these sources, I think, are just not -- are --

>> These are not funds that are already committed or being utilized in our community. So either they are -- they may be interbudget. So the 6-1/2 million in aph money has not yet -- we've been allocating those dollars. We have not yet permanently housed anyone yet through that, so that would count -- right -- as committed funds through the city because we are looking for people who are housed over and

above our baseline after the summit. So it is essentially new money. We've got -- it includes new covid dollars that came in but

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had not yet placed folks as of the summit. It includes substantial new voucher, rental vouchers that have come to the housing authorities since covid began and including this last American rescue plan act, the allocation to them. It includes the presumption that we would be pretty assertively seeking tax credits of the noncompetitive variety and utilizing the state -- the state has a soft loan fund that can be utilized for permanent supportive housing. So we can certainly go line by line on those and would be, you know, probably be more appropriate for those interested one by one or if you would like that on Monday, I would be happy to do so. Okay. Great.

>> Continue. Thank you. I would absolutely love that on Monday, and, you know, it's just

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extremely confusing to understand in this proposal what we have spent -- what we are already spending on. We're essentially allocating now it sounds like our tax credits for permanent supportive housing as opposed to other things or -- you know, like, we have to be able to get a handle on what is being allocated from where and, you know, I don't know if some of this state money is coming down and we normally count that or the echo money -- we normally count that as tough in the 70-some million for homelessness. You're shaking your head but I have know idea how it streams. And for me to be at all comfortable with this process, I need to have that level of clarity and understanding -- what we're still spending money on -- you know, projected or guessing because there's not a lot of prevention in this model

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and for me, I think the prevention is a really important piece of it but I'm not seeing how that fits together. So how much of the process -- the other piece I'm having a lot of trouble with is understanding what is going to require on going funding. If you look at the slides that we got, first of all, there was a typo of -- where there was some calculations over -- saying -- I think it was a 160 million when it was a 104 million if you did 2600 times -- I don't remember the exact numbers. I couldn't get the number 160 million to add up. But the -- in terms of the calculations, but I need to understand better how all of this is, you know, fitting

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together from what is on going because there's a lot of the charts that were shared in those slides that's on going money on a scale that we don't have. I mean, it looked like it was -- it said it was 160 million. It sounded like of on going money to wrap around the permanent supportive housing. And I may be mistaking that because I only have the slides and haven't looked at them in a little while but I need to understand we have this 515 million that covers over us over the three years. What is this setting up to be responsible for after the three years are up? And who's committed to paying that? And what a the city's responsibilities in that? One of the challenges of the arpa money is it is one-time money and what I worry about from what I could understand is setting us up on this funding cliff. I understand that the notion is we're fixing the system and when the system is fixed you don't

[5:27:56 PM]

have to pay as much money but I'm not able yet to put those puzzle pieces together. So I would really like that. Can you also tell me more about, you know, the other -- as I understood it there was like a thousand square foot of supportive housing and 2300 people were going to be housed in existing apartments by landlords. How does that actually work in an apartment market like we have right now? I mean, it's one thing to make it possible in a market where you have apartments that are available but given the occupancy levels that we have, I'm just not sure how you get 2300 people housed.

>> Yeah. So if I may address that last question first and we can touch on the other ones, but clearly I think those would be best addressed with additional detail. Yes, our housing market is very

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tight and has been so for a long time. Scaling up to this level is a challenge because while echo and some of the service providers have done a good job building relationships with landlords we are talking about substantially more volume. One of the things in the financial strategy does include an increase in the risk mitigation strategies we've utilized previously where there are guarantees against damages, et cetera, but also contemplates some additional flexibility around hold fees, for example. Other communities when they have needed to secure units at volume have in some cases said to -- you know, to a landlord or an owner will you hold this unit for us over this month? We'll pay you and then -- it's our job to get someone into it,

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right? Because as you know, in this community, you know, our home ownership market is hot but units turn over very, very quickly. So it is a challenge. I would point to the success we had during the efforts to end veteran homelessness when in addition to financial resources we really called on the community of property owners, the apartment association, et cetera, to dedicate units to the effort so that we were bringing new landlords into this collaborative initiative and campaign and every bit of that will be necessary in order for us to be successful here.

>> Thank you. I don't know that this is the forum but I'm going to really need to understand. That's a huge chunk of the

[5:30:58 PM]

300,000 and I'm struggling to understand how that can be successful in the market we have as a key strategy. I'm not saying it can't but I need that illuminated more quickly

>> We can bring echo in to speak to their efforts over the years and Austin justice coalition have been increasing their outreach

>> Mayor Adler: I think that would be a good place to bring in the veteran experience -- the people who can speak to that. It seems like every year we redefine what a tough real estate market is. Back when we did we thought we were in the toughest real estate market but talking about the risk fund and how that was employed, both to create the assurance of the subsidies that brought in landlords and managers, the effort to reach out to them both in Austin and outside of Austin with ownership

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interests in the city, and as you say, the Austin justice coalition, the urban league are doing similar things with respect to hotel access and places they're putting people in. I think council member alter raises a good question but bringing that kind of information back I think will be really helpful. Council member tovo and then council member pool?

>> Tovo: Yeah. Just as a note, I'm not sure what our time frame is. I know we have only 25 minutes before we're concluding. I have some questions about arpa, questions about designated camping. If most of the questions are about the American rescue plan but know I do -- as I see it, designated camping is something we really need to have a conversation around and today is -- we're going to have to do

[5:32:03 PM]

it kind of quickly, so I'd like to raise some -- at least get a chance to ask some questions. With regard to the American rescue plan and the numbers that I think I need to see, council member alter asked some important questions and so maybe I'm just clarifying here. But I think I really need to see where we're currently investing and where we're currently receiving those external funds that you discussed, including some of the other funding and what is the new contemplated funding external to the American rescue plan in as much detail as possible. I'm still really struggling to understand where that is going. Now that connects in some parts to the information that you provided us with with regard to

[5:33:03 PM]

the encampment strategy and bridge structure. But each of those categories, I guess I'm interested in knowing what other funding sources were evaluated. For example, where are there capital expenses contemplated? It's not always clear to me which are capital expenses in some of the categories because they're still pretty general but where there are capital expenditures have we considered using the wallow creek tirz? We had a big conversation about the fact that would generate money for capital for homelessness but along the capital lines are we looking carefully at the other funding sources and considering those first before we top our American rescue dollars? I'm sorry if that's a variety of questions and also data needs for -- I don't know if you have an initial response to any of these issues

>> I do. First of all I would say to clarify, the additional dollars

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that I have spoken to to fund this delta, this increase in capacities do not cannibalize from anything else we are already funding. These are all new sources that are coming in or that we could effectively leverage without defunding anything that we already doing. And so -- but I hear you, that we need to better -- need a better understanding of here's our baseline and here's how we're growing and here's what that looks like

>> Tovo: That's helpful to E no. Do you know why we have not sought the state line -- would we be the applicant?

>> You would not be. Our providers have certainly. Karentoss is asking both of these sources and foundation

[5:35:04 PM]

communities routinely does so. But to do that effectively and get psh the city's part -- or additional gap funding is a part of it. When we think of city resources, the way to make that go further is to in all deals

look for opportunities to leverage city dollars with tax credits and with the multifamily development loan program at tdhca, and that's why those are in here as sources. Both of those funding sources for different reasons are anticipated to be more robust over the next two to three years, so it is not an endless resource but for the most part four per cent tax credits, which as you know don't provide the level of equity that a nine per

[5:36:06 PM]

cent tax credit deal does -- it is not this vicious competition that you see in annual nine per cent round

>> Tovo: Okay. So I think that, too, as we help our constituents understand what the plan is, I think that too would be helpful to know. For a minute I thought you were suggesting the city would be the applicant and as you say we have these projects already and have supported them

>> That's right. We're trying to build a pipeline and make sure we capture the state resources

>> Tovo: This is kind of in line with the past practice but it's your sense that there might be more funding available?

>> There will be

>> Tovo: In those categories?

>> Uh-huh. It's not so much that there is more money, more tax credits available but there is technical tail in the four per cent program which means we'll get more equity in each deal and we have not historically pushed

[5:37:07 PM]

that program because without very substantial local subsidy it was hard to make the deals work. If we're doing that with obligation bonds and any other funds, that tax credits and multifamily development credit loan which offers 3 million per deal begin to get us close to making deals work and philanthropy becomes important as well. You had a question about capital, council member, so if we could pull that slide up again, I want to make sure I'm answering the question you asked, which is that in this case we did separate capital from these other areas. And I -- and perhaps one issue you were referring to which I would concur with is that when we talk about our historical annual expenditure or budgeting as a city, you know, I would like to commit to you guys being more clear about what is on

[5:38:09 PM]

going operational funding and, you know, which are dollars that we have committed to capital projects, which are obviously substantial sums that might not get spent in one year and that we benefit from over the course of, you know, 20 years or 30 years of the property

>> Tovo: Thanks for calling my attention to that line. My question and maybe this is for Monday is what other financial sources have staff investigated from certificates of obligation. If we're talking about shelter I know we can't do that for other types of housing but for emergency sheltering we can use certificates of obligation. But I'm interested in the waller creek tirz and whether there's spending available there. I'm also curious about what the \$11 million of capital funds to the housing and planning department is exactly.

>> Yes

>> Tovo: As noted in the

[5:39:10 PM]

asterisk

>> I'll work backwards. Under the American rescue plan act in addition to the local fiscal assistance to governments, local and county governments, there were direct allocation to the usual recipients of home funds from hud. And that was based on the home formula. And I apologize because it begins to sound a little like alphabet soup. Based on that, HPD, housing and planning department, is awarded annually about \$11 million. Those are set aside for people experiencing homelessness. There's some flexibility there, but the dollars are generally, I would say, best suited to capital and so that is at present the assumption of how we would utilize those funds. That's outside of the 195 million allocation. In terms of the other capital

[5:40:10 PM]

sources, through the city, I think as we did this exercise it was important to when we committed an anticipated to include in there again -- not all of those are tied down and signed on the dotted line -- but confidence about that source of fund being there in the relatively short term. I think we definitely want to continue talking about the waller creek tirz. But there are some questions about that, right? And when it -- you know, to what degree funds might be available and when they might become available. So they are not considered as part of this particular model. Certainly, you know, we I think as part of an effort as large as this we will constantly scan the environment and dig into those potential funding sources that we may not have solidified yet.

>> I can add to that.

[5:41:10 PM]

We can provide some additional memorandum and sources we provided to council about the timing of the waller creek tirz and how and when that may be available. We can make sure that's part of your back-up information for Monday

>> Tovo: I think I was next. Is that right, mayor? Or was I Africa Thi? Talking about four and nine per cent, are we able to count the tax credit moneys that we get on projects where the money would be spent but we get to count them in this calculation of moneys for affordable housing because those four and nine per cent projects are considered affordable housing? Is that --

>> So I think I understand your question. I am here counting only -- so -- you know, four per cent, nine

[5:42:11 PM]

per cent -- let's just say it comes as a grant

>> Cash money

>> Right. And so, for example, in a project that might be mixed, if you had a project that got \$10 million in equity out of the four per cent tax credit program and only 50 per cent of those units were set aside for people experiencing homelessness, I would only count 5 million

>> Do we have -- okay. Do we have those calculations at hand, or are you just sort of using a proxy as an estimate

>> Yeah. That obviously will be on a deal by deal basis and the way that is accounted for in the model -- or in the budget, excuse me, is to say if we're looking at a thousand built psh units -- right -- and we cannot assume all those will access tax credit equity. But some proportion of those and then we look at how much of those deals or units might be

[5:43:14 PM]

funded by the tax credit equity. It is generally a percentage roughly of unit cost. So just as an example, it might normally be 35 per cent of unit cost on a bricks and mortar unit -- drawing back from that to say maybe we get 20 per cent or 25 per cent. There are assumptions for deals not yet in the pipeline but in some cases we no, for example -- spirit Rutland will use tax credits and they have secured those and will hopefully close their project next week

>> Two things can come from that and I have a question to build on something council member tovo had. When a deal closes, assume you will go back in and put the actual dollar figure that can be credited? And are you able to adjust your

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expectations up or down depending on how that final -- I mean, because you chose --

>> Sure, sure

>> I want to know what the tolerance is on either side because on the one hand it might mean we're wildly successful or we just make it or we fall significantly short. So there's a certain amount of art to that and if those numbers are in fact controlled by the formula and you guys are entering in those numbers --

>> Yes. So I think as we -- as -- and here we're talking about capital projects of course. As those deals move through the pipeline we will certainly solidify our understanding of committed funds for each project and then, yes, we would have some assumptions around the additional development that needed to happen and if for some reason, as you say -- I'm just going to say we're being wildly more successful than we assumed

[5:45:15 PM]

around the amount of equity we are capturing or the alternative, then of course we would adjust over time. We have endeavored to be pretty conservative here

>> Right. As you should. But it would be instructive to understand the range you're considering so we can get a better sense of how the numbers are working out. Okay. I wanted to endorse the topic that Kathie brought up, which is the encampment clearance stuff, if we can have a conversation about that. And I guess we have about 12 minutes left

>> Mayor Adler: And we can. And, you know, we can figure out whether you want to come back here before we go to executive

>> I don't

>> Mayor Adler: On senate bill 1900 it was suggested -- something we need to do. we can

[5:46:18 PM]

do that next week. We may want to touch base on the hotel issues tonight. But it looks like the only things we have left are this conversation, a quick vote of the three pending items, and then the executive session to touch base on the hotels.

>> I can step away at 6:00 because you said --

>> Mayor Adler: We're going to stop at 6:00 regardless. But it might be helpful if people identify at the least issues that we prepare for Monday as well. So, Kathie, do you want to start with that and then Ann?

>> Tovo: I was going to suggest one way to handle this would be to special some time Monday to talk about designated camping areas and we can keep today's focus on arpa

[5:47:18 PM]

>> Mayor Adler: That works for me

>> That works for me too, and I think that makes a lot of sense. We don't have to time to get into that

>> Tovo: I would like to reserve time for the executive session. That's one that may take a couple of executive sessions so we have that information before the budget.

>> Mayor Adler: Uh-huh. Ann?

>> Kitchen: I would like to ask Diana to go back to the spread sheet, ask a question about that. I don't know that you need to bring it up, but I wanted to get a little more specific in terms of the definitions of the core services, and I also think that the question council member alter asked about prevention is an important one. And so maybe for Monday you could either -- either now or on Monday you can give more

[5:48:19 PM]

specificity to what parts -- what pieces of these different services we can speak to as prevention and how we might think of or define prevention in this kind of system.

>> In terms of prevention, I am glad you brought that up. We as a community -- so, for example, under the cares act, the rise program authorized by council and under the American rescue plan act there was a new allocation of dollars for emergency rental assistance, right? Of 25 to 30 million dollars in the different allocations. That is very critical for the civility of -- for the civil of people experiencing housing instability, people that are low income, et cetera. But it's difficult for us to identify who of those thousands of thousands of people actually would be likely to fall into

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homelessness. And because of that, we sort of draw a line there and say we know that this is important in terms of supporting people and supporting their housing stability, but we don't really call that part of

the homeless system, per se, because it's so much larger, right? Therefore -- and that of course is a separate part of the American rescue plan act -- again, not part of the 195 million. And so when we talk about prevention as relates to resources that I would say are sort of managed within, what we would say is the homeless response system -- we are talking about very targeted prevention. The best indicator about whether someone will become homeless because of their current housing instability or crisis around rent is whether they've ever been homeless before.

[5:50:20 PM]

And so in that scenario, when we have people who we have helped rehouse who perhaps are no longer receiving assistance but having funds that help us when those people really fall very close to losing their housing is as far as we can tell the best utilization of prevention resources, again, within the homeless system. There is clearly a bridge between the broader prevention, but it helps us sort of understand the difference.

>> So does that mean the term "Targeted prevention" is -- tell me more. What would that be spent on? Is that dollars that are spent towards those individuals that we have identified that are at risk for becoming homeless again after we connect them to homelessness? Tell me more specifics about that

>> Let me give you an example and this is something that HPD has been open to talking about.

[5:51:21 PM]

We've been discussing and in terms of identifying those people, say, within the larger program -- that we might -- some communities set aside or a priority in their emergency rental assistance program for people who have previously experienced homelessness, right? And so that would be targeted. Now, that is within an overall sort of emergency rental assistance program. You could also have a separate fund, right? Where people who have experienced homelessness may reapproach their previous service provider and say I have an eviction notice, I'm behind in rent, et cetera. Something has happened to my employment. That would be how we describe that. It is not necessarily a technical term. This is, you know, how we're endeavoring to describe this in terms -- describe this in terms

[5:52:21 PM]

of our strategy going forward

>> Okay. Then I'll just ask -- maybe you can put in writing for us the definitions of "Rapid exit." I forget what all you have listed. Rapid exit. Psh. Rapid rehousing. Those terms can be confusing and I think a written definition would be helpful for us and maybe an example or two so we understand exactly what

it is that we are -- that those kinds of money goes to and perhaps a profile for an example of the types of individuals or the situations -- circumstances of individuals who may need that kind of money. I think --

>> Right. We have -- we actually can look at the next -- the final slide before the discussion in the slide deck has something about I think you just described, council member -- is more complete and probably more useful. In -- I'll just say that in the

[5:53:23 PM]

back-up -- in the slide deck that one of the slides gives a brief description of those and we can provide more detail on Monday

>> Yeah. I think the detail is helpful because -- and anything you can provide or any data. You may not have this but any data you have that relates the needs to what we see in the homeless population. So we know that X per cent of folks generally need permanent supportive housing. Or we know that X per cent of folks need X. That level of detail would help us understand who we're talking about helping and what they need and how we've aligned these particular core services and the dollars we're thinking about them with the needs. So that would help

>> Thank you, council member

>> Mayor Adler: Something else I would like you to also address on Monday -- I don't know if you can address it now but certainly

[5:54:23 PM]

on Monday. One of the most significant challenges with this overall challenge is the mental health support and assistance. And I'd really be interested in knowing how this allocation of funds, whether we're putting anything towards increasing capacity for mental health support. You know, the government kind of used to deal with that, and then they kind of left and picked up the support and walked away. But when you look at the community that we're trying to help as we've seen from the numbers you've presented, it still is a significant number of the folks. So does this program address that aspect? And how?

>> Yes, sir. I will say briefly that certainly people living with chronic behavioral health issues are very public among people

[5:55:26 PM]

experiencing homelessness and generally it is the longer term services -- rapid term housing or permanent support housing, it is presumed that is part of the service provider's role -- is to assist them with those services. Integral care is one of the biggest supporters and I want to speak a little to supportive housing in general. Permanent supportive housing as evidence-based practice became out of the behavioral health sector. Substance abuse and mental health services administration identified psh as evidence-based practice that worked for people with severe and persistent mental health. So it is best for people who need clinical services and supports but also absolutely have to have the stable housing in order to continue their recovery from a health

[5:56:28 PM]

standpoint as well. So big part of this.

>> Mayor Adler: Ann? And then we're getting close to 6:00

>> Kitchen: Just quickly to follow up -- quickly to follow up on that I would like to -- both have responsibilities for healthcare in the community as do managed care organizations for medicaid. When we're talking about mental health services and related health service and stuff, all those players are payers and they have funding streams and we need to be -- they need to be at the table because many homeless individuals are their responsibility

>> Mayor Adler: Thank you. Colleagues, it's 6:00 o'clock. We're going to take a dinner break. Is half an hour sufficient? Or do you need or want more time than that? Anybody need more time than half an hour?

>> I'd like an hour, please.

[5:57:29 PM]

I'll take an hour

>> Mayor Adler: Are we comfortable with doing an hour? All right. We'll come back at 7:00. At 7:00, do you want to come back here for further discussion here or go straight into executive session to discuss that one issue? Council member alter?

>> Alter: I'm fine to go to executive session. I'm wondering if we should vote on the three items

>> Mayor Adler: Thank you

>> Alter: I move to approve

>> Mayor Adler: You wouldn't believe the phone calls I would have gotten if we hadn't done that. Motion to approve? Council member alter makes the motion. Seconded by council member kitchen. Any discussion? Those in favor of approving the three items, please raise your

[5:58:30 PM]

hand. Those opposed? Thank you. Those are really good items that are worthy of us talking about. I don't know if we'll get a chance to do that but the community-first waivers need to be a really big part of the conversation that we're having right now. Has always been contemplated to be part of the beneficiary and funding stream associated with what Barbara poppy laid out and continues to be, so that's important that we have. Intre gral care agreement. We've -- integral care agreement. We've been talking about at length. And the direct financial assistance -- ice places the city among a relatively smaller group of cities that are looking for better ways to support and achieve stability in the community and preserve everybody living in the community.

[5:59:32 PM]

So I think those are all good things for us to pass. And before we break --

>> Just quickly, so is all we have left executive session and nothing else to vote on, right?

>> Mayor Adler: That's correct

>> Okay

>> Mayor Adler: Kathie? And then --

>> Tovo: Mayor, I had a couple of other questions related to the American rescue plan, some I submitted. I think they're in there but didn't get answered. I think in communication they don't usually post a Q and a for a special called meeting but said they can do so for this one so I want to throw that out. I think -- my expectations are not going to be that those questions get answered in the Q and a in light of the fact that everybody is Friday and everybody is entitled to a weekend and we're having the meeting on Monday.

[6:00:33 PM]

But I intend to use it to pose my questions with the expectation not that staff would answer them necessarily until our Monday meeting. So I just wanted to make my colleagues aware of that

>> Mayor Adler: I think --

>> I'm going to emphasize again. I don't want to pose questions if staff are going to be working on answering them. I want to get the questions out there and talk about them on Monday

>> Mayor Adler: I think that's a great idea. I think the clerk checked with offices -- the special called meeting is Monday afternoon. I think it may stop at 1:30. We'll work quickly together as a group. It is 6:00 -- sorry. Paige?

>> Are we only taking up one item in executive session when we go back?

>> Mayor Adler: Yes. And --

[6:01:40 PM]

>> Item 81

>> Mayor Adler: It's 81. The hotel matter. The other -- Austin energy won't be set for next Thursday because the director is not here on Tuesday. The other, 1900 will be on Tuesday and Thursday's agenda so we have the option to bring up either of those two times. Council member alter?

>> Alter: I see council member pool left so this may be too late. I was wondering if it would be more efficient to take up that item quickly. We did discuss it Tuesday. I'm not sure how long that session is anticipated to take now that we just have the one session. I don't know what to do

>> Mayor Adler: I don't think we can do that now

>> Alter: Okay

>> Mayor Adler: We can't do that now because we said we were going to do otherwise and Leslie is gone. City council will go into closed

[6:02:41 PM]

session to take up item number 81, legal and regulatory state manners pursuant to 551071 and 551072. This concerns the hotel conversion strategy. We'll come back at 7:00 straight to executive session. I'll come out and close the

[6:03:45 PM]

[In Executive Session]

[8:24:15 PM]

<<Mayor Adler: We are out of closed session. In closed session we discussed legal and real estate matters related to item: 82. It is 8:24 PM on June 3, 2021 and this regular City Council Meeting is adjourned. You got it? Thank you. Good bye.