

# City Council Regular Meeting Transcript – 10/14/2021

Title: City of Austin

Channel: 6 - ATXN-1

Recorded On: 10/14/2021 6:00:00 AM

Original Air Date: 10/14/2021

Transcript Generated by SnapStream

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[10:12:16 AM]

>> Mayor Adler: I want to call to order the Austin city council meeting here on Thursday, October 14th, 2021. Happy birthday to my sister. It is 10:12. We're going to begin the council meeting. We have a quorum. The mayor pro tem is not with us yet. Everybody else is here. Kathy is on the screen. I'm going to start by reading changes and corrections. Item number 2, recommended by the water and wastewater commission on an 8-0 vote, commissioner atalla absent. Item number 3, same comment. Item number 7, same comment. Item number 10, same comment and in addition, commissioner Michael is re-cueing.

[10:13:17 AM]

I think you -- recusing. On item number 34, this is not in the changes and correction, but I want the record to reflect that our council is reading into the record the blank for item number 34.

>> Good morning, mayor, and council. We recommend that you approve \$300,000 to plaintiffs huang and Kim as a result of the September 27th, 2019 car wreck. The plaintiffs will dismiss the case against the city and will release the city and all of its employees of any liability related to this accident.

>> Mayor Adler: Great. Thank you. Colleagues, without objection, that's how it will appear on the consent agenda. Item number 36, postponed. 31, postponed.

[10:14:18 AM]

46, councilmember tovo should be listed as one of the sponsors. Number 47, I should be listed as one of the sponsors. Number 49, postponed to October 21st, 2021. Item 54, at its 2:00 P.M. Time certain, a request to postpone this item until October 21st will be made. That's just notice that there's going to be a postponement request made. Same thing for item 55. Item number 60 is actually in district 4. Item number 74 actually in district 9. Item 75 is withdrawn and replaced with agenda item 89. Item 76 is in district 9. And item 87 is withdrawn.

>> Mayor, 60 again?

>> Mayor Adler: 60 is in district 4.

[10:15:19 AM]

Yes, version three. That was a correction from version two.

>> Okay.

>> Mayor Adler: There have been some items with late backup. Items 7, 8, 9, 30, 37, 44, 354, 55, 59, 61, 62, 66, 70, 71, 72, 73, 74, 76, 78, 79, 81, 82, 84, and 85 and 88 and 89. Colleagues, for today's meeting, we have about ten speakers this morning. We have today's agenda. At 12:00 P.M. I think we just have two citizen communication speakers. We have a lot of people that signed up to speak in the afternoon, like 55, I think

[10:16:19 AM]

something like that. These are on the zoning cases. I think the best prediction at this point is there's only going to be three or four that end up as discussion items, so I don't know that everyone will continue to come in. But I suggested to the clerk that we have three minutes for each speaker today. The zoning cases, I kind of labored with whether to take that down, because it's a lot of time, but we're only heavy today in zoning because of what happened with the notice issue that was worked out between legal and development services. So we're going to do it that way and see how many people come. The consent agenda item for today is -- consent agenda items are 1-48 and 87 and 88. I'm not showing any of these items being pulled.

[10:17:26 AM]

Does anybody have any pulled items?

>> Kitchen: I don't have pulled, but I do have a comment and a request on one of them for staff.

>> Mayor Adler: Okay. If there aren't any pulled items, I'm going to call the speakers and then you can give your comment after we've had a chance to hear the speakers, okay? Does that sound right?

>> Mayor.

>> Mayor Adler: Yes.

>> My apologies. I do want to pull item 31. I'm going to circulate an amendment here soon. And at the appropriate time, I have some direction to add and a slight amendment to 30. But 30 can stay on consent.

>> Mayor Adler: Okay. And were there amendments that you were putting into 47, or was that the correct version of that record, councilmember tovo?

>> Tovo: Thank you for asking that question. I do have a very small amendment to make to 47.

[10:18:26 AM]

That, too, can stay on consent. It's just the removal of the word "West."

>> Mayor Adler: Okay. Sounds good.

>> Tovo: Please leave on consent 30 and 47 but I need to be recognized for some very small amendments and then if I could pull 31 for a larger amendment that I'm going to circulate here soon.

>> Mayor Adler: Okay.

>> Tovo: Thank you.

>> Mayor Adler: All right. So, it's really only 31 being pulled, a couple comments and quick changes to the others. We'll call now speakers for the consent agenda. As is our practice, we're going to call the people in person first so that they have the opportunity to lead if they want to. And then we'll do the folks over the phone. So, in person speakers is Seth Dillan here?

[10:19:38 AM]

That's 12:00 P.M. What about Carmen? Is she with us? I think she is signed up to speak on the phone.

>> She is on the line, but we do have someone who registered to speak over the phone but is here in person.

>> Mayor Adler: If you'd like to speak now, you can do that.

[ Off mic ]

>> Mayor Adler: Okay.

>> Good morning, everybody. My name is Paula and I'm the director of family pathways at United Way for greater Austin. I'm here today representing the two gen coalition, organizations that serve thousands of families with low incomes in Austin and Travis county, families that family pathways is a pillar of United Way work that focuses on financial stability.

[10:20:38 AM]

We do that mostly using a two-gen approach. Our goal is to move families to sustainable living wages by removing systemic barriers to career and education pathways for parents and children. At family pathways, parents' strengths and lived experience are the greatest tool for advancing equity and strengthening family well-being, which is why listening to parent voices is the hallmark of the approach simultaneously works with children and adults together. Parents are the most intimately affected by long-standing policies and practices that are in place. And therefore, offer invaluable leadership to meaningful pursuit of ideas and innovation. For communities to provide testimony and share their voice, it's important that barriers are removed. Parents usually don't have the

[10:21:40 AM]

luxury to miss a day of work, arrange childcare, and have transportation to be here and provide their testimony. I urge you to approve the budget required to have hybrid meetings so the community can provide their voice, expertise, and insight. Thank you very much.

>> Mayor Adler: Thank you. Again, the two speakers that are listed -- the other speaker in person was Seth Dillan. Is anybody else here in person that believes they signed up to speak? You think you signed up to speak? Would you come down to the clerk? Could you give the clerk your name?

[10:22:42 AM]

Please introduce yourself.

>> Good morning. My name is Justin Shaw and I'm working with Kays here in the city of Austin. I've been studying the caves since I was a young kid. I have 30 years experience. I'm here to speak to you today about the dead dog caves under the property which is being rezoned for a dense development. Location-wise in the city it's a great place, on mopac. It's very understandable. However, there is a very sensitive cave underneath there. There's debate over whether it's a new cave. Some people say -- in my expertise and having talked with bill Russell about it after it started to reopen in 2015, he° this is the

dead dog cave number 2. It should be preserved. It should be restored. And it should be studied. And in my opinion, the best way to do that would be to separate

[10:23:43 AM]

a small parcel of land around the cave off from the tract. Then I wouldn't see any problem with the zoning for the tract. And then that small parcel of land could be transferred to an entity that does cave management. It could be within the city of Austin, or it could be within the nonprofit sector. And I think that would be a great solution that would allow for some much-needed dense development in an ideal location while also protecting the cave. If you look at the history of the cave, I did a history report. I sent it to the zoning. For some reason it didn't transfer along with the support documents. But if you look on the support documents for the zoning case, you'll see a report for the dead dogs cave and there will be an updated one with more information shortly. The point is the cave has been wronged many times throughout its history, similar to Austin in Terry town, multiple attempts of filling it, crossing it with utilities, things that shouldn't

[10:24:44 AM]

be happening inside the critical environmental feature based on the land use code. And so I think what we have here is a great opportunity to right a history of wrongs and build on recent steps the council has taken to preserve the caves in the city area. And basically I see great opportunity here. The developer could get what they want and this could further the city's goals of protecting caves and doing some really neat things with taking something where something wrong has happened over and over and making it right, if you will. So, that's my idea on that and I really thank you all for your time.

>> Mayor Adler: Thank you. Would you please now call the phone speakers?

>> Sure. The first speaker is Carmen.

>> Good morning, mayor and mayor pro tem and council. Thank you as always for your service. I'll try to be brief because I'm

[10:25:44 AM]

speaking on both items 46 and 48. On 46, I just want to thank you all for those of you who sponsored this item and please encourage you to invest what we need to in order to keep a hybrid testimony system. I know lots of people come plained when we first were dealing with remote testimony and the pandemic, and there were calls to put moratoriums on items because it was difficult to testify, but that's normal with any kind of technological hurdle. I think, you know, your tech guys have done an incredible

job and all your tech people in general have done an incredible job getting us to this point. And I really want to encourage you to think about the aspects of ableism involved with requiring people to speak in person, not just in council meetings, but in events in general. This has been an amazing growing edge for us as an organization, for all of us to actually

[10:26:45 AM]

understand how much more access, safety, comfort, and richness comes with allowing remote testimony in any setting and how you can actually bring more different kinds of people together. We're still spending money doing both, so I hope you will find a way to make that possible. Item 48, thankful to councilmember Fuentes and all the cosponsors and my heart is a little heavy because I feel we're again offering another resolution to do several things that should already have been done or getting addressed or have momentum in the wings. So, the memorial at onion creek is very important, but the most important thing is ensuring that people are safe so that every time we have a hard rain like last night we're not worried about our neighbors downstream and ensuring that we have preparedness. Shoutout to your homeland security and emergency management for finding funds to print our disaster preparedness

[10:27:46 AM]

manual. There's a lot more that needs to be done. So don't forget about your past staff recommendations, reports, and all of the other things that were generated after previous resolutions on resilience, climate resilience, flooding, etc. Please make this actionable. Make sure the city manager gets these things done. And thank you all so much for your service.

>> Jessica Johnson.

>> Hi. My name is Jessica Johnson, resident of district 9, a member of reimagining public safety task force, speaking in opposition to item 36. Thank you for postponing this item. I want to draw attention to flaws in this particular piece. The creation of another law enforcement agency and hiring more police officers, regardless of the agency name, is antithetical to the work of the task force. Coupled with the implementation of the statewide camping ban, creating an additional agency

[10:28:47 AM]

that will have the power to serve warrants for class B and to put people in jail means further entrenching low-income Texans into the tangled and often inescapable web of the criminal legal system. I find it incredibly concerning that this measure was allegedly proposed as part of the reimagining initiative. The city cannot slap the word reimagined in front of measures that do not rethink the way we

increase public safety in our city. As we've made clear throughout the process, more police do not make us safer. Reimagining takes more time, effort, and intention than a constrained nine-month process focused on producing budget recommendations. The members of the task force are committed to truly reimagining regardless of the city's involvement in the process. We will continue to be vigilant and hope that any items proposed in the name of reimagining public safety be thoroughly vetted by members of the community, especially if those items are not directly in line with the recommendations of the task force. So we ask that council oppose item 36 when it comes back up

[10:29:48 AM]

and any actions that increase the presence of the police in the city of Austin. Thank you.

>> David king.

>> Yes. Can you hear me?

>> Yes. Please proceed.

>> Thank you. My name is David king. I'm speak on a couple of items today. Item number 30, to add \$4 million to the contract with Lincoln property company commercial incorporated, for property management services for the city's planning and development center. That's a lot of money and I'm very happy that councilmember tovo has dug into this to make sure that we're getting good value for outsourcing property management services for our city buildings. And given the trend to work from home, the need for office space for employees may level off or decrease. This trend should be factored into policies regarding outsourcing of property management services for

[10:30:48 AM]

city-owned office space. Regarding item 45, the board of adjustment applicant assistance program, this is an important item. I hope you'll approve this and make sure that it's equitable to homeowners of color and low-income homeowners. Item 46, the budget resources for hybrid meetings by boards, commissions, and subcommittees and the council as well. This is an important item. And I think this would be one of the priorities for the council to provide full, consistent funding for this. And I want to make sure that the emphasis is on low-income families and families of color to make sure that they have the access they need, the resources, the cell service, things like that that they need to participate remotely. And we should follow the Travis county commissioners court process. Their process is simple. It actually encourages people to participate in their meetings. There's one number that's posted on their agenda that you call in and as long as you call in

[10:31:48 AM]

before that item has been disposed of you will be put into the speaker's queue. They make it simple and easy, no barriers to participate in their commissioners meeting. I hope you will look at their model and follow that. It relieves staff and the chairs of these committees and the boards. And it would relieve staff and chairs of committees and boards from having to manage the speaker queue in that process. And it lets them focus more on the meeting and the agenda items. So I think that's very important. And item 48, this should be a top priority to reaffirm the city's commitment to building flood resilient community and additional funding to reduce or eliminate flood risk damage. I hope that you will make -- direct the city manager to make these top priorities to mitigate floods with full and consistent funding. And please ensure that this funding and resources are focused on low-income communities and communities of color most vulnerable to

[10:32:50 AM]

flooding. And on item 88, extend the expiration date for notices of proposed evictions, I'm so happy that you're staying on top of this. The prevention of evictions of low-income families and families of color should be a top priority, the most important priority that we have. And so I hope that you will, you know, continue to follow this and hold the city manager accountable for enforcing this ordinance rigorously and equitably.

[ Buzzer sounding ]

>> Speaker, your time has expired.

>> Thank you for your service.

>> Michelle mejilla. Michelle, please unmute. Amelia gazas.

[10:33:50 AM]

>> Hi, my name is Amelia, a resident of district 6 speaking on behalf of the Texas fair defense project many opposition to item 36 -- in opposition. I want to thank you for postponing item 36. We really appreciate this action. But the municipal court handles class B offenses largely associated with poverty and the new local and statewide camping ban. Under the proposed marshal program, police with a new name will have the responsibility to serve warrants for class Bs and booking and transporting folks to court. Nothing about these actions qualify as reimagining public safety. Under hb1925, the city can enact policies that provide services instead of tickets for folks accused of violating the camping ban and that's what we should prioritize. The city can adopt a diversion policy and use the \$1.4 million to connect folks to services rather than the carceral system. Organizations on the ground can



[10:34:52 AM]

pay for extended hotel stays or increase access to housing vouchers or storage initiative. Law enforcement has largely failed to treat us in a humane manner through prop B enforcement and approving this program would only be another failure. Please enact a diversion policy for camping and oppose further development of the Marshall program. Thank you for your time.

>> Mayor Adler: Thank you for that. Remember item 36 has been postponed to November 18th. Go ahead.

>> Michelle.

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

>> Yes, go ahead.

>> Okay. My name is Michelle and I am the

[10:35:53 AM]

early childhood and family health organizer with go Austin. I am here today in support of item 46. As a community organizer who predominantly works with families of young children and those that care for them, our network of friends, family, and neighbor care, the pandemic -- acknowledging how much our care infrastructure is underfunded and not prioritized. It pointed us to parents and those caring for others, carrying much stress, that was exacerbated by covid-19. As a community, and as a city, we have meetings, conferences, we decide on programs and budgets, and -- hear the voices voice sof the directly impacted because meetings happen when folks work. Caretaking and being civically engaged sometimes don't go hand in hand because we prioritize those we are caring for. If there has been a silver lining about all of this, hybrid meetings have given options to

[10:36:53 AM]

parents, teachers, caregivers to be more vocal about their needs. We need to do more, but this is one step in the path on for accessibility. Back in may, we at gave were able to coordinate a presentation around recommendations at an early childhood council. We had a parent, a center director, and a home-based childcare provider who spoke via the comfort of their jobs and homes. It's moments like those that make me realize we need to make participation more accessible to all of our residents. That is why we are in support of item 46. Thank you.

>> Our next speaker is a spanish-speaker, Jacqueline. The interpreter, are you on the line? Jacqueline?

>> Yes. Can you hear me?

>> Yes. Okay. I'm going to call Esther.

[10:38:00 AM]

>> Okay.

>> Esther, [ speaking Spanish ]?

>> Si.

>> Go ahead, Jacqueline.

>> Thank you.

[ Speaking Spanish ]

>> [ Speaking Spanish ]

>> I am a resident --

>> [ Speaking Spanish ]

>> Proposition 46.

>> [ Speaking Spanish ]

>> So we can continue to communicate remotely.

>> [ Speaking Spanish ]

[10:39:10 AM]

>> Because this is a very good option for us, because we all have work and children and things to do. And we're far away, so this is a more viable way to communicate.

>> [ Speaking Spanish ]

>> I'm also in favor of 48.

>> [ Speaking Spanish ]

>> So they will still be defending us, the residents, if there's a natural disaster.

>> [ Speaking Spanish ]

>> It's very important, because the climate is changing and we don't have the preparation.

>> [ Speaking Spanish ]

>> And it's very important.

[10:40:11 AM]

>> [ Speaking Spanish ]

>> That is it.

>> The next speaker is Francis Acuna.

>> Can you hear me?

>> Yes, please proceed.

>> Yes. My name is Francis Acuna. I'm a long-time resident of dove springs and a climate resilience community lead organizer with go Austin, vamos Austin. I want to thank you and highlight councilmember Fuentes for her advocacy. I am here in support of item 46 to ensure representation in communities that are more impacted and may not be able to take a day off to raise their voices. I'm also in support of item 48. And I ask that you secure funding for community response training and preparedness by

[10:41:11 AM]

contracting with city departments that currently provide similar services, as well as advocating for and supporting affordable housing flood insurance for homeowners and content insurance for renters. Ensure funding to prioritize storm water systems, adaptability in areas more impacted by localized flooding, and tributary waterway maintenance on a yearly basis to mitigate flooding. Prioritize infrastructure in nature-based solutions that can have a positive impact on chronic illness, stress, mental health, heat mitigation, wildlife, recreation activities, and physical activities. As we know, nature-based solutions are more affordable, last longer, and require less

[10:42:12 AM]

maintenance. I demand street regulations for fee in lieu. Developers should be required to replace trees in the same area that they are cutting down. And lastly, I request that a memorial plaque -- a mural be put in onion creek metro park in remembrance of the lives and properties lost during the 2013 and 2015 Halloween flood. There needs to be an acknowledgment for residents that are still going through the trauma of having lost a loved one or having lost their homes not once but twice. Thank you. That's all I have and I appreciate your time that you put with us. Thank you.

>> Paul Austin.

>> Good morning, mayor, members of council, Paul from the Austin

[10:43:13 AM]

department of association. Just a few comments on item 88 to say that we acknowledge the wind-down process for this 60-day notice requirement and the related government orders. The notice was proposed -- enacted a year and a half ago in the early stages of the pandemic. The purpose of the requirement was to allow those who may have lost wages or employment through no fault of their own to secure resources and establish arrangements. This temporary requirement fulfilled its purpose. More than 17,000 households have worked to secure assistance from the city of Austin's program and the state of Texas assistance program has helped more than 7500 households in Travis county with many of those households located in the city. Now that Austin has made up all of the pandemic-related job losses and the economy has essentially returned to pre-pandemic conditions, the wind-down of this requirement is entirely appropriate, but it does not signal the end of

[10:44:14 AM]

tenant protections or the end of rental assistance. According to federal requirements, many properties in Austin are currently required to issue 30-day notices to vacate and those situations when notices are required. The supreme court of Texas requires the justice of the peace courts to give information about rental assistance programs and the courts are authorized to stop any proceedings for 60 days while rental assistance applications are being processed. And there is a new influx of rental assistance funds to accompany the extensive outreach campaigns aimed at connecting residents and property owners with available resources. Ending this requirement is in keeping with good government practice to end temporary covid-related regulations. Please know that the Austin apartment association members will work with eligible residents to seek rental assistance that may be available for many months to come.

>> Mayor Adler: Councilmember Casar.

>> Casar: Mayor, I just want to thank Mr. Caduro, I think we

[10:45:16 AM]

called you Paul Austin because you're from the Austin apartment association. I think that sounds like a cool name, too. But, thank you, Mr. Caduro, just because even though throughout this process we haven't always been exactly on the same page, I appreciate what I've been able to learn about what your members are facing to make sure we keep them financially afloat. You understanding us trying to

make these programs work. And I think that together we've made sure that some programs that at first weren't getting the money out to tenants and your members quickly enough now are doing much better. So I appreciate the staff. I appreciate you stepping up on working to make sure that this works the best that it can for landlords and tenants in a very difficult situation for everyone. And so I just appreciate you and your members and your board, along with the folks at the board of realtors as we do this extension of rental assistance dollars and this extension of the ordinance through the end of the year.

>> Mayor Adler: I just want to

[10:46:16 AM]

add to that real quickly, Paul and his staff at the Austin apartment association and usa austinboard of realtors have been a not very visible but silent partner as we've worked through many city issues, including this one. They were involved at the very beginning when I first issued one of the first orders on evictions. And I really appreciate their advice and suggestions as we work through the process. Didn't always agree on all points, but mostly. And certainly unified and wanted to do what's best for both the tenants and for landlords through a pandemic, who have had to continue to make mortgage payments. And also, both for the continued work and partnership on helping us address homelessness in the city and helping us find places

[10:47:17 AM]

for people to be. You don't come before us very often and you're here. So I just wanted to add my thanks as well. There were a lot of people that worked with councilmember Casar on the eviction stuff. There were several this morning that spoke. A lot of the tenant advocacy groups. It's one of the things that we did best, I think, in this pandemic, the number of people who have been evicted in Austin is so much lower than almost any other major city, perhaps all other major cities. And that's one of the contributing reasons why the mortality rate from covid is half -- Austin's rate is half of what it is in the state and in the country. So, appreciate that work.

>> You're welcome.

>> Next speaker is Zenobia Joseph.

[10:48:21 AM]

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. My comments are specifically related to agenda item 32, which is specifically to extend the agreement concerning implementation of the east

11th and 12th streets urban renewal plan between the city and the urban renewal agency to September 30th, 2022. I signed up mutually on this item because I do support a postponement, however, I would recommend postponing until January 2023, after the mayoral race. This is too much prior to the November 2022 election. And I think it would be in the best interest of the community if the new mayor would actually negotiate this particular contract. I want to call to your attention specifically and respectfully you've shown an aversion to black people. I want you to recall back on March 4th, 2021, the apology

[10:49:24 AM]

that African Americans included discrimination, urban renewal policies, and the 1928 master plan. And so I would ask the city manager to marry those two items together as it relates to this study, which I think we can all agree we don't need another study to plan and recognize the economic detriment to African Americans in Austin. But after I testified July 29th, 2021, Brian Oaks, the equity officer, posted the next day an extension for that item until January 31st, 2022. And so they're both in 2022. So I would ask you to just put those two items together in tandem. What we're talking about here is willful blindness, where you turn a blind eye to the needs of black people. I want to recall 2017, mayor, when you actually talked about African Americans in your

[10:50:24 AM]

institutional racism and systemic inequities report. You talked about African Americans in 2015 when you took office as it relates to the spirit over-east Austin. In 2017 there was the opportunity zone and you did nothing as it relates to those 21 Zones. There was an opportunity for the community to actually re-envision what we wanted to see for African Americans in that area. Lastly, I would just say as it relates to the 2018, the 90th year, the 1928 plan, we really don't need an equity scorecard to recognize that black people wait 60 minutes for the bus in northeast Austin only. And the only thing you've done, respectfully, is come up with atx, a Spanish word for equity, it's not equitable. It doesn't reflect what you've done for African Americans. But there's a footnote on that website that says the spirit east Austin. And so I'm looking at the

[10:51:25 AM]

extension from Oaks, July 30th, 2021 --

[ buzzer sounding ]

>> And I would ask you to respectfully consider extending this particular negotiation --

>> Speaker, your time has expired.

>> Until you're out of office. If you have any questions, I'll gladly answer them at this time.

>> That concludes all of the consent speakers.

>> Mayor Adler: Great. Thank you. Colleagues, the consent agenda is items 1-48 and 87 and 88. Before we consider them, councilmember tovo, did you have something quick you wanted to do on 30 and 47? And councilmember kitchen I think had a comment she wanted to make as well.

>> Tovo: Yes, I do. On the -- on item 30, it is

[10:52:26 AM]

my -- first of all, I just want to appreciate the staff for spending so much time preparing the memo, answering my questions and meeting with me yesterday to go over some additional questions. In our conversations and in the memo that they provided to council, they did indicate that the authorization could be lowered from where it is in the backup by \$1.5 million. And so I would like to change the authorization to an increase in the amount of \$2,550,960. And so that's the first number change. And then the rest of the sentence will read for a revised total contract amount not to exceed \$4,500,000. And it's my understanding that staff are comfortable with that approach.

>> Mayor Adler: Manager, is that correct?

[10:53:26 AM]

>> We are comfortable. Thank you.

>> Mayor Adler: Okay. Any objection to that change being made? Hearing none, the change is made and it remains -- it changed on the consent agenda. Councilmember tovo, 47.

>> Tovo: Great. Thanks. I should say while I'm finding my change -- the change I need to make on 47 that having gone through that information really carefully about 30 with our staff, it does appear that that's a fiscally prudent way to proceed to outsource the property management. In the buoy street underpass resolution, the old Austin neighborhood association was inadvertently changed to the old west Austin neighborhood association. So on 134, line 134, if that stakeholder could please be the old Austin neighborhood association.

>> Mayor Adler: Any objection to that change being made? Hearing none, that change is

[10:54:27 AM]

made and it's kept on the consent agenda.

>> Tovo: Thank you.

>> Mayor Adler: Thank you. And while you're on that item, councilmember tovo, I thank you for your leadership on that item. I did want to address that real briefly with colleagues. There was that underpass project that was identified as a priority by prior council. It was specifically included in the ters program and we had money for it. That option has gone away. But yet that need and that priority still exists, as earlier identified. And I think it's perfectly appropriate for the action that councilmember tovo is recommending that staff take a look at the available money in that ters and see what alternative might be able to be funded with those same dollars to achieve that or close to the purpose that was done. That still leaves some additional money, perhaps, in that ters. And at some point we're going to

[10:55:28 AM]

have to adopt and consider a policy with respect to what we do with extra money that are in ters or tifs once the money that we have gathered has been spent on what needs to be done, because it's a policy question. We can continue to change the plan -- we can add additional projects in the ters and use the additional money for projects that were not part of the original priority list and certainly there are needs in this area and some have been identified in the master plan. And we could use some of the tirz dollars for those things in those areas. We could also say, now that we have paid for the things that the tirz was supposed to pay for, that we'll dissolve the tirz. And having dissolved the tirz, then that money goes into the general fund and then we can

[10:56:29 AM]

apply that money somewhere else in the city if we felt that there were a higher priority somewhere else in the city than taking that money and putting it into that place. It's my intent to bring an ifc to council that asks the manager to help us take a look at that issue and come up with a governing policy for us with respect to those situations where there's extra money -- additional money that has not yet been augmented. But councilmember tovo, I appreciate you, I appreciate the stakeholders, including in your resolution, the language that not only asks the staff to take a look at other needs that are in that area that could be paid for the extra tirz dollars in that area -- I'm not talking about a substitute for the overpass. That needs to move forward. That was already prioritized and I think it's entirely appropriate that that moves forward. But there's also a paragraph

[10:57:31 AM]



that asks staff to take a look at how those dollars could also be used in other parts of the city and to take a look at what the priorities are in the city, and come back with a recommendation associated with that, specifically listed as something to take a look at would be homelessness or housing. And it could be that these are dollars that might be able to help with the ongoing operations for the homelessness system that we set up three years from now when we're looking for how do we keep this thing continuing to go. None of those decisions are made. Those things are all left open. But this does focus on moving forward with trying to figure out what the substitute is for the overpass and I am supportive of that. So, councilmember tovo, thank you, and thank you to the stakeholders for their work together on this. Councilmember pool.

>> Pool: Thanks, mayor, is and I

>> Pool: Thanks, mayor.

[10:58:31 AM]

I share your interest in how we might manage tirz once the original focus on them has been achieved. If you've got room in that subquorum I would like to be included.

>> Mayor Adler: Welcome aboard.

>> Pool: Thanks.

>> Mayor Adler: At this point it's me and you. And we certainly invite other people to participate. But the goal and intent is to throw it open to the council for a policy discussion and not so much to direct. Councilmember tovo?

>> Tovo: Yes, I'd certainly like to be involved in that conversation and I would also like to maybe kick that one off with a conversation with our legal staff. We did in the context of the resolution I brought have an opportunity to talk with our legal staff and I think that would be a product of conversation for the full council before we really jump into the policy conversation to really understand whether there are any legal impediments to using tirz dollars that were collected for one particular purpose and one particular

[10:59:33 AM]

area for a different one, if that's -- so that we understand kind of what the parameters of that conversation need to be. I would like to -- and thank you for that. I really appreciate Shannon on my staff who wrestled with this issue of the bowie underpass and came up with a solution, which I think is a very good one and much needed. There are a lot of stakeholders who are very interested in a solution here and I think this gets us on a good path to considering what those other solutions were. I wish we had had a better result that came through with our conversations with union pacific, but as I understand, it's not from lack of our city staff and their efforts in that conversation. I did neglect one

piece of direction for item 30. In item 30, which as I said, can stay on consent with the change that I suggested, I would also like to provide direction, city manager,

[11:00:33 AM]

that in the future when we are contemplating new buildings or significant redevelopment of city facilities that the fiscal note for that also include estimates -- I understand that estimate is going to be rough, but estimated costs for operating and maintaining it. In this case our best information at this point suggests that that piece of information wasn't presented to the council when we were considering the costs of constructing a new planning and development building. And I think it should be part of that if you're increasing the space, that is going to increase those ongoing property maintenance costs and should be done with the initial deliberation. So if you need me to bring an ifc to do that policy measure, I sure can, but if you are able to take that as direction and corporate that as a matter of course in the future that would be my direction if my colleagues agree.

>> Certainly we can take that direction. Thank you, council member.

[11:01:38 AM]

>> Mayor Adler: Colleagues, councilmember kitchen, did you have something you wanted to do?

>> Kitchen: I just wanted to say thank you for postponing item 36 which relates to the creation of I think it's styled the city Marshall office. I'm wanting to ask between now and November 18th when it comes back that this item be brought to our boards and commissions. It's the public safety commissionment I think it would also be relevant if there's a scheduled meeting -- I don't know if there is, but our council public safety committee. And again, I'd leave that up to the chairs of that committee whether they would want to have that come to them. But I think this is an item that needs some public

[11:02:40 AM]

engagement. And there are other means for public engagement obviously, but those are the two forums that are set up to do that. So could we do that? Could we bring it on our public safety commission? And if the chair desires to our council public safety committee.

>> Cronk: Council member, I'll have to check with staff to accommodate the timing on it, but we'll get back to you on that.

>> Kitchen: That's great. If we need that to go back -- to push that back, that would be good. I think it needs to go to that commission.

>> Mayor Adler: Yes. Councilmember Ellis.

>> Ellis: Before we did our consent vote, I just wanted to extend my appreciation for all of the good items coming from council this week. The mayor pro tem has one about the board of adjustment which is going to help one of my constituents who is on the board of adjustments, a little bit unapproachable or difficult to access, so I'm very

[11:03:40 AM]

excited that she brought that. Mayor, I really appreciate your remote testimony resolution, would like to be shown as co-sponsor if that is acceptable to you.

>> Mayor Adler: Yes.

>> Ellis: And then councilmember tovo's bike and ped activity is really appreciated and I would like your input on the resolution, which was fantastic. And councilmember Fuentes on flood resilience and emergency preparedness. These are really good resolutions that came out of my colleagues this week so I want to say thank you for bringing them and good work.

>> Mayor Adler: Thank you. Would the clerk note that additional sponsorship on that item. Councilmember Casar and then councilmember alter.

>> Casar: Mayor, I want to thank you for your partnership and work on the borders. I know it has not been the easiest year and a half to be the mayor of any city in the country, and it's hard to celebrate anything in this last year and a half, but I think we have really

[11:04:41 AM]

led the way on addressing evictions. And your orders and the county judge's orders and the justice of the peace have done a great job and I appreciate the council and our co-sponsors and everyone on our ordinance because even though there was a federal moratorium specifically on evictions, we've seen 25,000 of them in most of the other big cities in the state and just over 1500 evictions filed in Austin. So much lower in Houston. In the last two weeks they've had more evictions filed than we have in the entire pandemic. We've been able to do that by distributing funding to tenants that gets to landlords. I appreciate the council working together last summer to set aside this nearly seven million in additional dollars that will be going to our rental assistance program. I just appreciate everyone's work here because together we have managed to avert the large wave of evictions we saw in this city after the financial crisis of 2008 through 2010 and we will continue doing this work by extending the ordinance

[11:05:41 AM]

through the end of the year. I also do want to thank my colleagues for all the other good work and items on the agenda. I wanted to see from councilmember Fuentes if I could be added as a co-responsetory her item on flooding. It's just such an important issue and especially last night just hearing from people and floodplains and people knowing -- feeling that level of anxiety I think it's important for us to both memorialize the floods and the lives lost over the past so that we can make sure that never happens again. I think that was a thumb's up from the council member from the clerk.

>> Mayor Adler: Councilmember Fuentes, I would also like to be listed as a co-spotser on that item as well. Thank you, councilmember Ellis. Councilmember alter and then I'll come back to you.

>> Ellis: Real quick, I didn't mean to leave out councilmember Casar, so thank you too.

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: Thank you. I want to join in my colleagues and my colleagues in recognizing some great resolutions on the agenda this morning. But I also want to

[11:06:43 AM]

acknowledge item 25 and our staff. We've worked really hard to fulfill the direction to to create and build five new fire stations. Item 25 sets forward the funding for the construction of the Davenport loop 360 station which is in my district, which is the third of these to be constructed and the canyon creek fire stations. This work is really important for us to improve response times for fire and ems for this particular station for Davenport, loop 360. It's also do going to be critical for our wildfire response potentially and I really look forward to moving these forward. I know that the task that we gave to staff in moving forward with these five stations was a large one and I'm pleased to see them execute on this and also

[11:07:44 AM]

want to thank St. Stephen's for working closely with us to identify and work with us on a location. Thank you.

>> Mayor Adler: Thank you. Councilmember Kelly.

>> Kelly: Thank you. And thank you, mayor, for bringing forward item 46. It's very important that we have that remote participation. It really allows people in community, especially district 6, to participate in municipal government and if it's okay with you could I please could sponsor that as well?

>> Mayor Adler: Yes.

>> Kelly: And I would like the clerk to reflect a no vote on the following items

from me: Item 33, 39, 45 and 88. Thank you.

>> Mayor Adler: Okay. Councilmember Fuentes?

>> Fuentes: We will be taking a vote on item 88, flood resilience, and it's not lost on me today as we consider this policy

[11:08:45 AM]

initiative that much of our county and particularly my district is in a flash flood warning. So just highlight the immediate need that we have for my community as part of representing Austin that's in central Texas known as flash flood alley. One of my first resolutions I brought forward as a council member at my first council meeting was around flood resilience. And that policy, and I'm grateful for the unanimous support on that initiative, asked staff to develop a scope of work around the implementation of a resilient, equitable community plan to address individuals experiencing devastating impact from flooding. We also ask city staff to take a look at the recommendations that came out of the flood mitigation task force that was formed a few years ago and we also asked staff to take a look at land development regulations for both new and redevelopment. And it was from that first initiative that we received an update from city staff and that leads us to what I like to call part two of our

[11:09:47 AM]

flood resilience work and thank you to commissioner Ilanes-pulido that there's been several resolutions on this area. I know I'm just continuing that work and building off of the momentum. I'm asking for a plaque for the lives and property lost during the 2013 and 2015 Halloween floods. And also for funding for community engagement and for specifically for flood proofing properties both for renters and for homeowners. Looking at opportunities to do additional training and community partnership with our city departments and ensure that our advocacy and support for affordable flood insurance for renters and homeowners and that will be added to our federal agenda.

[11:10:48 AM]

We know as part of this work, the heart of this is taking a moment to acknowledge that the Halloween flood of 2013 resulted in 745 homes that received some level of flood damage and of these, 116 were completely destroyed: And the Halloween flood of 2015 we had over 3,000 residences that were damaged and the individual cost estimate was nearly \$40 million. And as part of our recognition I did want to take a moment to recognize the individuals who were lost during the historical Halloween floods so that we won't forget their names. They included the reverend Edward Jackson, 72 years old.

Josefina Rodriguez, 73 years old and eight-old-month Jay Rodriguez. Jesus ward 51 years old. Samuel Jean Rosen, 26 years

[11:11:48 AM]

old. Cynthia Jean Mckee, 57. Brian Scott caranan, 51. Hose say force, 50. Edward Fernandez, 57. As well as two unidentified males in the lower onion creek. So I appreciate the individuals and especially community members who spoke up today and joined us to provide comments in support of this policy resolution, and I also would like to thank my co-sponsors, council members alter, kitchen, pool, Ellis, Casar and the mayor for their support. I'd also like to thank watershed protection department for their continued work in this space. And lastly to my district 2 team for consistently engaging with the community. There's so much work to be done in this area and our effort to protect lives and in the environment. And I'll continue to do that

[11:12:49 AM]

work and so I'm grateful for y'all's support. Thank you.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: Yes. Two things. I want to thank councilmember Fuentes for her work on this flood resolution and for really working very hard on this when she became a council member, and I appreciate your leadership there. You know, district 5 upper onion creek was impacted as well as district 2 and that whole onion creek area has been significantly impacted so the work that you're doing now to continue the efforts that those neighborhoods have been engaged in is necessary and important. And as we tip to work with the watershed department as

[11:13:49 AM]

they update their flood mitigation planning which is part of the overall strategic plan, we'll need to be looking at that with the recommendations made in by the flood mitigation task force as a guide. Flood mitigation task force something that the council put together right after those Halloween floods and I want to thank again the community members that participated in that along with their staff and came up with some very thoughtful, important recommendations that we can continue to work on. I know this is a very stressful time. Both because we're nearing Halloween and because of the rain, like the rain we had last night. So for all of our constituents along onion creek as well as other parts of the city, I want you all to know that we are still continue to go pay intention to flood mitigation continuing that work. So thank you, councilmember Fuentes, for continuing --

[11:14:50 AM]

for leading on that effort. So I wanted to mark one other thing. There's so many things on this agenda that are excellent and I want to thank my colleagues for that, but I also wanted to mark item 38, which is the case management for

[indiscernible] And the other is community foundation. Community foundation that be stepping up to the plate recently for providing services for our homeless neighbors and I want to thank them for the work that they're doing and appreciate the partnership that the city is creating with them. Thank you.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Yes. I also want to thank councilmember Fuentes. You know, we're in this period right now where historically this is a time where flooding happens. This and memorial day are both -- and I went over to onion creek and helped some of the people clean out their house and I saw the

[11:15:53 AM]

hurt and the tragedy that happened to a lot of these people. And their story was just amazing. I actually went down to onion creek golf club and saw the forest of flooding. It just rolled up all that grass on the golf field behind it, onion creek, it just hold it up into big old chunks almost 40 feet high and it was just amazing. And also my area there in walnut creek in my district also had flooding there and just to go down there and see the force of what nature can do and what the development has done to Austin. You know, we're in the future will be facing the report that came out. There's 34,000 houses now in the floodplain and all their insurance are going to go

[11:16:54 AM]

up. The flood insurance and it's very expensive. So I really want to thank you for keeping that up because that effect is going to come in three or four years and there will be a lot of people alarmed that their insurance all of a sudden they will be paying flood insurance stand be very expensive and painful. So thank you.

>> Mayor Adler: Thank you. Colleagues, is there a motion to approve the consent agenda, which is items 1 through 48, 87 and 88, but with item number 31 pulled. Councilmember Casar makes the motion. Is there a second to the motion? Councilmember alter seconds. Any discussion? Let's take a vote, those in favor of the consent agenda with the notations and comments noted, please raise your hand. I think that is unanimous in favor with the mayor pro tem off the dais.

[11:17:56 AM]

Councilmember tovo, do you want to bring up item 31?

>> Tovo: Yes, thank you, mayor. I need to just check and make sure has the -- has my amendment been distributed?

>> Mayor Adler: Not on the dais.

>> Tovo: Okay. I can read -- I can read it aloud as needed. So colleagues, we had an opportunity at the last meeting to talk about this item. This is an item for wayfinding. And I expressed my concern about some pieces of it which were initiated quite a long time ago. So I have a couple of questions for staff. I have had an opportunity to meet with them. I believe they have -- there's been some ongoing conversation about how to truncate the time frame. And so I would ask -- as I understand my most recent correspondence from director holt-rabb in economic development, the two-year time frame could be truncated to one year.

[11:18:57 AM]

They believe that consulting could do it in one year. I would still like -- I would still like to prioritize and fast track that signage related to the mexican-american heritage corridor. And when you get the motion sheet from my office you will see some of the history of this. I'm going to recap it. I'm not going to go into it. A lot of this was recapped in the palm district plan, but when you see my amendment today we've recapped that again. In 2011 -- I'm just going to make it very short, but happy to answer questions. In 2011 the commissioners' court approved a resolution to collaborate with mexicarte and the city of Austin in creating the fifth street mexican-american heritage corridor. Several month later the city council passed a very similar resolution doing the same and prioritizing -- emphasizing that it wanted to connect in -- that it saw the fifth street mexican-american cultural heritage corridor as a key piece of enhancing

[11:19:58 AM]

downtown's public parks and streets and an opportunity to really celebrate the distinct culture and identity of that area. In 2013 the hispanic and Latino quality of life initiative recommended that the city designate a segment of fifth street as such a corridor, and that it develop a plan to really amplify the history of mexican-american community in downtown Austin. And then there were several other city documents. One was a resolution about mexicarte. One was our downtown Austin wayfinding master plan, which I'm using the old language on that. Now we refer to those comprehensive plans, but that plan identified wayfinding for this corridor as a priority. And then we've kind of fast forwarded to 2019.



In 2019 I brought forward the palm district plan which included lots of different elements, including saying, you know, all of this history has happened. We've had all of these assertions and expressions

[11:21:02 AM]

of support for creating both a district and a corridor. So city manager, please go forward and do several things. The manager had already been directed in a previous action to identify whether hotel occupancy taxes were ineligible, could be used to create the signage, and we had not heard a report back. So the palm district resolution said report back if it's appropriate, included in this year's budget, and begin the steps necessary, including the stakeholder meetings, to create that corridor and submit it for appropriate recognition. The money was included in the budget. We still don't have the signs. Today we're being asked to take action on a much broader effort and the staff are probably better able to describe it than I am because I'm still trying to understand. I am still trying to understand the relationship between the contract that is on our agenda, the work that are going on downtown wayfinding plan, some of which have already been

[11:22:03 AM]

rolled out, and the action that we initiated and frankly had thought would be completed by now. So all of that background to say today we have that contract on the agenda. I appreciate staff's willingness to get the contractor to do it in one year rather than two years. I do think we need to prioritize getting the signage done for the mexican-american heritage corridor. So my direction is as follows. Ment and I should preface it by saying the community -- various community groups have submitted maps identifying sites that they believe should be included. So I appreciate the consultant's intent to kind of go out and to have community meetings and have feedback and use that feedback to both identify sites and creating -- and to create kind of a general branding for different areas that is consistent with the other districts, but distinct to a particular district.

[11:23:03 AM]

But at the end of the day, some of this work was in process since 2013 and I want to see those signs up sooner than even a year.

>> Mayor Adler: And councilmember tovo, a copy of your motion sheet has been emailed out just two or three minutes ago to all the council members.

>> Tovo: Thank you. I appreciate that, thank you. I stalled long enough for everybody to get the information they need, I guess. But anyway, I summed up the history. Working with the map that community members and our hispanic Latino quality of life commission have developed through the

years and identifying various sites that are deserving of recognition. I'm offering the following direction just cutting to the chase that this signage be designed and installed no later than four months from this date. Additional sites might be identified through a longer stakeholder process and that signage can be adjusted or

[11:24:03 AM]

added. So how this happens is really up to the staff. They could begin with the map that we provided back in 2019 and some of those materials that have been provided to the staff and have a couple of community forums and a community meeting and a site for additional feedback, but my intention is to make sure that that signage is really up and visible within a much shorter time frame. So that's the substance of my amendment. And I guess we don't have a motion on the table to approve it so I would also move approval of the wayfinding item with noting the adjustment of one year from two and this additional direction to do the signage for mexican-american heritage corridor within the next four months, four to six if that's more reasonable. And I believe that our purchasing staff may have some. I'm sorry, I have gotten some communications from our purchasing staff and I'm not

[11:25:03 AM]

entirely clear on what they're proposing so they might have some comments and we may also want to hear from our transportation department about the work they're doing to roll out phase 2 of downtown wayfinding and the ways that this connects to what we're suggesting.

>> Mayor Adler: Councilmember tovo makes a motion to approve item 31 with the two changes to the one-year focus. Seconded by councilmember Renteria. Does staff want to comment on this, manager?

>> Cronk: We do. We are reviewing it and just want to make sure that it's feasible. I don't know if Mr. Scarborough has something to add.

>> Mayor and council members, city manager James Scarborough purchasing office. We are aware of the council members' priority of the timing of the services provided under the requested contract. And have communicated to the contractor a desire to implement their proposed services on an expedited

[11:26:05 AM]

basis. We have heard positive responses in that regard, but we would still need to negotiate the deals -- the details of any expedited schedule. So to the extent that mayor and council would like to limit the authorization of the item, then we believe that we can proceed forward. We've consulted with the law

department in this regard and we're comfortable with maintaining the recommendation as is. But to the extent that the authorization is limited to a shorter period of time, we're agreeable to proceeding.

>> Mayor Adler: I think the change as proposed by councilmember tovo does that from two to one year and it says this particular work done in four months. Obviously if you can't meet that, if you can't do that, then you need to come back to us, but that would be the authority that this would be giving you and you're comfortable with that.

>> Yes, sir.

>> Mayor Adler: Okay. Does anybody else on staff want to comment or weigh in?

>> Cronk: We do have EdD

[11:27:08 AM]

staff and I don't know -- I don't know if Ms. Holt-rabb or director Briseno want to speak or we can continue.

>> Sylnovia holt-rabb, deputy director. We are in support of Mr. Scarborough's recommendation.

>> Mayor Adler: Thank you. Councilmember Fuentes.

>> Fuentes: Thank you. I just wanted to extend my gratitude to councilmember tovo for bringing forward this amendment. I fully support this direction and want to emphasize how important it is for us to have this wayfinding signage up for the mexican-american cultural center as quickly as possible. Certainly in four months would be incredible and it would go a long way with our community. And of course if we can get it even sooner than that that would be even more amazing. But just wanted to express and share the sentiment that this is something that -- this is very basic signage has been requested and

[11:28:08 AM]

advocated for by our community for a good time now. And so I'm looking forward to seeing this through.

>> Mayor Adler: Great. It's been moved and seconded. Any further discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with council members Casar and the mayor pro tem off of the dais. Colleagues, I think we should just note that item number 49 was postponed to 10-21, consistent with changes and correction. I don't see us as having any executive session items today since we handled them previously on Tuesday. And that means at this point we have handled everything on our agenda save and except the zoning items and

[11:29:12 AM]

citizens -- residents communication that we cannot call until noon. So I'm going to recess the council meeting until noon. We'll see you here. We have two speakers on resident communications, at which point we will recess again and then we will come back at 2:00 so that we can take the zoning agenda. We'll lay out the -- we'll begin I think by taking the speakers that have signed up. We may go through it so that the speakers can know which items are -- don't seem -- have either been postponed or don't seem like there will be discussion, then we'll call the speakers, in case people don't want to wait on the phone since there are so many signed up. Councilmember Fuentes.

>> Fuentes: Thank you, mayor. I wanted to take a brief moment of point of privilege to calculate district 2's

[11:30:12 AM]

director of policy, Christian Vera, and wish him the best in his next endeavor. He is a brilliant, hard working individual and I'm honored to have worked with him in serving the people of district 2. He came to our office shortly after graduating law school and I learned that he was taking the bar during the winter storm and -- he was preparing to take the bar during the winter storm and had to work through power outages and then -- it was kind of funny because the day he found out that he passed the bar we were actually at a mass vaccine distribution at Cota, which is the perfect example of his dedication to the community and of the things we shared with him during his short time here. He has been scooped up in fighting the good fight in fighting the gerrymandering that we are seeing just up the street and I am thrilled to see him grow in his

[11:31:13 AM]

career and know that he will be fighting for the causes that we care so deeply about. So I just wanted to extend my congratulations to him and his service to our community, and to say

[speaking Spanish]. Thank you.

>> Mayor Adler: Colleagues, we'll be here in recess, we'll come back here at noon for two speakers. See you at noon.

[12:05:27 PM]

>> Mayor Adler: I reconvene accountant meeting here on October 14th, 2021. It's 12:04 and we'll have public communications. We have two speakers to speak with us. Paul Robbins is up first. Good morning, Paul. Can you hang on one second? I don't think we have the microphone working. Try again.

>> Test? Good afternoon, council, I've been an environmental I have activity and -- activist since 1977. I was in this city hall on this block of land in 1987 when advocates did he cried southern union gas the former owner of Texas gas service, for green washing.

[12:06:29 PM]

We accused the company of using money earmarked for energy conservation as marketing money. The city council of that day cited with us and corrected the problem. I'm asking you to do it again. Texas gas service is green washing about \$1.9 million, about eight dollars per residential gas customer on so-called energy conservation programs that save little or no energy. This is a lot of money that can either be saved for ratepayers or used to pay for valuable services such as customer assistance to the poor and renewable energy research. Let me know you what I mean. This is a moisture sensor for a gas clothes drier. It will save ratepayers about \$1.31 a year. Texas gas service will give you a rebate of as much as

[12:07:34 PM]

\$325 to buy a clothes dryer with this device. The pay back is 249 years for a dryer that usually lasts 13 years. A similar case can be made for waste of rebate money for tankless water heaters and central furnaces. The council's past posture on this issue has been to rely on city staff to make the issue go away, but the staff makes it go away by allowing the gas company to continue green washing. I do not know why the city management continues to go soft on the gas company, but they do. And because of it they are asking you to continue this waste of almost \$2 million a year. Council, let's do something different. Let's take the money meant for green washed marketing and take the money to help

[12:08:35 PM]

the poor on their bill. Let's take the money meant for things like dryers with a 249 year payback and fund research on renewable energy. Let's take the wasted money and give some of it back on the ratepayers who are already reeling from utility bill increases. All this can be done by reclaiming these wasted funds. This issue will come up before you November 18th, and I urge you to take a new direction. Good evening.

>> Mayor Adler: Thank you. Is Christine Heaney here? Sorry.

>> That's all right. Hello council. My name is Kristen Heaney, and I'm the chair of the east Cesar Chavez neighborhood plan contact team. I'm here to highlight the saltillo tod regulating plan

[12:09:36 PM]

as an excellent tool for incentivizing affordable housing. And to ask city council to put a pause on zoning and plan amendment cases in the saltillo tod while we work together to revise the plan in favor of a comprehensive solution that meets the current needs of the city. There are four items that we want to bring to your taxi. One, fee-in-lieu. The density bonus section says in order for a property owner to pay a fee-in-lieu of meeting affordability requirements, they must demonstrate a compelling reason to not providing housing on-site. Is because we're building an office really a compelling reason. Draft 3 is currently 3,000 -- district 3 is currently 3,000 units short of its plan to build over 6,000 affordable housing by 2027. We need to be producing

[12:10:36 PM]

5,000 affordable units per year. That's a compelling reason. Two, the super density bonus is a huge opportunity for affordable housing and it's being completely overlooked. Super density is the bonus that addresses projects that want to build up to 85 feet tall. It requires a notably higher level of affordability and it offers no fee-in-lieu option. We use critical affordable housing opportunities when we overlook this tool for achieving additional height in the tod. Three, contract zoning. Recent zoning cases have put the neighborhood in the position of negotiating with landowners to consider some other consideration in exchange for zoning. We're not qualified for these negotiations nor should we be participating in any way that directly or indirectly supports any zoning that could be considered contract zoning. Zoning is the legislative function of municipalities and we need your help.

[12:11:37 PM]

And fourth, we're concerned that these requests could be considered spot zoning as defined by the Texas supreme court in the city of Farr versus Tippit. Requests to single out a small tract of land for rezoning which serves no substantial public purpose should be denied. We think you'll agree that the zoning plan should not be altered for the special benefit of the landowner. In conclusion we're asking city council to put a pause on zoning and plan amendment cases in the saltillo tod while we work together to revise the regulating plan in favor of a comprehensive solution that meets the current needs of our city. The saltillo tod comprehensive plan is a tool for providing affordable housing, let make it better together. Thank you.

>> Mayor Adler: Thank you. Anyone else signed up to speak to us in public communications?

[12:12:39 PM]

With that then colleagues, it is 12:12. We'll stand in recess until 2:00 at which time we'll call zoning and listen to the speakers that have signed up. See you then.

[Recess].

[2:02:24 PM]

[Music].

[2:08:34 PM]

>> Mayor Adler: Today is still October 14th, 2021. It is 2:08. This is the continuation of the Austin city council meeting. We have a quorum present. I have the mayor pro tem on the screen. Only council member we're missing -- no, we have everybody, full complement here with us this afternoon. We have tons of speakers that have signed up to speak at three minute each we'll be here several hours listening to speakers, but I'm not sure that all the speakers who signed up perhaps a long time ago will still want to speak if their cases are resolved or if they've been postponed. So if Jerry is here -- is Jerry here? Okay. Then Joya will be great, whoever it is that's doing it.

[2:09:35 PM]

What I think we're going to start with, Joya, what I think we're going to start with is before we call the consent agenda, can you give us feel for everything that's not postponed or agreed best as you can tell.

>> [Indiscernible] Is going to take care of that.

>> Hello, mayor, mayor pro tem and council. I am Joy Hardin. I know you want to hear from the speakers first, but I can tell you what I believe to be discussion items will be item 70, 71, 73, 81 and 85.

>> Mayor Adler: 70?

>> Item 70, item 71, 73, 81 and 85.

>> Kitchen: Mayor?

[2:10:36 PM]

>> Mayor Adler: So what do you anticipate happening on number 61?

>> I can't hear you. Say that one more time?

>> Mayor Adler: What do you anticipate happening on number 61?

>> Um... 61, consent.

>> Mayor Adler: Okay. Because there's an agreement now on that one, seems to be.

>> Unless councilmember Kelly, but consent.

>> Mayor Adler: Looks like that will be on consent. What are you anticipating on 66?

>> There is an agreement between the parties, the neighborhood and the applicant, so I'll read in conditions and that woulding offered for consent approval on first reading only.

>> Mayor Adler: So 66 looks like it will also go on consent. I'm saying that we have speakers signed up and they may not want to speak or a wait to speak if they know it's going to go on consent and they signed up in favor of it before. I'm trying to give people a head's up on that.

[2:11:39 PM]

58, 59, 60, those all look like they're going to be on consent?

>> Yes.

>> Mayor Adler: And 84?

>> 80 consent. 84 consent first, but I believe councilmember kitchen will have some comments for number 81.

>> Mayor Adler: Okay, sounds good. Councilmember alter.

>> Alter: I wanted to clarify if another council member had pulled 85 because I had not.

>> I had 85 as discussion, so you're saying it's pulled?

>> Alter: No, it's in my district and I didn't know why it wasn't on consent. I guess we'll get to it when

[2:12:40 PM]

we get to it.



>> Mayor Adler: It's like best guesses, we've had a couple of people sign --

>> Alter: No, I was curious if someone had pulled it that I wasn't aware of.

>> Mayor Adler: Best as I can tell no one has pulled any of these items. No one has formally pulled any of these items. We do have a speaker that's signed up for speak against on 85. Yes, councilmember kitchen.

>> Kitchen: My expectation is -- I'll have to look at councilmember Fuentes because I think this is her expectation, that 73 I'll want to make some statements, but it probably will end up staying on consent. Yeah, she's nodding her head, rather than discussion. The same with 70. There are some points I need to make on 70, but it's probably going -- if I can make those without pulling it off consent I will do that.

>> Mayor Adler: That sounds good. When I said there's only one person signed up or against, I'm talking about the people

[2:13:42 PM]

in-person --

>> Kitchen: I understand that.

>> Mayor Adler: Same for the record, I can't speak to the people who have signed up on the phone. I just don't know. Yes, councilmember Fuentes?

>> Fuentes: Mayor, I don't know if you've already decided, but as far as consideration for how many minutes speakers will be given, I do want to make a request that for speakers on zoning items with a valid petition that they be given the full three minutes to speak and provide their commentary.

>> Mayor Adler: What we said yesterday is because there are so many cases up because of the scheduling issue, and usually we don't have a lot of speakers, that I had recommended to the clerk that we just give everyone three minutes today because I didn't want people to be penalized for the fact that there were more speakers today than normal just because of what happened with the scheduling. So to your point I agree with you and we'll go ahead and give everybody three minutes. Speaker, as I recognize you or the clerk recognizes you, please don't feel like you have to take the full three minutes if it's something that you don't want to do.

[2:14:43 PM]

And if you're speaking in favor of something that looks like it's already going to be on consent, don't feel like you need to speak, but certainly you have that opportunity to do that.

>> Mayor Adler: I'm going to call up the people in-person first so you don't have to sit in the room if you chose not to do that. We have some people that have asked to be called in order. Four people against,

three people four on item 71, and I'm going to call those people in the order requested. But let's begin first with Janet Brooks? Is Janet Brooks here?

[2:15:44 PM]

You have three minutes.

>> Okay. I'm speaking on behalf of Millwood section 12 neighborhood that we are against the ordinance as it

reads right now: It has zero setbacks in it for the whole entire pda --

>> Pool: Mayor, could I just really, really quick ask the speaker to tell us which item she's speaking on.

>> Item 61 in district 6.

>> Mayor Adler: Go ahead.

>> Okay. We are trying to get setbacks in dense, maintained tree buffers along the eastern boundary of research park with adjacent family homes on Jennings dead end and Avery

[2:16:46 PM]

island avenue. So we're requesting that some kind of conditional overlay or restrictive covenant, whatever works there, be applied to the entire pda. So that our neighborhoods have some kind of protection from the light industrial designation of these properties. In addition, we would like the council to consider some kind of overlay or restrictive covenant that would also apply to the entire pda to provide us with with reduced lighting in the form of some special kind of lighting or whatever is appropriate, and also reduced noise levels that are more in tune with our neighborhood ones that are part of this city's noise

[2:17:47 PM]

ordinance, that they be applied there because we're talking about a big project that may have two to 10, who knows how many years as it's developed. We're also concerned that it's being allowed to just be like one big empty thing approved when we've compared it with the 10-2020 approved similar properties and projects. They came in in the application stage for zoning with their design already in place and detailed descriptions of what it is they're going to put there. And we've looked at Carlin's website and they do have a research park property listed in their portfolio and they have pictures, they have a map of what they

[2:18:48 PM]

actually plan to put there, and it looks very much like a domain-like project in that they kind of do know what they want to put where, but they're kind of submitting it one step at a time. So we're appealing to you for some kind of help to at least give us some kind of protection as things are being developed back there, especially when we don't know what they are.

[Buzzer]. Thank you for your time. If you have any questions, feel free to ask me.

>> Mayor Adler: Thank you very much. Is Janet Brooks here?

>> I'm Janet Brooks.

>> Mayor Adler: I'm sorry. Thank you, I'm sorry. Is Abraham Abrogani here? Why don't you come on down. Elhim Tarcss Hbek is on

[2:19:50 PM]

deck.

>> Good afternoon, honorable mayor and distinguished council members. It's a pleasure to see you in person. My name is Elh A. Im. I'm the zoner of property 12603 Blackfoot Trail, lot four and five of Indian Oaks located at the corner of McDade and Blackfoot across the street of Research Park

[inaudible] On the Research Park rezoning case number C-14-2021-0012. As you can see on the map there is an existing sinkhole on lot 5 on my property at that corner. Which is the low point of over 150 acres of land from the Research Park and Indian

[2:20:52 PM]

Oaks neighborhood. And all of the runoff water drains on to my property towards this sinkhole. Historically we always had flooding at this corner, many times, many times. Fortunately during early 2000, City of Austin agreed to install an 18-inch RCP drainpipe which removed the existing water from this corner. And helps some with less flooding of our properties. Please make a note that this existing RCP pipe is not barely enough to handle the water, the runoff water from Indian Oaks and all the properties around our side of McNeil Drive. So please make a note that this is very concerning for the whole neighborhood and I'm glad that you are here

[2:21:52 PM]

today. Please just consider what would happen when research park fully develops for sure it will create major flooding of water from 100 to 150 acres around our properties. Since we haven't seen the applicant's plan for drainage system, we are asking city staff and city council to make sure and take this issue very seriously because we are in danger of this development. We are asking either the applicant or city of Austin to install a proper drainage system along the Mcneil drive on the research park's site development to at least prevent the water runoff to our side and cause flooding of our properties. Thank you for listening. If you have any questions, please let us know.

>> Kelly: Mayor,, so I'm

[2:22:53 PM]

like really loud. Sorry, if you could take my card, please. Thank you. You are in my district and I drive through that area quite often. I'm sorry to hear about those drainage issues.

[Buzzer]. My understanding is this site is not causing that drainage direction but I would like to follow up with you so we can find out what is happening and get it corrected. Thank you so much for coming today.

>> I just want to make one comment, Abraham, I'm's a neighborhood and have the same concern. The place is concave from north, south and east. There is land lock, there is no way for the water to get out of there unless we have a proper system in place. And our side, which is Mcneil site on our side, there's no room to put any system in there, but on the research park side there's plenty of vacant land right now and they could put the proper either drainage

[2:23:55 PM]

system or retainage system. Thank you, sir.

>> Mayor Adler: Thank you very much. Thank you. Is Kevin Brooke here? Brad maples? Lorraine Atherton? Why don't you come on down. Robin Nelson will be on deck. And the other three people.

>> I'm Lorraine Atherton speaking on item 70. Is there some way you can put up the map on page 27 of the staff report?

[2:25:02 PM]

I've gotten a copy of the old Austin housing blueprint. On page 31 is a paragraph labeled success story, density bonus program. This is a vmu building a couple of blocks away from this site that's being proposed to change from a vmu to mf-6. And Z and a has studied this site and we studied it and proposed it for the vmu overlay in 2006 and we feel that vmu is the perfect, perfect solution for redevelopment on this site,

[2:26:05 PM]

and it would be a terrible mistake to add this sort of density without -- on this site to give up the flexibility of the vmu overlay without it being included in the density bonus program, without a real without a real smart housing application in hand, we are finding that we're getting new applications for affordability unlocked and other density bonus programs. It would be a mistake to give these incentives away

[2:27:05 PM]

without getting real -- real affordability. The other problem on this site is that it is within the Barton springs zone and subject to S.O.S., and it's surrounded -- it's adjacent to an area that's built out -- built up with more than 300 very affordable, small, very small house scale multi-family units --

[buzzer].

>> Mayor Adler: Thank you.

>> And that would be endangered by this increased density.

>> Mayor Adler: Thank you very much. Thanks for coming.

>> Tovo: Mayor, I have a quick question for Ms. Atherton. I can ask the staff too but

[2:28:07 PM]

since you're up at the dais. Ms. Atherton, up here. Do you tap to remember what -- happen to remember what this is?

>> It's 60% MI. All of sna's vmu projects have a 60%.

>> Can you remember what zilker had opted in at? Great, thank you.

>> Mayor Adler: Okay. Robin Nelson and then Emily Benson, Maureen quiz enberry.

>> I'm speaking to item 71. Good afternoon honorable council members, business owners and fellow neighbors. Thank you for your name. My name is robin Nelson. I'm a homeowner at 8203 beaver town lane where I live with my life partner and five-year-old.

[2:29:08 PM]

Collectively we've lived in Austin for 28 years. Our son was born here and we will continue to raise him in our south Austin neighborhood. I'm advocating on behalf of my neighborhood because I have a sense of connection and pride in my community. I also believe that it is important to participate in government processes and that citizens can enact change. From the beginning we have asked the applicant lots of questions. While they supplied some additional information, the majority of our requests were mainly met with the responses that doesn't happen until the site plan or we can get that information to you before third reading at city council. At the zoning and platting committee meeting we requested an additional two-week postponement and only arranged for one neighbor to speak. The applicant forced a vote and the case was approved by a narrow margin.

[2:30:08 PM]

In response, our community has come together in opposition to this rezoning case. We have filed a valid petition at 38.75%, but that doesn't tell the whole story. The signatures we have collected account for 60% of the landowners eligible to sign the petition and opposition extends beyond the limits of a valid petition. 132 homes in the immediate vicinity oppose this rezoning case. We have met with the developer numerous times. I've worked incredibly hard to make this collaborative process. I'm add to report that the conclusion of our most recent meeting on 9-19 David Hartman said reasonable minds can differ and the time comes for city council policymakers to decide. Our community is not opposed to development.

[2:31:11 PM]

We believe the planned responsible development for the lots is vital for connecting our communities and ensuring that south Austin is a desirable place to live. This project does not follow some of the most basic imagine Austin principles including new development should be sensitive to the predominant characters of the communities and creating harmonious transition Zones between adjacent neighborhoods is an important component of the development process. Many of my neighbors are here to speak to their opposition. We are requesting a development that appreciates our neighborhood as an important aspect of this process. Thank you.

>> Mayor Adler: Thank you. Emily Thompson? Barbara Boreman is on deck.

>> I'm also speaking on item 71, the property at 8400

[2:32:12 PM]

beaver Brooke lane.

>> Mayor Adler:, council members, city officials, rezoning team, good afternoon. My name is is Emily Washington Thompson. I've lived at 8400 beaver Brooke lane for 41 years. I live directly behind this site. I'm asking the city council to vote in opposition to the mf-4 rezoning. We have infrastructure problems that should be corrected before over 200 unit apartments are built, expanding four stories high and bringing in over 300 vehicles. My concerns are traffic, streets and safety. Before the growth of south Austin my road and south first street was the main outlet in the neighborhood. At this location there is a pedestrian light now that allows pedestrian crossing

[2:33:16 PM]

and children going to Williams elementary school. It takes longer to turn right, left or go across south first street. East Dittmar is another outlet we use that is another narrow, curvy, two-lane road with a cement structured wall that protect vehicles from going into boggy creek. This road goes to the top of a hill at congress avenue where traffic is backed up waiting to get out without a traffic light. Another route we use is Ralph an blah anyway dough and -- ablenado and south congress. We have been told that a traffic light will be installed there. Our street cannot be considered as an exit for children to walk to school. At this time our street has a huge drainage outlet with a five by eight size steel

[2:34:20 PM]

rec tank use lar shape openings as a cover. There is one house on this street and children in need of help may not be noticed. With present construction on apartments and homes on cooper lane, Dittmar and south first street, a traffic study need to be done. I oppose the mf-4 rezoning because too much traffic is demanded on small, narrow roads without traffic lights. We also want to do our best to call attention to safety issues for our children. Please vote in opposition to mf-4 rezoning and help us welcome people to a --

[buzzer] -- Safe environment. Thank you.

>> Mayor Adler: Thank you. Barbara Borman.

>> I'm also speaking to item 71.

[2:35:20 PM]

Good afternoon, mayor Adler and also all of the city councilmembers. My name is Barbara Borman. My name is directly adjacent to the proposed development site. South first street from Ben white to Ralph ablanedo is lined with family neighborhoods zoned from sf-2 to sf-6. Churches, schools and locally owned businesses that service these neighborhoods. Our neighborhood has looked forward to the development of this site. We believe that housing and family oriented businesses would bridge the transition with our commercial neighbors to the south. I worked with the developers and my neighbors over the past eight months to understand the scope of the proposed development. We have provided feedback for the site that would provide an appropriate transition zone adjacent to our neighborhood. We've asked the developer to focus on increased building setbacks, reduce building height and density and providing green spaces for an appropriate transition. I oppose the mf-4 rezoning

[2:36:22 PM]

for the following reasons. While the developer has worked hard to provide information on the proposed drainage system to reduce storm water runoff into the neighborhood, water will be diverted on to neighborhood streets and on to the city storm water drainage system that is undersized. There is no city plan to improve the infrastructure to handle this storm water. As city staffers noted, the neighborhood lacks contiguous sidewalks and bike lanes to support walkability and access to schools, bus stops and local businesses. Development tenants will be forced to step off into busy south first streets in several areas to walk. Towering 50 and 60-foot structures adjacent to single story homes object construct cooling breezes and sunlight that is so vital to health and welfare of our community. This development site should be a transition zone not an

[2:37:23 PM]

abrupt change to the character of our community. The imagine Austin and zoning priorities for community first developments call for developments to be sensitive to the character of adjacent communities and provide appropriate transition Zones. The proposed mf-4 zoning does not meet these priorities. We ask you, mayor and honorable council members, to honor these words and hear our community voices and deny mf-4 rezoning. Thank you for your time and attention.

>> Thank you.

>> Good afternoon, mayor, honorable city councilmembers and zoning committee. My name is Lorraine and I'm a homeowner at 8205 beaver Brooke lane and have lived there for 40 years. I respectfully ask you to open this mf-4 zoning request. The infrastructure in our



[2:38:24 PM]

area is over 45 years old. I have seen the water rise and erode in my backyard. The water runoff from the proposed building site floods homes, backyards and garages along before Brooke drive, elk horn circle and south first where it overflows streets and collapses drainage ditches to boggy creek. The flooding creek water is eroding the backyards of homes on blue valley. Flooding occurs because existing drainage systems cannot handle the flow. The proposed apartments will add an impervious cover dramatically increasing flooding. When we asked the developer who to call when the water backs up, we were told we've done our part. The system is old. Call the city. It's their problem. Homeowners in this neighborhood not living in a high risk flood plan have to build flood measures to protect their homes from

[2:39:24 PM]

runoff from developments coming at the site on south first. If this development is about to continue with the substandard drainage system they would have to dramatically increase flood protection and maybe more homeowners in our community will have to also build protection. We cannot afford to lose this impervious cover ground cover. We need a safe drainage system capable of carrying the increased runoff for the infrastructure for any builder who wants to add any construction. Compounding this issue is the lack of sidewalks on the eastside of south first. The developer will build one for his property, but once off of his site the pedestrian, a child on their way to Williams elementary or bedichek middle school has to navigate the veritable mine field of tall grass and weeds, a drainage ditch where it is much easier to walk on south first on the shoulder of the road to bypass these obstacles to get to a sidewalk or a bus stop. This area is not set up for

[2:40:25 PM]

mf-4 and I oppose the change and request that zoning remain the same. The city has zoned other apartments when connected with homes in our area. Imagine Austin is a building -- is about building a better, stronger community, not sacrificing existing neighborhoods for four-story high density apartments that ultimately have negative consequences for the established neighborhood. Thank you for your time.

>> Mayor Adler: Thank you. What about Alison zamba. Santiago?

>> There was a powerpoint presentation. 71.

[2:41:35 PM]

>> Alison with Kinley horn, civil engineer for the predict. One of the major conditions when starting design on this property were the existing drainage conditions. Next slide. To provide a brief history on the development in the area, the storm system downgrade of our property was designed in the 1970s. As part of two phases of a single-family subdivision beacon ridge one and beacon ridge three. In the original subdivision plans, there were Swales along the northern and eastern property lines of the 8401 south first street project that directed the runoff to our site and those upstream of us to an inlet on Ora street drive. Here is our project located on the original subdivision plans outlined in red. As you can see the proposed grading for the Swales are shown on these sheets. In the last 50 years the Swales have eroded over time resulting in the runoff going directly into the single-family lots that border our property. Next slide. Knowing there were drainage concerns in the area we started our design by evaluating the downstream conditions of the storm

[2:42:38 PM]

system. Looking for any potential off site areas that could be improved. However, since the 1970s, the adjacent floodplain elevation in south boggy creek has risen by 10 neat. This condition has resulted in regional drainage issues with the downstream storm system being inundated in a downstream storm event. This reduces the available volume and therefore the capacity of the storm system. This rise in floodplain elevation is driving factor for the capacity considerations in the existing storm. Next slide. Given this, we focused on on-site improvements, including regrading to prevent sheet flow on to neighboring lots, providing a drainage easement along property lines to capture and reroute the flows that are traveling across our property, improving an existing inlet and providing a level spreader to discharge storm water, and over-detaining by constructed a detention pond

[2:43:39 PM]

sized to capture on-site flows and reduce the existing peak, leaving our property by 10%. Next slide. Here you can visually see the location of each of these proposed improvements, regrading the existing site, rerouting the flows through the easements, improving the existing inlet, and over-detaining in the pond. Next slide. As a result of these on-site improvements, regrading, rerouting, improving and over-detaining the property is able to eliminate the flooding experienced in the lots adjacent to our property, reduce the overall volume of storm water going into the neighborhood, and contain all future storm events up to the 100-year within the public right-of-way. Thank you.

>> Mayor Adler: Thank you. Santiago?

[2:44:40 PM]

Mack is on deck.

>> Good afternoon, I'm the traffic engineer for the applicant. The property is at 8401 south 1st street, at south 1st. It's three vacant partials. The proposed improvements for the site are a traffic signal and northbound and southbound left turn lanes. The traffic signal is an improved street impact fee study. It's improvement ni36 and exceeds the estimated for the property. We estimate the estimated cost to be \$800,000, for all

[2:45:41 PM]

improvements that are being proposed. It will increase safety by allowing through vehicles to avoid left-turners. It will create traffic signal gaps for adjacent side streets to enter the roadway network. It will contain a platoon of vehicles at the intersection. This figure shows the proposed improvement from the two-lane to signalized intersection with left turn lanes, northbound and southbound. The site is on the east side. And it will also help traffic exit into south 1st. Next slide. The proposed site is expected to generate 1500 trips daily, 100 trips A.M. And 1:25 P.M. Peak. This is less than 10% of existing traffic from 2018 daily counts from txdot in a nearby town, and 2019 peak hour counts

[2:46:42 PM]

done by city of Austin. Next slide. This figure shows the turning movements in and out of the site, in the P.M. Peak hour there's 38 vehicles estimated turning into the site from the north and 38 vehicles turning from the south. In the peak hour in the morning, exiting vehicles from the apartment would be 36 in each direction based on the location, 50/50 split, as you can get to work places from the site both north and south. Next slide. In addition to the improvements that are proposed by the applicant, the site is also adjacent to two corridors that are in the corridor program, which are William cannon and slaughter lane, 2016 bond, currently under design and construction by the city of Austin. Next slide. And in summary, the developer is adding a signalized

[2:47:44 PM]

intersection, also left and right turn lanes at the intersection for northbound and southbound. This will increase safety. These are improvements identified by the city of Austin study, improving ni36. In addition, they're adding sidewalk along the property, on the east side. So these are all reasons to support the project.

[ Buzzer sounding ]

>> Thank you.

>> Mayor Adler: Thank you.

>> Hi, councilmembers, this is Mack Mcgrath, I'm the developer and applicant, as wayfinder real estate. This rezone has been anything but rushed. We've been at this for the last 11 months. This is a very complex situation in the sense that you've heard right, there are a lot of concerns with some of the infrastructure at present. It is that infrastructure that

[2:48:44 PM]

early on we started to focus on, and is the reason why we brought a civil engineer, both on the traffic and drainage side to do a tremendous amount of studies to address the concerns of the neighborhood. The developer and owner of the property -- that owned the property leading up to this had plans and three failed attempts for what was a condo development. And those attempts failed because of the demands of improvements in light of the fact that so much infrastructure in the area was subpar. For one, transportation. So we've answered the call with respect to the traffic intersection, adding a traffic light and turn lanes. Number 2 with respect to drainage, there has been a statement about in the wake of our development there would need to be makeshift protection against flooding. That goes on today.

[2:49:46 PM]

On an annual basis there's flooding in these homes on the north and east side of the property and that's because of the property in its current condition is concentrating flows onto these homes. It is our intention to improve that drainage infrastructure on-site with excess detention, as was mentioned before, along with building an actual berm along the north and east property lines as opposed to putting this on the shoulders of the residents with makeshift means. Those two alone amount for almost \$2 million in combined improvements which is why the previous development failed and why the status quo of vacant tract has remained for so long. As it relates to transition from the commercial uses immediately south of our property to the single family immediate to the north, this is an mf4 light concept. It's become that in large part because of the extensive dialogue we've had with residents. As y'all should be aware by way

[2:50:47 PM]

of your packets, we've done enhanced buffering. We're not relying on compatibility setbacks to create that transition. We have enhanced buffering of 45 feet along the single family at the north and east side as well as the west. We have a 25-foot vegetative buffer. Within that 25-foot buffer, we have an extensive tree plan of planting four-inch trees every 30 feet along the north and east property lines.

There's two stories and three stories stepping up to four stories on the property. There will not be a 50-foot building on the property itself.

[ Buzzer sounding ]

>> The nearest four-story building would be 175 feet away. Thanks for your time.

>> Mayor Adler: Thank you. Is Alissa Demayo here? And on deck is Suzanne

[2:51:50 PM]

scwhartner.

>> Good afternoon, councilmembers and mayor. My name is Alissa, I live at 1311 lane. And I'm here against item number 72. Right now -- sorry, I'm going to take this off. I just bought the house less than a year ago, a recent homeowner in the city of Austin. And as it is, my backyard faces hold cat. And it is a super loud area. They use heavy machinery, they test it out early mornings. I'm fine, I wake up at 6:00 A.M. On Saturdays when I'm trying to sleep in, I am constantly woken up by holt cat and what they do, and when they were building that flooring store, right next to the holt cat site, it was really annoying. It's been a year of constant noise from the heavy machinery. I work from home, so it's having my entire work day disturbed by this noise. I oppose having holt C.A.T. Or

[2:52:53 PM]

any heavy machinery and construction come any closer to our little wood area behind our homes. So my neighbors and I, we all have these woods that belong to our hoa. But it's still really loud. Holt C.A.T. Keeps coming closer and closer, as it sounds like. And that's why we oppose this. I oppose anything that will create more noise. It's already really loud the entire day, even late into the evening sometimes, Saturdays. And it's just too much. I felt that I had bought a property where I was going to have peace of mind because we overlook those beautiful woods behind our homes. My backyard overlooks those beautiful trees. But they just keep, you know, coming closer and closer and that's why I'm opposing this. There's also a little creek, onion creek I think, I like to walk around my neighbor. When I walk to the creek I've seen since the construction of the flooring store started a lot of waste on the -- in the creek,

[2:53:53 PM]

around the creek, in the woods in that area. That's why I'm opposing this and anything that is going to add pollution to our little woods behind Melissa oaks. Thank you.

>> Kitchen: Mayor?

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: Thank you so much. My name is Ann kitchen, I'm the councilmember for your area. I'd like to reach out to you and talk with you about this. Perhaps we can do something to be helpful with the --

>> The noise.

>> Kitchen: The conditions that you're mentioning. You know that this case is just to allow them to build more drainage to improve the drainage property issues.

>> Yeah.

>> Kitchen: We'll talk about it. What was your name?

>> Alesssa. And your staff was very helpful in addressing some of my questions yesterday. They said they're only going to build the drainage and things to improve the water quality. We appreciate that. We would support that. We just don't support having them come any closer to our

[2:54:55 PM]

homes, because it's already really loud, and I appreciate you guys listening to us.

>> Kitchen: Thank you for letting us know what's going on there. Thank you.

>> Thank you.

>> Mayor Adler: After you, Jake.

>> I'm with the housing authority of the city of Austin. I am in support for item number 73, the fox hollow apartments. And I'm just here if y'all have any questions.

>> Mayor Adler: Thank you very much. Okay. Jake brown and after Jake brown it's going to be Sheryl Thompson.

>> Good afternoon, mayor and council, Jake brown with Idg developments, here speaking in favor of item 73. I'm just available if you guys have any questions, comments, concerns. Thank you.

>> Mayor Adler: Great. Thank you. Sheryl Thompson? After Ms. Thompson it's going to be Justin Shaw.

[2:55:58 PM]

>> Good afternoon, mayor, and all city officials. My name is Sheryl Thompson. And I live in district 1 and I am representing the hills neighborhood association. I have a history of supporting the vulnerable and making sure that they have a voice whenever I can. I do encourage you to refer to the agenda documentation that you have, including the video that shows the danger and hazard of item number 81. The proposed affordable housing unit is dangerous for children. It's for any human, safety, whether they

be children or elderly. So it goes from zero to 100 plus in years. And it is also bad for the erosion of buttermilk creek. The location lacks mobility and

[2:56:59 PM]

connectivity. It does not meet the qualifications for smart anyway because of the transit portion of the issue. It requires that individuals would have to cross seven lanes of a street, Cameron road, to get to the bus stop. It is along a highway. There are no parks in the area, no goods and services, no grocery stores within reasonable and safe walking distance. Even the tdhca denied their tax credit application. Any governing body can clearly and easily see this is not safe for children. So as affordable housing is the buzzword, I'm all for affordable housing. I'm on the record of being for affordable housing. But is it at any cost? Is this one development really

[2:58:00 PM]

worth the cost of children's safety? Would you feel it be worth your child or your grandchild, but we're going to put the poor or the vulnerable there? It's okay for them. Is it really worth the cost of the destruction of buttermilk creek? Residents along the creek directly behind this proposed development are experiencing severe property damage due to the erosion that the city has money for. And we want you all to go ahead and get started with whatever it is you're planning to do. But that infrastructure is not currently there. As the residents of the collapsed towers in Florida warned authorities of the imminent dangers, I am sounding the alarm to proclaim that the necessary infrastructure is not in place for this development at this time. The location is not safe for affordable housing. It puts children in danger. Hello, can you hear me? It puts children in danger.

[2:59:01 PM]

[ Buzzer sounding ]

>> With that being said, I just say please say no. Just say no. And we ask the mayor pro tem to exercise a reasonable level of discernment, represent her community, district 1, and recognize that all that glitters is not gold. Again, this is not good.

>> Mayor Adler: Thank you very much.

>> Thank you.

[ Clapping ]

>> Mayor Adler: Is Justin Shaw here?

>> Mayor, I believe he spoke earlier today about the caves, but I don't know that he's still here.

>> Mayor Adler: Okay. What about Brett Denton?

>> He's not here.

>> Mayor Adler: After Mr. Denton speaks, Richard Peroni.

>> Hello, my name is Brett with Ardent Residential, the applicant for item 85 in district 10. I'll be very brief. Based on questions and comments

[3:00:02 PM]

from our Z.A.P. Hearing I would note we undertook several additional site studies after the hearing in August to confirm there were no endangered species and no caves on the property where the building is going to be constructed. Those studies are in the backup with the case. I'm here to answer any questions you may have. Thank you.

>> Mayor Adler: Thank you. Richard Peroni. What about Joe Warknack? Joe?

>> Pass.

>> Mayor Adler: Pass, thank you. John Mull? What about Reuben Perez? Do you want to speak? Come on down. After Mr. Perez speaks, then

[3:01:05 PM]

Connor Canny is on deck.

>> Thank you for listening to me. My name is Reuben Perez and I am a neighbor to the property. I'm speaking on item 58, the lane. I'm not opposed to the zoning, per se. But I've been -- I'm not having success finding information about what the infrastructure was consideration to allow this to go to sf3 from Dr. This is historically a single-family neighborhood. The neighborhood is just one street following two blocks

[3:02:08 PM]

along. The right-of-way of the road is only 50 feet wide. And the pavement is probably about 35 or 40 feet with no sidewalk, no drainage infrastructure. So as the street gets built up, more and more flooding is happening. My neighbors down the hill have already experienced flooding in their properties, and it goes right through mine into theirs, so we just need to consider the drainage problems and the traffic.



>> Mayor Adler: Thank you.

>> And that's all I have. Thank you.

>> Mayor Adler: Thank you very much.

>> Kitchen: Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Sir.

>> Mayor Adler: Mr. Perez?

>> Yes.

>> Kitchen: Hey. So, I'm councilmember kitchen.

>> Yes.

>> Kitchen: Have you -- I'm not certain if you've spoken to anyone in my office?

>> No. I haven't reached out to you.

[3:03:09 PM]

I just recently found out about this hearing. And I'm not opposed to it.

>> Kitchen: We can talk with you about the flooding concerns you're raising. What was your concern?

>> Reuben Perez.

>> Kitchen: Okay.

>> Would you like me to call your office?

>> Kitchen: Yeah reach out to my office.

>> Thank you.

>> Kitchen: Thank you.

>> Mayor Adler: Connor canny and then Barbara foreman. I guess we have already called. And we've already called that person. Christopher would be next. Go ahead.

>> Great. Thank you. Connor Kinney, 5960, on consent, just here for questions and also to make sure that you saw it may not have made the backup, the chair of the contact team wrote in this morning and said -- a six-unit experimental affordability project we're doing in St. Johns, the overall sentiment within the

[3:04:11 PM]

neighborhood is optimistic or indifferent and they're excited. Not supporting but not opposing. I'm here for any questions.

>> Mayor Adler: Great. Thank you. Is Christopher Brahm here?

>> I just wanted to make sure we're talking about item number 0117?

>> Mayor Adler: This is the item 84.

>> I believe the property at 1017 was slaughter lane?

>> Mayor Adler: Yes, we're on west slaughter.

>> Okay. I'm not exact limens the rezoning, I just had a few concerns I wanted the council to be aware of. My address is 9415 south Chisholm. It's a small treat.

[3:05:11 PM]

Getting out of my street on to slaughter lane there is a golden window where traffic is open between the lights of united Kingdom and west oak. And that allows us to get out. Right now it's a mild inconvenience with all the people who make their u-turns there because when you're doing a u-turn you have to make sure all three lanes are clear. With the property at I believe 1017 west slaughter lane coming up for development, all three of those properties that they're taking over, 1017 and the two properties to the east of it, those are all right-hand turns to get out. There is not a left-hand turn. So with them proposing a possibility -- I think it was four or 500 units in that area -- I have concerns that the amount of u-turns on south Chisholm lane and both south Chisholm trail are going to

[3:06:11 PM]

increase quite substantially. And it's already, as I said, a mild inconvenience getting out between the lights. My other concern is that my property is right before the substation and I would have direct line of sight to the proposed apartment buildings. And I have privacy concerns. I don't really relish the idea of someone sitting in their balcony looking right down into my backyard. I was hoping that there could be some sort of accommodation where all the balconies and windows had to face the center of their property or at least the windows on my side had to be a privacy window of some kind. Also, the last concern I have is we do have a nice tree line there. I was hoping that some of that vegetation would be able to stay. With the development -- the next one over, which I cannot remember what it was, what it was called, but there was several acres and they just

[3:07:13 PM]

clear-cut it. And I hope that that's not the case for this property. That's all I had. Thank you very much.

>> Mayor Adler: Thank you.

>> Kitchen: Thank you, sir. I'm Ann kitchen. I'm representing that area. So I appreciate you bringing those items to our attention.

>> Okay. Thank you.

>> Mayor Adler: Is anybody else in here in person signed up to speak? Then we'll go to the clerk. There are about 20 people on the phone?

>> Yes, there are about 20.

>> Mayor Adler: Okay. Go ahead and start.

>> First speaker is Dale Bernard.

>> Thank you. Can you hear me okay?

>> Yes, please proceed.

>> Thank you. I live at 8304 beaver brook, regarding the item 71. For 14 years my wife and I have owned and lived in a house that adjoined the proposed rezoned property. It is one of the houses that

[3:08:14 PM]

experiences flooding problems, including last night. At the time of the Z.A.P. Meeting we actually supported the rezoning. I even submitted a letter of support to that effect. We no longer support it. We met with the developer many times over past months and they listened carefully to our flooding concerns. They came up with a plan that significantly improves the sheet flow problem. It involved a three-foot-tall concrete or rock wall protecting single-family homes like mine. It would have helped us last night, in fact. The proposed four-story apartments surrounded by single-family homes on most of three sides is unprecedented anywhere in this area. The abrupt change in density and height would harm the character of the area. And except for drainage improvements, it would not provide any benefit to the neighborhood. The only option for overflow parking would be our neighborhood. We already have too many cars

[3:09:15 PM]

parked on the narrow streets. Originally, we appreciated that the developerren willed to us and explained the rezoning process and attempted to address flooding concerns. We support multifamily behind our house. We know that Austin needs it. As we and our neighbors became more savvy to the development process it became clear that this developer in several instances deceived or attempted to manipulate us into supporting their project. Thanks to some astute neighbors, these instances were exposed. It was a shock. Over the months, the developer provided several versions of conditional overlays and private restrictive covenants based on feedback from the neighborhood. Just before the city council meeting, they muddied the waters by submitting two misleading drawings that do not correspond to the negotiated documents. Even worse, the documents in the packet for this meeting do not correspond to the drawings. The drawings are meaningless.

[3:10:17 PM]

Several times we asked the developer to update the documents so that we could trust the drawings and they declined. I lost sleep over this deception, the kind of thing that makes many question everything at the developer has told us. We will be happy to work with future rezoning cases that better respect the neighborhood, and respect the neighbors as well. Thank you.

>> Veronica wolfman.

>> Hello. Can you guys hear me?

>> Yes, go ahead.

>> [ Speaking Spanish ] Good afternoon, city council. Honorable city council members, staffers, business owners, and also fellow neighbors, I really appreciate your time today. My name is Veronica and I live within 200 feet of the land. And I have lived in the area, as of one year ago.

[3:11:19 PM]

Personally, I have tried very hard to find an angle to support this project and to get to a place where I can say yes. This rezoning -- I have met with the developer alone, alongside with my neighbors since the start of 2021. I have organized neighbors with emails. I have knock on doors to get more people aware of what's going on, and dedicated 150 hours of my own personal time to this rezoning because I care about the future of Austin. I care about the future of my Austin community. Today I ask the city council members to oppose the rezoning of item 71. First, I want to emphasize my personal opposition to the mf4 zoning. During the committee, as my primary and my most important concern. The proposed rezoning is not a good transition, and not a good fit for the neighborhood, because first, it doesn't fit

[3:12:19 PM]

the predominant character of our community. If the highest density zone in parallel, we have an sf6 around. This land should be a transition zone, not an abrupt change to the character of the community. The city has not improved the infrastructure to allow this type of density building in the community. Second, I have come to the conclusion that even keeping the current zoning or allowing for a lower one will be a more appropriate fit or transition to the community, mainly because of the imagine Austin plan, which prioritizes community-first development that takes into account surroundings like businesses, and bike paths. The developer has failed to address the imagine Austin plan. Third, and most importantly, I also personally believe that Austin needs housing.

[3:13:20 PM]

But it needs the right type of housing. I did some research, and it turns out that out of the 21 apartment complexes in our zip code 78748, only two of them are mf4. Both of them have setbacks of more than 1,000 feet to the nearest house. The contract proposed would give only 45 feet setback. Again, this does not fit with the character of the community and it is unprecedented for our area. For context, guys, 67% of all apartment complexes in our vicinity are mf2 or community commercial mixed uses. These two make a lot more sense to develop in the area and align with the imagine Austin concept.

[ Buzzer sounding ]

>> As I said, Austin needs housing. It needs the right type of housing. Bill according to the surroundings.

>> Speaker, your time has

[3:14:22 PM]

expired.

>> Grow stronger as a community. I urge the city councilmembers to listen to the affected communities and oppose the current rezoning case. Thank you very much.

>> Jeff Miller.

>> Yes. Can you hear me?

>> Yes, go ahead.

>> Hello, mayor Adler, councilmembers, city officials and rezoning team. Good afternoon. I'm speaking today on item 71. My name is Jeff Miller. We bought our single-family home in 2003. The property in question is directly across from us within 200 feet of our home. We have been part of this frustrating back and forth with the developer since early this year. We have listened to their sales pitches multiple times, as well as their amendments and offered our feedback. From the beginning we opposed a four-

story rental-only high-density structure in our neighborhood. After countless meetings with the developer, we feel they have not been clear with their

[3:15:23 PM]

obligations, consistent with their promises, or negotiating in good faith. They said no higher than three stories. Now that has changed. We are opposed to the zoning for the property. It's unprecedented, an allowance for our neighborhood. The current plan does not fit nor transition into the surrounding area or neighborhood. We hope for a more appropriate level of rezoning consideration. We expect and welcome mixed use, not mf4. The three largest and most impactful complexes are mf-2, situated around significant intersections and established businesses, not directly in the middle of sf neighborhoods. Former rezoning allowed for personal investment potential with homes and limited mixed-use businesses. That would have been better suited to the surrounding community with less severe impact on the neighborhood. The suggest overlays are inadequate and potentially cause strain on our infrastructure.

[3:16:23 PM]

This development does not integrate itself into the community, it imposes upon it. This particular plan does not help with the home shortage, 290 rental-only units in our neighborhood is problematic. Attempts have been made to address the concerns, my neighbors and I are not convinced it's sufficient. The drainage plan will not prevent surface streets from flooding, and will go to boggy creek. The current infrastructure is inadequate with no plan to upgrade. Traffic congestion is dramatically increased, especially in the slaughter south congress intersections around it. Amendments to lanes and traffic flow will not improve this area. General use and overflow parking from the development will negatively impact our neighborhood streets. The cost of the required street expense to the developer is trying to justify the units. The proposed turn lanes will not

[3:17:24 PM]

improve entry or exit for most of those directly affected to the east. Our closest east-west streets are one way with no lights. To the south, Ralph and the north, a chokepoint over boggy creek and congress. These are dangerous intersections about to get worse if the change is approved. Changes should promote compatibility and should not negatively impact the neighborhood's character.

[ Buzzer sounding ]

>> We strongly request you deny the mf4 zoning and ask the developer to consider a more appropriate level of zoning. We thank you for your time and consideration. Any questions, please let me know. Sincerely, Jeff Miller.

>> Laurel grys.

>> Good afternoon, mayor Adler, city councilmembers, and fellow austinites. I will speak briefly today in opposition to item 71.

[3:18:24 PM]

Climate crisis is upon us. A warming planet is more threatening in an arid, drought-prone area such as ours. Indeed, the hottest years on record in Austin have occurred within the past decade. Science tells us that the killing of trees, which substantially cool our atmosphere, and the paving over of the living Earth will increase the heat island effect of the city dramatically. The destruction of green spaces is happening across Austin, but these particular nine acres are especially valuable. They sit within an established neighborhood of budding and elementary school. They provide a home to 24 heritage trees, plenty of critters, hundreds of birds, and countless butterflies and insects, including critical pollinators.

[3:19:25 PM]

That habitat must not be destroyed. Outside investors stand to profit handsomely, while we will lose so much. For the health of residents and the city at large, I implore you to protect and preserve the quiet beauty of this unique treasure in south Austin. Thank you so much.

>> Paul north.

>> Hi. My name is Paul north, and I'm within 200 feet of the proposed development and I am in opposition for item 71. I share a lot of my neighbors' concerns with drainage, with traffic, with how this will impact our neighborhood's character. And we've had conversations with Wendy and David Marques, is his

[3:20:25 PM]

name, and we were told that the flow for the water is directly into our neighborhood. We weren't made aware that this was going to be the case until late August, I believe. So I don't really believe that the drainage solution that's been provided and the engineer that's employed by the developer is impartial to supporting their development. The way that they're routing the water from the property on the southbound around their neighborhood and capturing the sheet flow in a tank doesn't really reduce the

flow into our neighborhood by 10%. And when you hear the words 100-year storm event, that's really not true. It's a 1% chance of a 100-year storm event per year. So, you know, in the course of the mortgage, you have a 26% chance of having a 100-year

[3:21:26 PM]

storm event happen, right. So with the project plan sending all of the water into the street, it's extremely problematic. And I would advise that the city be very careful with that, because David said in the call that we had that the diameter of the pipe and the infrastructure on Orr street cannot support the amount of water intended to be dumped into that area. And if the city approves that this can go through, the city would be liable and claims toward them. So I would just be really careful with that. If the infrastructure isn't updated and you're knowingly saying that you support the development and the water is under control, and there is a flooding event, it's not the developer that's going to be responsible, it's going to be the city. Thank you for your time.

[3:22:27 PM]

>> Chip Harris.

>> Mayor and councilmembers, my name is chip Harris. And I'm speaking on items number 67 and 68, the npa and rezoning of property at 901 and 907stobald street. I'm a facilitator in the crestview neighborhood plan contact team. The cnpct. The facilitator's position is equivalent to being the chair, but with a different title. I'm here today to present the recommendation of the contact team on the case before you involving the property 901 and 907stobald street. A request to change the neighborhood plan and to rezone the property from sf3 to mf4. After a lengthy and thorough discussion at the meeting about the proposed zoning change nor

[3:23:30 PM]

901 and 907, the following motion was made and approved and will serve as the recommendation. We support sustainable densecation 901 and 907, similar to other nearby properties that have been re-subdivided but maintained sf3 zoning as recommended in the neighborhood plan approved by the city council. The cnpct opposes changing from single family to multifamily and opposes the proposed zoning change to any mf category. While supporting increased density, many of the meeting participants cited multiple issues that led to their support of the motion, including the magnitude of the change and its effect on a narrow street with



[3:24:31 PM]

single-family family homes. Also, traffic, street parking, impacting at the safe of cyclists and pedestrians, many of whom are elderly or children, and infrastructure capacity of the city, noise and neighborhood character. City staff has verified that a valid petition of 29% was submitted opposing this zoning change. And if the property was fully developed under the current zoning sf3, once the property is re-subdivided, the increase in density would be 500%. Thank you for your time.

>> Jim Summers.

>> Hello, can you hear me?

>> Yes. Please proceed.

>> I'm -- I thought we were talking about item number 84, so is that correct?

[3:25:33 PM]

>> Yes, that's fine. Go ahead.

>> Anyway, I'm opposing it. Plenty of neighbors are signed up. I'm not going to say what they would say. But I'm speaking on behalf of bicycling safety. I'm a 75-year-old man and I bicycle to lots of places over there. And all that traffic out there is going to make it much more questionable. And so I just don't really see that I want to have that. That was all I needed to add. Thank you.

>> Lulu.

>> Good afternoon. My name is lulu, 7602, along buttermilk creek, opposite the development. I'm asking that you vote in opposition to the zoning request or if item number 81, c14-2021,

[3:26:40 PM]

29% of the property owners signed the petition against the zoning request. The only property owners that did not sign in opposition are the two commercial property owners on either side of this lot and two rental property owners that we could not get in touch with. You should also have the list of additional 42 property owners that signed a petition against the zoning request even though they fall outside of the 200-foot boundary. Their concerns should not be ignored due to the stipulation. You've had videos that we created that show you or give you a visual of how much erosion is currently happening along buttermilk creek. To include my house, any rainwater runoff that this proposed development will create from the new covered parking area will have to be directed to flow down to buttermilk creek, expediting the erosion. Mayor pro tem harper-madison was

[3:27:42 PM]

working to possibly create green space allowing children to walk along the creek so they wouldn't have to walk along the 183 access road. The problem is there's not an embankment left behind the apartment complex next to this lot to build a walkway. The embankment has long eroded so that there's now an immediate drop-off. Security would be an issue since there are many homeless people that live in this area, especially on the highway and Cameron road intersection. As an example, a couple of years ago, a deceased man was discovered along the creek by the grandchildren of a resident that lives on the cove, one cul-de-sac next to mine. The city of Austin watershed department has known about the erosion problems since 2014. Mayor pro tem Madison should be aware of the problems, since I included her on my email discussions since 2020,

[3:28:45 PM]

especially since May 7th, when I sent her an email notifying her I called her office on several occasions to ask for help in getting the erosion issue resolved. But I have not received a call back. Her direct response to me was, and I quote, good morning and thank you for reaching out to share your concerns with our office. We appreciate it. As you can imagine, the current pandemic crisis and the fact that it's a council week have had me and my staff otherwise occupied since your original correspondence yesterday. Your persistence is appreciated as is your patience. Someone will be in touch as soon as humanly possible. I'm still waiting for any contact from or any proactive support from her office to help me with my problem.

[ Buzzer sounding ]

>> I'm glad the mayor pro tem has the dedication and time to spend with developers to try to get their project built, but no one from her office --

>> Your time has expired.

>> With the residents, especially the residents that live along the creek --

[3:29:45 PM]

>> Bethany bordreaux.

>> Good afternoon. My name is Bethany and I've been a homeowner in Onion Creek for just over four years. This is the neighborhood that's directly behind item 72, the proposed rezoning, which I'm opposed. So I was prepared to speak to pollution concerns regarding the proposed rezoning. But since my neighbor just spoke, I now understand this request is to provide some drainage improvements in the

area. However, I'm still concerned about the overall noise of tearing down some of the wood area that currently exists. The small wooded area behind our house serves as a noise barrier to the Holt site and I-35. Holt operates at all hours of the day, in the middle of the night we can hear trucks and construction equipment that disrupts the peace and quiet of all the residents, which is essential to our mental health,

[3:30:47 PM]

especially during these times when many of us are working from home. I'm concerned that the area between the proposed rezoning area and our backyards is shrinking. A recent rezoning was approved that allows the building of something in 2020, which reduced this barrier to 100 feet. So many trees were torn down that I can hear people speaking in the parking lot, trucks dropping off materials, again, this happens at all hours, and even drag races that happen in the parking lot on weekend nights. My neighbor now has a clear eyeline sight to the store and I-35, where once he used to have beautiful cedar trees. These trees serve as a barrier to the constant traffic noise of I-35, which I can now hear more clearly with the loss of the trees. So I ask that you please oppose this rezoning to allow for the woods to serve its purpose, providing a barrier for noise and physical distance between our small neighborhood and the surrounding businesses and the highway. Thank you guys for your time.

[3:31:54 PM]

>> John Iken.

>> Before my time begins, for item 73, can I have the clerk please put up my presentation on the screen, and once done, let me know so that my time can begin?

>> Sure. Go ahead.

>> Vice president of the Water Creek Neighborhood HOA. It's clear we need affordable housing. No one is arguing that. The issue is safety and equality. We must put the safety of people before politics. Within the red circle on all sides would be the site. Adjacent to our neighborhood, 26 houses are in the floodplain. We call over 77 million spent on flooding buyouts of homes in Onion Creek. This site is less than 1300 feet from there, where a 31-year-old and her son drowned from flood waters. I shared a video of Brent Road, depicting no way for a pedestrian to get to the bus

[3:32:55 PM]

stop. This is the road during the day and at night where there is zero lighting. Many low-income households do not -- for the city. There are no sidewalks, curbs, or anything safe about a pedestrian using this road to get anywhere. Kitchen's chief of staff said the dirt is cheaper. People dying is okay

since the land is cheaper? This is what the staff proposed for a sidewalk. Only along the property line, solving nothing. Kitchen said if someone is just going to build a strip of sidewalk, that doesn't accomplish what I said I was looking for. Stand by your word. If there is no official commitment to improve the entire road prior to a rezoning vote, there is no reason rezoning should be approved. It's clear there is no money for this. The chief of staff said resources are committed already based on analysis. This rezoning is out of line with imagine Austin for city staff, confirmed repeatedly and

[3:33:55 PM]

is illegal. I pointed this out and ten days later, a city memo was released declaring the rezoning was the conditions of the traffic neighborhood analysis complies with the imagine Austin plan. That analysis said quote, the road along the property frontage. The analysis existed while the staff stated it was out of alignment. Zoning went from out of compliance to a memo stating otherwise with no sound basis. Being noncompliant with imagine Austin, the city of Austin is attempting to illegally rezone. This has been brought to the attention of the governor, as it is clearly a violation of law. We must put safety first. We don't need another fatal tragedy. You stated in our community meeting, Ann, this complex will be focused on quality of life. You and the council should prove your word by opposing. If the city approves this, violating the basic human rights, pedestrians getting run over and violating the law is okay with you. There were over 80 pages of

[3:34:55 PM]

opposition to this rezoning due to safety concerns. We need more affordable housing, but safety must come first. Be a decent human being and oppose this rezoning. Thank you very much.

>> Debbie manor.

>> Hi. Good afternoon, mayor Adler and councilmembers, this is Debbie manor, president of the slaughter creek homes association, representing our 450 homeowners and I'm also speaking in opposition to item 73. Your packet includes documents provided on August 17th and an updated memo from this week, which have the details of our concerns. Today I'm going to speak to our most significant concerns from the homeowners in opposing this rezoning. Brandt road is a concern. It's currently a two-lane road with curves, etc. Additional traffic on grant road generated by the addition of a high-density development is not supported by the current state of the road. The road is just not designed to

[3:35:58 PM]

sustain more vehicle use and is already -- with pedestrian or bicycle use. We request that significant road improvements be a part of any consideration. Flooding is another concern. The addition of

multifamily housing in this area, even as mf2 as recommended by staff, will potentially impact drainage and flooding from runoff created by impervious cover, creating more opportunities for flooding, including in our neighborhood. Providing access to affordable housing is an excellent initiative for the city. However, when the location of a substandard area that poses safety concerns for potential residents, it is concerning. The impact on wildlife is my last concern. City staff recommended the area not be developed be dedicated as parkland. However, there is a provision in city code that allows a parkland

[3:36:59 PM]

dedication to be accomplished with fees in lieu of the actual dedicated land. Respectfully, we request if you approve this zoning change, the fee in lieu parkland dedication not be considered and there be a parkland. In summary, the members of the parkside at slaughter creek homeowners association are not in support of the rezoning. It is our position that the area of Brandt road being considered is not the best location for any multifamily development without significant road improvements addressing potential flooding and resolving that, and ensuring that there is an actually actual parkland dedication. I appreciate this opportunity, and hope you will give you're our concerns your consideration as you make your decision. Thank you.

>> Bobby Hudson.

>> Hello, can you hear me?

>> Yes, please proceed.

>> I'll Bobby Hudson, I'll be

[3:37:59 PM]

talking about agenda item 66. I live in Angus valley. I oppose the zoning changes to the property. I understand that there's been an agreement about this and I want to take this opportunity to talk about some issues with the actual development. The proposed office development is projected to generate over 15,000 trips per day. The two sites, entrances, do not have enough capacity to handle rush hour traffic which will create adverse traffic conditions on the nearby streets, even with the proposed improvements. I want to focus on the site trance on west cow path, a 40-foot-wide three-lane resident street. Single-family houses line the street opposite. The projected site traffic is 600% more than the existing neighborhood traffic using that road. The site rush hour traffic will create congestion that impacts the houses across the street from the entrance.

[3:39:00 PM]

A proposed improvement, a continuous green intersection, fails to achieve the minimum level of service required by the transportation criteria manual. The projected traffic volume is just too high. The criteria manual recommends downsizing or changing the land use code for proposed developments that create adverse traffic conditions like this. These options were not mentioned in the tia. The land development code, section 25-6-141, burdens the city council and the director of transportation with denying a development application if the traffic generated by the development exceeds the maximum desirable operating level of 4,000 cars per day on a residential street 40 feet or wider. The projected 7400 cars per day on west cow path exceeds this by nearly 200%. Given that the proposed

[3:40:01 PM]

mitigations fail to achieve the minimum required level of service due to the high traffic volumes, this development application should be denied. We realize that this 56-acre site will be developed with or without the zoning changes, but we would like to see development that is appropriately sized for available access to the site. Thank you for your time.

>> Gwendolyn stroud.

>> Hi. Thanks for having me today. I wanted to talk to y'all because a few weeks ago, after the Z.A.P. Meeting I bumped into one of my neighbors. I'm discussing item number 84, 1017 slaughter. So my neighborhood and I were discussing how after the Z.A.P. Meeting, this was coming before the city council. And we really thought it was a done deal, probably fruitless and that y'all were just going to go through the motions and

[3:41:02 PM]

rubber stamp the Z.A.P. Decision. And I thought long about how disheartening that, to feel like our city council doesn't really respond to its citizens. And the only people pushing for this are people that stand to profit from it. And I don't have a problem with that. But they don't live in this area. And as far as I know, no councilmembers live down here. But that shouldn't matter. We elected our city council with the expectation that y'all would advocate for us and not just the people wanting to move here. It's reasonable to expect a response to our concerns and reasonable for y'all to put our concerns first. That's why we elected you. It seems that Austin leaders for so long have had to grapple with how to help Austin grow they've stopped thinking through how to make Austin better. And more people living here is not the same as more livable to live here.

[3:42:02 PM]

This will create a logistical traffic crisis, not just congestion, but real danger if this building proceeds as-is. I'm asking that even though you don't live down here and don't have to contend with this on a day-to-day basis like we do, I'm asking that you please give consideration to your constituents. And I appreciate your time today. Thank you.

>> Margaret Valenti.

>> Honorable mayor, mayor pro tem, and city councilmembers, thank you for the opportunity to speak today. I'd like to thank and appreciate my neighbors who also spoke before you today. I am speaking in support of item 71. My name is Margaret and I live on peaceful hill lane a half mile from the subject tract. I'm an Austin resident for 32 years and have owned my home for

[3:43:05 PM]

15. I previously worked in the planning and zoning department and have reviewed dozens of rezoning applications and project proposals. I spoke in support of this rezoning at the may 18th Z.A.P. Hearing. My letter of support is included in the backup material. Since may I have continued to stay involved, attending meetings, reading emails and reviewing documents provided by the project team. My support continues because I have not heard anything since that that has caused me to change my mind. In fact, there are now greater, more pressing reasons to support the request. The project team has offer two concept plans that address the very real and immediate concerns related to flooding, providing nearly 2 million in infrastructure improvements, offering upwards of 290 desperately needed housing unit, units, and providing connectivity and safety improvements. The team has continued to respond to community concerns with increased setbacks,

[3:44:06 PM]

vegetative buffers with a two-three-year management plan, walking paths along the perimeter of property, and community access to a public sitting area along south 1st street. However, my strongest support stems from my desire that housing projects like this are located along transportation corridors such as south first street. That coupled with the ripeness for development of this property, the severe housing crisis we face and the affordability unlocked development standards that would allow for a parcel this size to be developed as a tier 2 project which are generally dense E taller with smaller setbacks, less impervious cover, fewer trees, more cars, more people and noise, all lead me to the conclusion that the proposed rezoning does not only not an appropriate venue for this location because of its proximity to a single-family neighborhood but its highest and best use

[3:45:07 PM]

for development in the 11th largest city in the country. As as you are probably aware, there is a tier 2 project currently under construction a mere two miles north also on south first street. In closing I'm asking the city council to support staff and zap recommendation to grant multi-family residential conditional overlay combined zoning. Thank you.

>> Dylan McAfee.

>> Good afternoon, council, I'm Dylan McAfee and I'm speaking to item 71, 801 first street. My partner and I live a few hundred feet north of the proposed development site. This is our first home and we just moved in six months ago. We are currently opposed to mf-4 density. Our biggest concern is traffic safety with the near 300 units and their guests' worth of cars all coming and

[3:46:09 PM]

going from first street. It can already be difficult and dangerous pulling out of our home's driveway as well as for those pulling out from neighborhood streets like Myra street, for example. We frequently have vehicles speeding way over the speed limit up and down the hill as well as large industrial vehicles and vehicles with trailers. There is mention of a proposed stoplight at first and United Kingdom, but we're not convinced this will increase ours or our neighbors' safety as we only saw a limited safety regarding the number of trips projected at the development and nothing regarding safety for our homes on first and vehicles turning on to first from neighborhoods. We want to ensure our and our neighbors' safety would not be negatively impacted and we would like to see huge improvements to other forms of travel that are not carcentric such as pedestrian and bicycle infrastructure. Thank you for your time.

>> Ana Parilla.

[3:47:11 PM]

>> Hi. Good afternoon, mayor and city council members. My name is Ana particular and I represent Mcdowell housing partners for item 81 on the agenda for affordable housing. We are proposing rezoning change for the site to gr-np, which is consistent with the properties in the area and it is recommended by staff for approval. We are proposing a development that is 100% affordable. The average rent and income restrictions will be at or below 60% of the average median income. Furthermore, five percent of the units will be devoted for the continuing of care program with echo, the ending community homeless coalition. We have postponed this to

[3:48:11 PM]



meet with the creek side neighborhood association and to hear their concerns. And later to allow time to figure out a trail path restriction along the creek located nearby the site that was proposed by some of the council members. We understand the neighborhood concerns about buttermilk creek and we will follow all the regulations regarding water quality zone, water treatment and detention, drainage and floodplain. Following this regulation we won't be able to obtain our building permit. I would like to mention the neighborhood does not have tax credits although the neighborhood association had expressed concerns about the amount of affordable housing in their neighborhood. There is an existing market rate mismanaged development in the neighborhood that have nothing to do with the tax credit program we are

[3:49:12 PM]

proposing. The development will be restricted and regulated by the Texas department of housing and community affairs. With annual file reviews and physical inspections every two years during the affordability period. Furthermore, the site -- I'm sorry. They will check that the rents are for qualified household and that all the restrictions are in place. With real estate prices sky high in the Austin area, our project will address the urgent need of affordable housing for the city. We appreciate your consideration and approval of our zoning case. Thank you so much.

>> Karen Wolfe.

>> Good afternoon.

[3:50:13 PM]

I am Karen Wolfe, representing the Chisholm lane neighborhood and speaking in opposition to item 84. Our opposition is not to development per se. We recognize this property will be developed. Our problem is the zoning change proposed, which is to vertical, and allows for building up to a 60-foot tall five-story building when other adjacent developments are single story or two story single-family or multi-family and commercial. Directly across -- directly across the street from this site is the la petite day care center and there is another day care and elementary school within half a mile. There is no traffic signal at the la petite. Our neighborhood is concerned first of all about safety. This area of slaughter lane is designated as a high crash roadway and won't be able to accommodate a significant increase in

[3:51:14 PM]

traffic. The three to five hundred units proposed are all designed as one and two bedroom units attracting singles and couples, not families, traveling in cars. The traffic in la petite can only enter and exit on to slaughter lane and will have great difficulty doing so safely. We're also concerned about the

neighborhood's environment. We think this development will have a negative environmental impact both on Seawright park and slaughter creek due to the possibility of runoff from the woods and building against a creek buffer. More density is not appropriate to this area. There's already construction at billbrooke and first. All of these documents are threatening flora and fauna in this area. Finally we're concerned about the lack of

[3:52:15 PM]

infrastructure. You've heard a lot about that from the folks on item 71 just around the corner. There is inadequate infrastructure to add all these apartments without any checks and balances. There are only two local buses that run east and west on slaughter. The only express bus runs over on congress two miles away from this site. Folks in this neighborhood already have low water pressure. The people in Seawright village have never even been able to use their irrigation systems and can't do laundry and shower at the same time. The closest police and fire stations are both located east of the proposed development. To enter, first responders are going to have to travel west on slaughter and make a u-turn to enter the property. As you heard described by Chris Braun. We ask that you reconsider this level of zoning to a more appropriate zoning in character with the neighborhood. Moving forward and approving this zoning change without a

[3:53:16 PM]

site plan -- [buzzer] -- traffic impact analysis and environmental analysis makes no sense and has the potential to destroy this area. Thank you for your time.

>> Steven Schrader.

>> My name is Steven Schrader. I am speaking in support of the rezoning application for the property owned by 3M company on research boulevard, item 66 on the agenda. I've lived in the summit oaks neighborhood located immediately west of the 3M property for 36 years and now serve as the president of the neighborhood association. We're a small neighborhood that is over six years old and is actually the oldest subdivision along the research boulevard corridor west of mopac. The first houses were built in our neighborhood in the early 1960s before any other commercial industrial or office development occurred. Since the neighborhood was established we have seen commercial construction on

[3:54:17 PM]

most of the surrounding properties. We have found that the zoning restrictions are building height and building setback are important factors in minimizing setbacks to our property. Likewise having residential Zones that are undisturbed has provided effective shielding from the surrounding office

buildings. When the 3M tract was annexed by the city of Austin in 1976, zoning of interim aa was established. In 1980 the tract was rezoned to O office as part of the golden triangle area. Then the O zoning was changed to L.O. Limited office and that category was added to designate development predominantly serving neighborhood or community needs. In 1989 the owners of the subject tract proposed a rezoning of properties from L.O. Toly limited industrial. The -- to LI limited industrial. The current owner agreed to the restrictions and a conditional overlay combining district T should be known that the agreement at that time provided the property owner significant increases in allowable

[3:55:17 PM]

building cover and floor area. The applicant has now requested that the existing height restriction of 40 feet be removed from the conditional overlay. Summit oaks neighborhood association agrees to support this request in exchange for several considerations, including the commitment to maintain a 50-foot undisturbed residential buffer zone between the development and the residential property lines. We also support the request to remove other restrictions in current zoning related to traffic volume and building permit issuance. However, we request that all restrictions on uses listed in the existed co be retained and we understand that the applicant agrees with this as well. In summary, we recognize the need for more office space in northwest Austin and we consider office development to be the preferred use of properties adjacent to our neighborhood. We appreciate efforts of the developer's representatives to help mitigate the impact on adjacent housing. Thank you for your time.

>> Jason natowitz.

[3:56:23 PM]

>> My name is Jason and I work for developer Mcdowell housing partners, mhp. I'm speaking on item number 81. Mcdowell and partners is an affordable workforce housing development arm of Mcdowell based in Texas. Our mission is to preserve high quality housing community provide American's workforce and seniors with safe and sustainable place to call home. I'm speaking in support of this development that will serve the most disadvantaged population to the city of Austin. I want to point out and cite a recent report published on may 13th, 2021, by the Austin community foundation that outlined the desperate need for affordable housing in the city of Austin. I'll keep this short. The purpose of the report was to provide context, increased understanding of housing related issues and provide recommendations for affordable housing.

[3:57:23 PM]

This issue -- as CEO of the Austin community foundation stated, quote, the lack of affordable housing increasing indicate of unsheltered homelessness in the Austin area threatens the social and economic vitality of our region. We at Mcdowell housing partners are requesting the support and passing of item number 81. Thank you.

>> Zenobia Joseph.

>> Thank you, mayor, council members. I'm Zenobia Joseph. Mayor, can you just tell me item 69, is it being postponed?

>> Mayor Adler: No.

>> Okay, thank you so much. I have comments about 69 and

[3:58:26 PM]

85 as. As it relates to 85, that's the Luby's redevelopment. My specific comment is related to the restrictive covenant. On page 82 of the staff report, specifically 2c, which is affordable housing, 10% of the units would be at 80% median family income for 40 years. That's about 28 units out of the 275 being proposed. My concern is that this is exclusionary, discriminatory covenant as it relates to the income levels of African-Americans and hispanics. As you may be aware, in 2020 your economic development report specified that hispanics earn about \$50,000 and African-Americans earn about \$42,000. 80% area median income or median family income is approximately \$55,000. A teacher in aid starts at \$50,000. So these are being -- these units are being set aside

[3:59:26 PM]

for wealthy whites. And I just want you to keep in mind the fair housing act of 1968, and this is does not affirmatively further fair housing. I would also call to your attention the housing vouchers as I mentioned before specifically in the federal register links to the American rescue plan act misuse of vouchers to facilitate household needs to neighborhoods of high levels of economic opportunity. I went back and I listened to the August 17th, 2021 zoning and platting commission, and Mr. Whellan tried to say that because the income would be at half of what people earn in the area, that justifies it. I would also call to your attention as it relates to item 69, that's 5708 Springdale road, I just wanted to speak to 292 units of affordable housing that was mentioned by the neighborhood association. I just wanted them to know that David Noel of Ryan companies on November 1st, 2017, actually tried to get

[4:00:27 PM]

capital metro to keep route 300 at the affordable housing units and he told them if they moved the bus stop that would kill the mixed use development. I want the neighborhood to know that the developer testified twice on November 1st, 2017 at the connections 2025 hearing. And so those are my primary concerns, but I do want you to recognize that when you pass the equity climate plan on the 29th of September, you basically talked about equity being the framework for the work that you do. And if that is in fact the case, I would ask Alison alter, council member, to speak to the 80% area median income and how it actually is exclusionary and segregates Austin. And so I would appreciate it if she would do that and would ask you to keep in mind title VI of the civil rights act of 1964 which prohibits discrimination based on race, color or national origin in any program receiving federal financial assistance. 80 percent area median

[4:01:29 PM]

income -- [buzzer] -- Will exclude individuals, African-Americans and hispanics who are covered by title VI. If you have any questions, I will gladly answer them at this time. Thank you.

>> Caitlin Ryan.

>> Hi, I'm speaking to item 68 and 69. I'm against. I strongly oppose an mf-3 designation due to unsafe vehicular traffic patterns. I want to reiterate to the council that no one can turn left on to Lamar from Stobaugh where this development is. It's a forced right turn meaning dozens and dozens of people every morning, every afternoon, every night -- I work from home so I see this, are speeding WBE on Stobaugh to access other routes. It is unsafe for pedestrians

[4:02:30 PM]

who I bet my wage on will be car drivers and will not be using public transportation. We have no sidewalks. We have no four-way stop at this dangerous intersection of Watson and Stobaugh which is on the west end of the block of this proposed development. With the recent opening of an emergency gate on easy wind drive I've already seen an influx of traffic speeding north on Watson through this intersection without a stop to access Anderson. So people are using this neighborhood as an access road. They're putting us and themselves in danger, but let's not forget the influx of children who play in the fields nearly everyday of the week on the south end of Watson. The years of construction traffic with large tractors and trucks will also be using this route. It's not respected as an actual neighborhood street. The continual decisions of this developer to further dilute our quality of life as well as the quality of life of the future tenants really concerns me. Like others have said, I understand the need for density, which is why I bought a small house on a single lot that accommodates

[4:03:33 PM]

four dwellings. To ask for more is kind of absurd and puts us in danger in the middle of an unintended access road to all major highways. I'm concerned that this is a play for money rather than being a solve for Austin. I'm concerned it's a solve for an investment portfolio. And let me also recognize that I respect and welcome diversity, inclusivity in a wide array of single dwellers to family, to multi-generations of various backgrounds and heritages in my neighborhood. This is an unsafe standard of living in our neighborhood street that's a life source for our health, well-being and community and we are continuing to be put in danger without any measures being taken to keep us safe.

>> Mayor, that concludes all of the speakers.

>> Mayor Adler: Great, thank you. Do you want to take us

[4:04:33 PM]

through the consent agenda?

>> Is this on? Okay. Mayor.

>> Mayor pro tem and council, I'm joy Hardin with the housing an planning department. Your zoning agenda begins with item number 54, c-14-2021-0033. This is the east 11th street nccd. This item is related to item 49, which was postponed earlier and staff is requesting a postponement of this item to your October 21st council meeting. Item 55, c-14-2021-0037, east 12th street nccd, also related to item too 49, which was postponed, and again staff is requesting a postponement of this item to your October 21st council meeting. Item 56 is c-14-2021-0108, this item is being offered for consent approval on all three readings. Item 57 is c-14-2021-0120, and this item is being offered for consent approval on all three readings. Item 58, c-14-2021-0129,

[4:05:36 PM]

this item is being offered for consent approval on all three readings. Item 59 is npa-2021-0029.01. Sh. This item is being offered for consent approval on all three readings. And the related rezoning is item 60, c-14-2021-0005. Sh, and it thumb is being -- it item is being offered for all third reading, item 61 is c-14--2021-0012, and this item is for consent approval on all three readings. Item item is 62, c-14-2021-0106, this item is for consent approval on all three readings. Item 63, c-14-2021-0109, and this item is being offered for consent approval on first reading only. Item 64 is c-14-2021-0114,

[4:06:36 PM]

and this item is being offered for consent approval on all three readings. Item 65 is c-14-2021-0092, and this item is being offered for consent approval on all three readings. Item 66, c-14--2020-0146. As I mentioned earlier there's an agreement between the neighborhood and the applicant, and I need to read this agreement into the record. All parties agree to the following conditional

overlays: The following shall be prohibited uses on the property. Scrap and salvage services, vaccines storage, automotive rentals, automotive repair services, automotive sales, automotive washing, resource extraction, hotel-motel, basic industry, vehicle storage, additional conditions are the following uses shall be prohibited on approximately 1.67 acres on the northernmost portion of

[4:07:37 PM]

the property for a depth of 150 feet, and those prohibited uses are general warehousing and distribution, equipment sales, equipment repair services and kennels. And with that, I can offer this with the staff recommendation and the additional conditions for consent on first reading only. Item 67 is npa-2021-0017.02. This item is being offered for consent approval on all three readings. The related rezoning is item 68, c-14-2021-0055. There is a valid petition, however, there is an agreement now between the neighborhood and the applicant for mf-2-co. The conditional overlay caps the units at 16. And with that I can offer this item for consent approval on all three

[4:08:37 PM]

readings. Item 69 is c-14-2021-0017, and this item is being offered for consent approval on all three readings. Item 70 is c-14-2020-0144. I can offer this for consent with the staff recommendation, but I believe councilmember kitchen, you had some comments that you wanted to raise, but you were okay with consent approval with the staff recommendation on first reading?

>> Kitchen: Yes, if the mayor will allow me the time to speak to it, otherwise I'll pull it. Unless -- I know councilmember tovo had questions too. So if -- mayor, if you want us to --

>> Mayor Adler: If it's just you making comments I'm fine keeping it on consent. Kathie, are you going to want to discuss this more at length?

>> Tovo: I can just add a brief comment after -- if there's anything to add to councilmember kitchen, otherwise I'll just ditto it.

>> Mayor Adler: Let's try and leave it on consent.

[4:09:40 PM]

We're going to try to leave it on consent. But not right now. Let's go through the rest of the agenda.

>> Okay. So item 71, c-14-2020-0151 and this will be a discussion item. Item 72, c-14-2021-0093, this item is being offered for consent approval on all three readings. Item 73, c-14-2021-0094, I believe this is the same, I can offer this for consent on friending with the staff representation. I know that councilmember kitchen or councilmember Fuentes --

>> Kitchen: I'll have comments on that one.

>> Okay, but I'll be offering that for consent first

[4:11:27 PM]

reading. So on item 74, c-14-2021-0111, this item is being offered for consent approval on all three readings. Item 75 is withdrawn, replaced with 89 on your addendum. Item 76 is c-14-2021-0113, and this item is being offered for consent approval on all three readings. Item 77 is c-14-2021-0119, and this is a staff postponement request to your November 4th council meeting. Item 78 is c-14-2021-0090, and this is being offered for consent approval on all three readings. Item 79 is c-14-2021-on 0101. And this item is being offered for consent approval on all three readings. Item 80 is c-14-88-0137-rct, and this item is being offered for consent. Item 81 is c-14-2021-0023. Sh, there is a valid petition for this case, however, I can offer this item for consent approval on all three readings with a conditional overlay limiting the impervious cover to 55% and the applicant is in agreement with that conditional overlay.

>> Mayor Adler: Was there an additional condition you wanted to read into the record?

>> Alter: I wanted to make sure it would be the motion sheet that I posted to the message board because there were some renumbering and --

>> Yes.

>> Alter: So it would be essentially what you just said, but that would cover the motion sheet that I distributed.

>> Mayor Adler: So the consent agenda will reflect the motion sheet that was published by councilmember alter.

>> Yes. And with that this item could be offered for consent approval on all three readings. So moving on to 82,

[4:12:33 PM]

c-14-h2021-0116, and this item is being offered for consent on all three readings. Item 83 is hr-2021-085731 is a staff postponement request to your October 21st council meeting. Item 84 is c-14-2021-0117, I can offer this item for consent first reading. I know that councilmember kitchen will have some



comments as well for this one. Item 85 is c-14-2021-0100, and I can offer this item for consent approval on first reading. And that would be the staff recommendation, consent approval on first reading with the staff recommendation. Item 86 is c-14-2021-0115, this item is being offered

[4:13:34 PM]

for consent approval on all three readings. And the last item would be the addendum item, which is number 89, c-14-2021-0112. And I can offer this item for consent approval on all three readings. And this concludes the reading of the zoning agenda.

>> Mayor Adler: Item number 80 is just consent, it's not consent on any reading?

>> It's just consent. It's a restrictive covenant, which only requires one ragweeding.

>> Mayor Adler: So on the consent agenda item 54 through 89, all those items are on consent with the exception of 71, is that correct?

>> That is correct.

>> Mayor Adler: Okay. Are there any comments on the consent agenda? Councilmember kitchen.

[4:14:40 PM]

So this is for item 70, I wanted to quote Lorraine Atherton, she said she couldn't give away our vmu, which is one of our established programs for affordable housing. She said we don't -- don't give that away without getting real affordability. So I am proceeding with first reading with the understanding that we are going to continue to work with staff to find a route to ensure affordability is enforceable and we can be certain that we are actually going to get it on this tract. I think that the applicants are acting in about faith to ensure that we get affordable housing. The problem is that this has V zoning on it. As you heard from Lorraine

[4:15:42 PM]

her neighborhood worked to get the rezoning established and that's one of our affordable housing bonus programs, so it's currently zoned for V, and the applicant is asking us to take the V off, to go to mf-6, and without having -- there are just difficulties in ensuring forceability once we take off the V zoning. So I don't want to lose that affordable housing designation without establishing a comparable surety through another avenue. So I think moving it forward on first reading this time will give us additional time to continue to explore with law what avenues we have for achieving that certainty, and

also for the developer to continue their discussions with haca, to consider what options there may be, to work with an

[4:16:43 PM]

affordable housing entity. So I want to let my colleagues know if those avenues are not successful I will likely be opposing losing V if we can't address and find an avenue before second reading. I appreciate the efforts of the developers and the neighborhood and everyone involved to try to find a solution. And I think that we have talked about second and third reading not coming back to us a couple of weeks so that there's time to work through these issues. So there's a lot more complexity to this, but just to keep it succinct, that's where we're at at the moment and that's my position on it at this point.

>> Mayor Adler: Okay. Any further comments on any of the other items on the consent?

>> Kitchen: Yeah, I wanted to see if councilmember tovo wanted to comment on this one first?

>> Mayor Adler: That's

[4:17:44 PM]

right. Councilmember tovo?

>> Tovo: Yeah, I agree. I really just want to underscore what councilmember kitchen said. Vmu is one of our most successful density bonus programs in terms of creating units because it requires them to be on-site so it gives me pause when we see a case that's suggesting removing it. So thank you to the applicant. As councilmember kitchen said thank you to the neighborhood and the applicant to continue looking at issues. I hope when it comes back on second we do have that surety that councilmember kitchen spoke to. And I know that councilmember kitchen, you had an opportunity to talk with law and we've been brainstorming on different ideas and I hope some of I also think this is really an important vmu because neighborhoods have the opportunity to opt into 80% mfi or 60% mfi units that would be created under vertical mixed use and to me

[4:18:44 PM]

that's a reason to work hard to make sure that we're retaining those units Wold have gotten if the site is developed under vmu and getting more than what would otherwise be developed there. So I look forward to seeing result of this continued work.

>> Mayor Adler: Okay. Councilmember Kelly.

>> Kelly: I wanted to talk briefly on item 61. I know, Ms. Brooks, you had passed out some information to us and I heard you loud and clear with some of what your concerns were in the area. So that you know, I lived for awhile at 6800 Mcneil drive and so I'm very familiar with the area. My daughter since she was two years old went to the steppingstone on Mcneil across from where research park is. I've ridden my bike through that area. It's currently zoned as industrial. And my understanding is they're adding the multi-family lot -- multi-family units on lot 11. The site plan should take care of most of the concerns that you have but I do want

[4:19:44 PM]

you know that as it is being developed I want to work with you and your neighbors to make sure that any of your concerns are taken care of or you have a full understanding of what's going on over there. I really do look forward to the development there having been in that area for as long as I have. I want to make sure your quality of life isn't impacted. Please reach out to my office so we can have ongoing discussion. Thank you.

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

>> Alter: Thank you. I wanted to speak previously about item 85. This is bring affordable housing to district 10. It will contribute to our parkland needs and will pay the appropriate transportation impact fees. The project appears to pencil out while paying the parkland fees that we had in the manager's budget just a few weeks ago. I do want to note that questions were raised about environmental impacts but if

[4:20:45 PM]

you review the q&a report that our staff just responded to with with respect to my questions or just posted it, I believe those concerns were appropriately addressed. I know applicant has been working to respond to neighbors who have met with them about transportation need and I look forward to those conversations alongside of professional staff being fruitful at the time of site plan. Thank you.

>> Mayor Adler: Thank you. Councilmember Fuentes, you had circulated additional direction on 71. Is that something that you wanted sew owe.

>> Fuentes: It's not on consent but --

>> Mayor Adler: That's right. I'm sorry. Councilmember kitchen. Thank you.

>> Kitchen: I'd like to speak on consent to item number 73, which is the fox hollow multi-family, which is also the affordable housing development on Brandt road.

[4:21:45 PM]

So this is going on consent on first reading only. You all heard from the neighbors who raised a number of questions. So I want to speak to them, this going on consent on first reading will allow us time to address the concerns that were raised. First with regard to traffic, Brandt road is a substandard road so we are working with public works and atd on the options, the timeline and the cost for a sidewalk or shared use path that would go from this affordable housing development to slaughter lane to give people access to the transit stop and bus. So that's in process and we expect by the time we get to second reading we will be able to address that. That is a primary concern to me in being able to afford this. We have to find solution to make sure that we will have sidewalks. Second thing is there was a question raised about parkland and just wanted to

[4:22:46 PM]

put on the record that the developer is working with pard to donate around 18 acres of undeveloped land. Two, our parks department. And perhaps contributing also to the greenbelt and trail in that area. And then the last item that was raised was flooding. I just want to put on the record that we've been consulting with watershed and they have stated that there will be no additional runoff to affect downstream because the developer will be required to put mitigation in place. And also there was some confusion for awhile about the floodplain. This development will not be in the floodplain. It is not allowed to be in the floodplain as an affordable housing unit. Housing development is not allowed in in the floodplain and our regulations do not allow that. So it will not be in the floodplain. So those are the comments I

[4:23:46 PM]

wanted to make on number 73.

>> Mayor Adler: Great. The consent agenda for zoning is items --

>> Kitchen: Wait, I have one more. I have one more item. Do you want me to speak to that now? Okay. That's item number 84, which is also on consent for first reading only. Between first and second reading my office is working with the neighbors to arrange a conversation with our traffic engineers in atd to address the concerns that you all heard them raise about slaughter. A number of them are living off of roads that have some issues getting out on to slaughter. So we will be talking about that and this will allow us time to deal with those issues.

>> Mayor Adler: Great. The consent agenda on zoning on items 54 through 86 and also item 89, except for item 71, which is being pulled. Is there a motion to approve

[4:24:47 PM]

the consent agenda. Councilmember Renteria makes the motion, seconded by councilmember Ellis. Any discussion on the consent agenda? Let's take a vote. Those in favor please raise your hand? Those opposed? I see it as being unanimous on the dais. That gets us then to just item 71. We're going to let staff get a chance -- thank you all for coming to be a part of today. We'll let staff make a presentation on item number 71, we're going to give applicant five minutes to be able to respond and then it will be up to the dais.

>> Thank you, mayor and council. I'm Jerry rusthoven with the housing and planning department. Item 71 is case number c-14-2021-0151. The requested zone is to mf-4 co.

[4:25:50 PM]

The property is approximately nine acres. It is for a proposed multi-family project. The staff recommendation is to grant the multi-family 4 zoning with a conditional overlay that would, one, limit the property to a maximum of 50 feet of height or four stories. Two, a maximum of 290 units. Three, a maximum of 45-foot wide dwelling unit setback along the north and south property lines adjacent to the single-family zoning. Let's see, four, a five foot height -- a six-foot high solid fence along the north and east property lines. Five, an eight foot wide vegetative buffer shall be provided and maintained along the north and east property lines. And six, limit access to Ora drive to bicycle, pedestrian and ingress and egress. The zoning and platting commission agreed with staff recommendation. And I'm available for any questions.

>> Mayor Adler: Thank you. Is the applicant here to

[4:26:50 PM]

speak? You have five manipulate.

>> Good afternoon, David Hartman on behalf of the applicant, wayfinder real estate. This project is located on south first street north of slaughter lane at the intersection of great Britain boulevard. It's comprised of three lots that have been vacant for years, plus applied business sales of business. It's zoned predominantly commercial mixed use on the front, condos on the back. We've -- it's green field as

[4:27:51 PM]

I've stated so there's no displacement and no -- also no existing detention or water quality. We filed our application about this time last year for mf-4, but it's mf-4 in name only. I call it mf-4 lite because the proposed density only equates to mf-3 zoning. Our purpose in the mf-4 is solely to achieve some four stories, call it 46-foot tool buildings in the center of the property. We're in agreement with all the conditional overlays again that kind of ratchet down the site that was approved by zap. There's again more than two million dollars' worth of drainage, transportation and enhanced buffering improvements. Our buffering exceeds current city code requirements, 45-foot setback, 25-foot vegetative buffer, nine foot tall screening. That's literally the boss robust buffering that I've seen in any zoning case I've ever handled in my career. We've got voluntary 10% affordable housing by restrictive covenant with habitat. We've met a dozen times or so with the neighbors with multiple departments, staff,

[4:28:51 PM]

as well as councilmember Fuentes has been actively involved. We appreciate her input. Zap approved the zoning in may of last year. It's on an activity corridor, imagine Austin corridor within a half mile of south park meadows center. Again, has the high frequency bus stop right on the property. It's at the intersection of two tpm streets. Less than a half mile are from the proposed slaughter station per project connect. Again, this is our development standards comparison. Mf-4 lite is on the right side. Mf-4 authorizes 60 feet. We ratcheted that down to 50, which is slightly higher than existing. Obviously our setbacks are enhanced compared to current zoning that's 25 and then under current zoning you would have zero% of affordable units. Note that we acknowledge that there are neighbors that are opposed to even the zap recommendation to 45 feet buffering, but we

[4:29:52 PM]

actually had an iteration that was 75 feet buffered and the neighborhood has rejected that alternative as well. Our first initial sleep basically reflected compatibility, so 25-foot setback on the north and east, two stories stepping back to four stories. Neighbors asked for further buffering so we went to the drawing board and came back, shifted the buildings further back, 45 feet, and enhanced buffering north, east and west property line. We also shifted the four story structures to the center of the project, roughly 1 foot away from any adjacent neighbors to the north and east. The top cross-section is current code compatibility. The bottom is what zap approved, so shifting the enhanced buffering 45 feet. We also have the 16 feet tall trees and also the nine foot tall perimeter fence that would obscure the visual appearance of those buildings.

[4:30:52 PM]

The top adds the fourth structure, again, roughly two-thirds of a football length away and the bottom shows the south first street structures are basically 105 feet away from one another. We have a couple of dozen development standards we've crafted with the neighborhood. All of these have been talked about. We're also limiting construction hours, seven A.M. To seven P.M. Recreation connectivity with neighbors, benches, picnic tables etcetera are available on the neighbors. This mf-4 lite is consistent with the department projects. In green are all the projects approved that are four stories and taller approved in the last 10 years or so and so we're kernel the last three projects to be approved in the last year, ranging from 93 to 34 units per acre so we're certainly right in line with the 30 units per acre. I'll acknowledge that there are the ones in yellow are mf-2. They were rezoned two decades ago.

[4:31:53 PM]

I rezoned two of them 15 years ago. So again these are all of the reasons to support and we ask for you to approve zap recommendation. Again it provides much needed housing on an imagine Austin corridor near project connect future stations and there's no displacement for this property and we're providing very important affordable housing at 10% and 80% mfi. We're available for any questions.

[Buzzer].

>> Mayor Adler: Thank you. Councilmember Fuentes.

>> Fuentes: Thank you. First I want to thank the speakers that we had today. Thank you to my neighbors and many others who have taken time out of their day to be here and call in. I think we had one neighbor say that they spent more than 100 hours working on this case and I know so much time has downstream storm into having these conversations between the neighborhoods and the applicant. I want to give a special thank you to Jessica Coronado with my team who

[4:32:55 PM]

has participated in many of those meetings. So through this process and this was the first valid petition. Hopefully I don't have too many in district 2, that our office has worked on. So we made sure to be involved and actively participate and help facilitate conversations as much as we could. And so first I wanted to extend my gratitude to the neighborhood for all that you're doing and recognizing the community and informing the community about the proposal, and I really appreciate your input. So as a result of these discussions this project will include significant community benefits totaling about two million dollars. That includes a new traffic signal and crosswalk at great Britain and south first street, drainage improvements to reduce existing flooding in the adjacent neighborhood, enhanced buffering, also recreational amenities including a park, dog park,

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for use for both the tenants and nearby neighbors. This project also has affordable housing, about 10% affordable housing units. And this would address our housing need. As mentioned earlier, it's on an imagine Austin corridor near a high frequency bus stop and also near a high-capacity transit corridor that will be served by project connect's Orange line. So -- before I guess I make a motion, I do want to say I hear my community when they talk about the infrastructure need first. Often times we have community developments come in and the conversation then turns to how can we improve existing infrastructure needs so part of my focus as a council member for this area is ensuring that we're adequately investing and proactively addressing these needs that have come up. Watershed will be going through a community visioning plan where they

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will be gathering feedback for existing infrastructure needs. It's so important and so key to our community. So I am committed to that work and I hear the need for additional sidewalks to Williams elementary so we'll be sure to continue that conversation. I did have a motion sheet that I wanted to read into the record.

>> Mayor Adler: Does anybody want to say anything before we let councilmember Fuentes make her motion? Go ahead, councilmember Fuentes.

>> Fuentes: So I move approval on first reading with further direction to the city manager as follows: To summarize proposed plan and recently constructed transportation improvements within the boundaries of I-35, slaughter lane, south first street and Dittmar road, identify the transportation infrastructure needs within the boundaries of I-35, slaughter lane, south first street and Dittmar road that are not addressed in the proposed plan or recently constructed transportation improvements, summarize cip and rsmp projects for south

[4:35:58 PM]

boggy creek watershed. Review and reprioritize transportation and drainage plans in the area and identify any funding mechanisms that have not been utilized to address these needs. The results of this work shall be reported to city council in no later than 90 days.

>> Mayor Adler: That's the motion. Is there a second? Councilmember pool seconds. Discussion? Councilmember pool.

>> Pool: Thanks, mayor. I'd just like to say a few things here on this case that is in councilmember Fuentes's district if I may. I appreciate that. I appreciate the comments coming from the surrounding community that we heard today. I'd like to say that I'm aware of all of the work that you have been



doing to bring attention to the infrastructure needs for your neighborhood. Thank you for staying at the table and helping to alleviate any potential

[4:36:59 PM]

runoff and potential traffic concerns. I'm also aware of the work that the applicants have put into these extensive negotiations and of their innovative approaches to gain more buffers and increased investment for the community. You all have walked the extra mile here and I very much appreciate that. I share councilmember Fuentes's support for the staff and the zoning and platting recommendation with the conditions that they outlined because they will provide the additional remedies and buffers that the community is looking for. And I also want to thank my colleague, councilmember Fuentes, for her additional direction to continue the focus on the needs for this area in particular for transportation and regional water improvements.

>> Mayor Adler: Any further discussion on this

[4:38:01 PM]

item? Councilmember Renteria.

>> Renteria: My biggest concern is that there is not enough affordability in this plan. I really wish that we could get it down to some 60% of some of these units. I'm going to vote at this time, but but I will have trouble voting for it if we don't see the affordability drop a little bit more.

>> Mayor Adler: Okay. Any further discussion on this item? Councilmember Fuentes.

>> Fuentes: Just real quick, thank you, councilmember Renteria. I also echo your concerns. I really would like to see a deeper level of affordability as part of this project. So hopefully on second or third reading we can have that.

>> Mayor Adler: Okay. Threats take a vote -- councilmember tovo.

>> Tovo: I concur. I'm going to support it on first reading, but I would like to see an improved affordability plan when it comes back for second and

[4:39:01 PM]

third.

>> Mayor Adler: Okay. Anything else? We'll take a vote. Those in favor of councilmember Fuentes's motion please raise your hand. Those opposed? It looks like it's unanimously adopted. Council members,

I think those are all the items we have. Next Tuesday I think there are going to be a group of us that are going to the -- the chamber trip to Nashville, which would be an important thing for some of us to see. There are two briefings that were scheduled to be on that Tuesday, one of them dealing with the Kroll report and the other dealing with homelessness. It might be best if we didn't have those reports on Tuesday if we're going to be missing a significant number of people. So we're going to be making a change to -- with the addendum to allow those to

[4:40:03 PM]

be briefings at the council meeting next Thursday on a council day, which means we'll probably say like we did for the lbgtq briefing, we're going to spend an hour on this, we'll take the briefing and then we'll get the questions. But I think that's better than doing that. As I look at what's left on the Tuesday agenda I don't know that it makes sense to hold the work session on Tuesday. So I would be inclined at this point to not have the work session on Tuesday unless the council members who were remaining here wanted that opportunity to be able to visit with one another. So you can think about that if you want to, get something on the message board if you want to hold on to, but the default scenario I think is going to be to pass on the work session. Councilmember kitchen.

>> Kitchen: I'll just say right now I think it's fine to pass on the work session and I think that's good to have those briefings on

[4:41:04 PM]

Thursday.

>> Mayor Adler: Yes, councilmember Casar.

>> Casar: Mayor, I'll be here, but I agree that work session works best when there's plenty of us, and it's just a time for us to maybe use the message board even more if we need to.

>> Mayor Adler: Okay. That being the case -- councilmember alter.

>> Alter: Thank you. I just want to thank you and the city manager for moving those briefings, and I just wanted to request if we can for the Kroll report get -- if there's something in writing in advance so that we can review that in advance of Thursday's meeting, and, you know, just want to note that if there are a lot of questions that go on maybe we can have for either of the topics that we can have them come back again. I know there's an imperative to get the information and the conversation moving and get some initial feedback, but either of those could take more than an hour. Just so we may need to continue that conversation.

>> Mayor Adler: As many

[4:42:04 PM]

times as we need to we can bring it back. Can you accommodate getting something in writing ahead of time?

>> Certainly. I will get with staff about that.

>> Mayor Adler: Okay, Rodney, thank you.

>> Alter: I believe that there was something. If they're not doing something in writing I'm not asking for something new. I had understood that they were providing something in writing, but rather than just get it Thursday morning if we could at least get it Wednesday morning that would be great.

>> Absolutely. We'll work on that.

>> Mayor Adler: Sounds good. With that we'll not hold the work session next Tuesday. With that I think that's everything that we had on the agenda. Councilmember tovo?

>> Tovo: Thanks. Mayor, we had talked about maybe having a little section of the work session devoted to talking through some of the meeting procedures and some of the changes. I think given that we're not having a work session and given that I had that idea and I'm not -- couldn't have been at the work session I think it makes sense to just table that for another meeting.

>> Mayor Adler: Yes.

>> Tovo: I did want to just ask, you know, among those meeting conversations,

[4:43:05 PM]

I think we should also address whether or not to do this with briefings in other circumstances too. I like having the flexibility of being able to have those on Thursday. I think we can be intentional and say we expect to have them on Tuesday, but having that flexibility is helpful because sometimes we hit really thorny meeting agendas and have no time to talk about the meeting agenda items before Thursday abuse we're in briefings all day. So I would like to -- I think it would help our process a bit if we had a little bit more flexibility on that. So thanks for moving those briefings to Thursday. I hope we'll get the spending report too in advance and in print form so that we can review it and be really efficient with our time on Thursday. And thank you for the accommodations in terms of next week's schedule.

>> Mayor Adler: And with the request that you and others had made, we tried this week to order the briefings in a way that allowed us to make sure that we got early enough in the day so we weren't rushed and weren't tired the things that we knew that we needed to talk about that were timely for folks.

[4:44:07 PM]

>> Tovo: I think that worked well.

>> Mayor Adler: I thought so too. Yes, councilmember Kelly.

>> Kelly: I just wanted to jump on the boat of gratitude and thank you for that flexibility so that we could all be here for those important discussions. Thanks.

>> Mayor Adler: I think it's important too. All right. With that then, at 4:44, this meeting is adjourned.