

# City Council Regular Meeting Transcript – 11/18/2021

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>> Mayor Adler: Thank you. All right, colleagues. With that I'm going to go ahead and convene the Austin city council meeting here today, it's Thursday, November 18th, 2021. The time is 10:22. We have a quorum present. Mayor pro tem, are you with us remotely? Yes, I see you. Thank you. That means we're all here except councilmember Casar, who will

[10:22:53 AM]

joining us shortly. The changes -- let me go ahead and take us through changes and corrections. Item number two on the Austin housing finance corporation is withdrawn and replaced with agenda item 8. We'll need to remember that when we break into the Austin finance -- Austin housing finance corporation agenda. If I forget, please remind me. Item number 7 is postponed to December 2nd of 2021. Item number 11, November 3rd, 2021, was recommended by water and wastewater commission on a 7-0 vote with commissioners Michael, Musgrove and Williams absent and one vacancies. Item number 13 on November 3rd, 2021, recommended by the water and wastewater commission on a 6-0 vote with commissioner Penn re-cueing and commissioners Michael, Musgrove, Williams

[10:23:55 AM]

absent and one vacancy. Item number 15 is related to item number 16. Items 17, 19, and 20 were recommended by the electric utility commission, 8-0, chair Hopkins absent. Item number 30 is withdrawn and replaced with agenda item 96. Item number 33 is withdrawn and replaced with agenda item 91. Item number 71 is related to item number 96, not just item 30. Item number 78 is withdrawn and replaced with agenda item 98. Item 83 is actually in district 6. Item number 84 is actually in district 7. Numbers 89 and 90 there was an

[10:24:58 AM]

8-3 vote. The councilmembers that were voting no were alter, tovo, and Kelly. That's a correction. Item number 90, a valid petition has been filed in opposition to the zoning case. We have two items that have been pulled off the consent. Item number 9 has been pulled by councilmember alter. Item number 35, I would suggest that we postpone this item to January 27th of 2022. This is the Marshall issue, the staff has suggested that's the right time to bring this back. So I'm going to go ahead and leave that on the consent agenda if there's not an objection, with a postponement to January 27th, 2022.

>> Mayor.

>> Mayor Adler: Hang on.

[10:25:59 AM]

Councilmember Kelly.

>> Kelly: I'm okay with the postponement, but I'd like to pull two items, items 22 and 38, please.

>> Mayor Adler: 22 and 38.

>> Kelly: I have questions for staff.

>> Mayor Adler: Okay.

>> Kelly: Thank you.

>> Mayor Adler: All right. Continuing on with changes and corrections, we'll get to -- councilmember pool?

>> Pool: I just wanted to note if we are postponing an item, any speakers would only be speaking on whether to postpone or not, is that correct?

>> Mayor Adler: Correct. We're all going to try to ensure that measure of discipline.

>> Pool: We can give people their morning back so they don't have to hang on the line if they are. And the same in chambers.

>> Mayor Adler: Okay. All right. Continuing on, the Marshall

[10:27:00 AM]

issue. Any discussion on that today would be on whether or not to postpone to January 27th. Yes.

>> I'm sorry, I didn't flag this earlier, but the item 52, the vmu one, I know there were some extra versions that came out that I was still sorting through and given that we have a special called work session to talk about housing, I wasn't sure if it made sense to postpone it for a little while to be able to talk about those all together, but I can pull that if we wanted to have that discussion.

>> Mayor Adler: I think because this is an issue that we've seen a lot, I'm okay with letting this one go through today. I know that there were some amendments that were circulating. I don't know if people need more time to see those, but I think if anybody wanted to do it for that reason, I'd be fine with it

[10:28:01 AM]

being pulled. If people thought they needed more time, but I think this is something we ought to be able to vote on today. I appreciate that because on November 30th I think is really the day for us to dig into this area. And my first impulse was as yours is, but this is such an issue that we run into so many times, I'd probably just let this one go. Further discussion, councilmember Kelly.

>> Kelly: I would like to second councilmember Ellis' postponement just because I understand that if a councilmember would like a postponement for their own reasons I want to be able to support that.

>> Mayor Adler: All right. So let's pull item number 52. We can discuss this later. So, also on changes and corrections, we have late backup in Austin housing finance corporation item number 2. Please remind me when we get to that agenda to do that.

[10:29:01 AM]

Items number 7, 10, 37, 47, 51, 70, 71, 72, 73, 74, 75, 76, 78, 80, 84, 86, 89, 90, and 92 and 98 all have late backup. Colleagues, the consent agenda items today are items 1-54 and also 91. At this point I'm showing item number 9 to be pulled, item 22 to be pulled, item number 35 is on the consent agenda to be postponed to January 27th, item number 38 has been pulled, and item number 52 has been pulled. We have some speakers that have signed up to speak.

[10:30:03 AM]

Council, unless there's objection I think we'll go straight to the speakers. I'm going to call the in-person speakers first so that they have an opportunity to be able to leave, and then we will do the phone speakers. We have about three hours of testimony today between the morning and the afternoon, a little bit more than that at two minutes each, so we're going to limit speakers to two minutes each, both in person and on the phone. And I'm going to call these in groups by numbers that folks have signed up

to speak. You have two minutes to speak on whichever one or more issues you want to speak on. We're going to begin with item number 2. Ana?

[10:31:08 AM]

And then Jayme Perez, and may mays.

>> Good morning, councilmember Casar and everybody else, my name is Anna, here with my colleagues from survivor justice project. We're here to thank councilmember Greg Casar for your service. When we saw the item on the agenda we wanted to take a moment to celebrate the work that you've done and to thank you personally and publicly. We brought issues first to you I remember in 2016. The presenting issue was about the rape kit backlog. Of course we've since learned that that is a symptom of a much larger project, but in that meeting, I remember Kristen telling you there were rape kits on the shelves that were older than you. And you never stopped listening and taking action from that moment on. You didn't know a lot about the issue, but you dove right in and

[10:32:10 AM]

became a leader for us. It wasn't just the backlog that you worked on. You also worked on resourcing victim services, community-based counseling initiatives related to emdr, and, of course, with other councilmembers, councilmember alter, evaluating the sex crimes unit within APD as a cosponsor. We think that you embody the spirit of reimagining public safety. We wish we could have gotten farther as a community on that. But you've left a legacy here that is nationally recognized. You've changed the landscape for survivors and have centered survivors along the way. And you've set a new standard for what it can look like to serve in public office in spite of so many difficult and frankly violent attacks against your character for wanting to make this city more aligned with the

[10:33:11 AM]

values we say we hold. We want to thank your staff publicly as well because --

[ buzzer sounding ]

>> None of it could be possible without them. Thank you so much for your service.

>> Mayor Adler: Thank you. Next speaker on items 22, 38, Sharon Blythe -- sorry.

>> Hello, councilmember Casar, mayor. Similar to the previous speaker, I'm here to thank you for all of the work that you've done. When I saw this item I was like, I need to tell you explicitly what you've done for me and my community. My family came here in 1993 from Mexico when we settled in areas in

district 4 throughout my whole life. My mom started making \$4 an hour and I grew up in a city that was divided, that was segregated, that was not meant for me and my

[10:34:12 AM]

family. When district 4 was created and you started to represent us, for the first time I felt that we had a voice for our community. The often neglected parts of Austin that never get any attention, with the lowest parks, public safety, highest traffic accidents, all of these aspects of the city that I grew up in but are often invisible for many others. I remember when I first got back to Austin, you listened to my family's story of my father's deportation and worked with communities, organizations, with me and with others to ensure that this city lives up to its values of protecting everyone, including immigrant communities like mine. I'm here to say that I'm very excited to support this and have the opportunity to elect another councilmember who can have the same vision that you had for our community, who will work with community organizations, with families like mine and make sure that areas like the Rundberg area, Rutland where I grew up, where my family, my family goes to school, we go shopping, these

[10:35:13 AM]

parts of Austin that are always ignored are never ignored by the representative and the councilmember like you did when you represented us. Thank you so much for your service. I'm very excited and proud of you and excited to see where you go next because I know you're going to continue holding those community values and the heart of school district four is never going to go away from -- district 4 will never go away from you and I'm excited to see what you do next. Thank you so much.

>> Mayor Adler: Thank you. Anyone else here signed up to speak on item 2?

>> Casar: Mayor, I want to thank all the speakers from survivor project, and for your extremely kind words. I'm at a loss for words. I appreciate y'all coming here and appreciate everybody that has really -- the people have led and we've tried to follow. So, thank you so much for coming out today.

>> Mayor Adler: Okay. The other speaker on item 2, may

[10:36:15 AM]

mays.

>> I've never done this before, so can the district have no councilmember representing it? Will polling places be located only in district 4? Are district 4 residents the only ones allowed to vote in the special

election? When is the deadline to file for candidacy? Why did the council choose to hold a special election instead of having an in-house vote? Can the district be without a councilmember?

>> Mayor, if . . .

>> Mayor Adler: Get you some answers right away from the clerk on that. It's a citywide election. As there is for all of the council positions. No.

[ Laughing ]

>> Mayor Adler: I'm thinking of my election.

[ Multiple voices ]

>> We'll speak with her.

>> Mayor Adler: One, the office will not be without a

[10:37:16 AM]

representative. So councilmember Casar will continue to serve until the replacement happens. The election is on that day. The district votes. All the polling locations in the district?

>> Most. We have a number of polling locations within the district, but there are other entities. There are a couple, I think, outside of the district so that -- to make it more convenient, but I don't have the list.

>> Mayor Adler: It's just people in the district.

>> Only registered voters in district 4 are eligible to vote.

>> Mayor Adler: All right.

>> Mayor.

>> Mayor Adler: If you have further questions, those are the clerks right there.

>> Mayor.

>> Mayor Adler: And you can ask that. Yes, councilmember tovo.

>> Tovo: Perhaps the city clerk could answer some of the other questions that the speaker asked about filing deadline and just briefly requirements for

[10:38:17 AM]

that position, but also if you could provide information about --

[ buzzer sounding ]

>> Tovo: Where this speaker or others could get that more specific detailed information about polling places and about qualifications for running, that would be helpful. I think that might cover the speaker's battery of questions.

>> So there is an item on your agenda ordering the election today. And I think part of the backup we have at least some of the polling locations attached to that ordinance. As soon as you adopt that ordinance, then the filing period will start, once you adopt the ordinance, so it will start sometime today when you take action and it will run through December 16th, that's the last day to file. The election will be on January 25th. Early voting starts a couple weeks before that -- sorry, I don't have the date in front of me. But it starts -- I think the

[10:39:18 AM]

19th of January and runs up until four days before the election. And candidate packets are ready and as soon as you pass the ordinance, are available from the clerk's office that provide all of the details and the schedule for the special election.

>> Mayor Adler: Do we know what the qualifications are for the position?

>> You have to be 18. You have to be a resident of the state for a year. You have to be a resident of the district for six months. And you have to be a U.S. Citizen and not convicted of a felony unless you have been pardoned and meet all of those --

>> Mayor Adler: Councilmember pool.

>> Pool: I think that the packet for the election is also going to be available for download from the clerk's --

>> It will be posted -- we have

[10:40:19 AM]

a website for the January 22 election, the candidate packets and all of the required forms will be on that as well and hard copies will also be available and we will also make it available electronically on a thumb drive.

>> Casar: Mayor.

>> Mayor Adler: Councilmember Casar.

>> Down now?

>> Mayor Adler: You absolutely may --

>> Casar: You absolutely may sit. Thank you for coming and asking your questions. Thank you for joining us. I think of the questions the speaker asked, the only one left was the question about why a special election. I saw that Ms. Webster is on, also I'm sure the clerk could answer it.

>> I can answer quickly, give you a simple answer, and then Caroline can correct me if I make any mistakes. We have to have a special election because of the way we are structured with four-year terms, etc. We have to hold an election within 120 days of the

[10:41:22 AM]

announcement, which triggers the councilmember resigning and going into a holdover capacity. And so the 120 days does not allow us to wait until the may uniform election date.

>> Mayor Adler: There's another rule that says you can't be within 30 days of a uniform date, so when councilmember Casar announced he was running for congress that serves as a resignation. He serves in that role until he can be replaced. The state law provides for when the election can be held, no longer than 120 days after the effective resignation with the announcement of running for congress. But it can't be within 30 days of the primary date. So going after the March date doesn't work, because it's more than 120 days, which means it has to be no closer than 30 days prior to. And that Tuesday or election day

[10:42:22 AM]

turned out to be the 25th. All right? Yes, councilmember Kelly.

>> Kelly: I asked a lot of these questions in the council q&a which is available online, so if there are further questions in the community that's a good resource. And then as far as the vacancy goes, in the q&a it was stated on the date we canvas, the replacement can be sworn in, so there will not be a vacancy.

>> Correct. The clerk's office will work with the council and arrange the swearing in ceremony to occur on the day of the canvassing, a few days after either the January 25th or if the election goes into a runoff, after the runoff election. Fingers crossed, you're able to appoint -- have a permanent member who will serve the remainder of councilmember Casar's term. They're not being elected for a four-year term, but to fill his

[10:43:22 AM]

remaining portion of his term.

>> Mayor Adler: All right. Sounds good. Are we ready to move on? Let's do that. Next speaker, speaking on items 22 or 38, Sharon Blythe. Is Ms. Blythe with us? Good morning. Adam Greenfield is on deck speaking on item 24.

>> Thank you. My name is Sharon Blythe. We're talking about a historic cemetery here, which falls under a different category of care and concern. I hope I can get this powerpoint to work right. Next slide. Back up one. Okay. Next slide. The interment services contract has certain provisions that was signed in 2013, where the

[10:44:24 AM]

contractor shall place at least three six-foot 2 X 8 wood studs across the open grave opening. And then he must, you know, use plywood in good condition, also. And the chains and rope should be around those cones that are marking that site. Next slide. Here's a picture of the cones. You can see there's no ropes or chains around them to demarcate where they are. According to this contract, that's what he must do. Next slide. This is the piece of plywood he uses. It is not in good condition. It's dilapidated. This is against his contract, also. He should use better plywood. Next slide. They're not picking up the flowers, graves here, that they should be filling in after an

[10:45:27 AM]

interment. Next slide. In 2013, the city purchasing office said there were no other bidders. Here's a company that offered to put in a bid. They were never called back by the purchasing office so they did have other bidders that could do that work in 2013. Next slide. Interment services has never bid on the contract in 2013. They pulled the bid and they just started negotiating with him on the prices. Next slide. Here's the current fee schedule they're proposing. As you can see, there's quite a difference between the current fee that they're calling and the proposed fee.

[ Buzzer sounding ]

>> Next slide.

>> There's huge increases proposed and I hope y'all realize that from 2013 to 2021 there's big increases in all those categories. Next slide.

>> Mayor Adler: You can go ahead and wrap up.

[10:46:29 AM]

>> Okay. Go on down. And I only ask that you think about these things and understand that this contractor needs to be monitored and supervised and not let him do whatever he wants to do and just keep that in mind. Thank you.

>> Mayor Adler: Thank you.

>> Thank you, Sharon, for coming to speak before us today.

>> Mayor Adler: Items 22 and 38 have been pulled. Item number 24, Adam Greenfield. On deck is Christopher Calapatitas. Go ahead.

>> Good morning, mayor and council, my name is Adam Greenfield, a district 3 resident and a supporter of the rethink 35 campaign. I'm here today to speak in support of agenda item 24. Council should approve this contract so we can fully understand the cap and stitch

[10:47:29 AM]

proposal for I-35. However, the city of Austin should in parallel study other alternatives for I-35, starting with a key recommendation from txdot's own I-35 corridor advisory committee. In 2011 the committee concluded that it's inappropriate for an interstate highway to go through the center of town and recommended that long-distance traffic instead use SH130. The Texas A&M has studied this more recently. A solution like this would relieve Austin of the need for an interstate highway through downtown and would open up possibilities for transitioning today's I-35 from a dangerous and unpopular facility to a more urban roadway appropriate for the community's need at a fraction of the cost of expanding I-35. And, of course, txdot recently admitted to council that expansion won't even improve congestion. Indeed, many Austinites are asking why we need an interstate facility through downtown when

[10:48:30 AM]

in at least 15 other cities in Texas, I-35 goes around the city center, not through it. Do we really need an interstate highway for local trips like buying groceries or taking kids to school, especially when I-35's impacts are so severe? So, I urge council to direct staff to study the alternatives to running a major interstate highway through the center of Austin and I also want to thank you for your amazing work around I-35 and for your attention on this critical issue. Thank you so much.

>> Mayor Adler: Thank you. Christopher. On deck is Japalo.

>> Hello. Hi. It's really an honor to be before you today. I'm also here in support of what Adam was just talking about, and I want to tell you why I support it with a story. So last weekend I decided to go to an event. It was actually Greg Casar's congress launch event on east

[10:49:32 AM]

4th street. I live on west 6th street. I decided to take a walk to the event. It was actually a really nice walk. I saw downtown bus link, people going to restaurants, cafes, bars. Everything I want to see in a city. And this council has actually been a reason why Austin's getting to that point. But that all kind of ended when I got to I-35, which is just this death trap. I go there and I'm like should I turn around, should I get an Uber? Could I fly across? I don't know. I did what any other person would do in Austin. I looked to my right, to my left and ran across and I hope I don't get hit by a car. Unfortunately I didn't. I did it again on the other frontage road on the other side. And this is our downtown and I wanted to bring it to your attention that it really is unfortunate in the middle of our downtown pedestrians have to put themselves in danger to cross. So just letting all of you know that I really support -- if

[10:50:34 AM]

there is a way to reroute traffic around downtown Austin, if there is a way to turn I-35 into a safe boulevard, I would really support that as a person in Austin. Thank you.

>> Mayor Adler: Thank you. Yes, councilmember Renteria.

>> Renteria: Sir.

>> Mayor Adler: Sir.

>> Renteria: Are you talking about 4th street?

>> I'm talking about the I-35 frontage road that intersects with 4th street.

>> Renteria: Okay. And just to let you know that we already have plans for a light there on both sides, for pedestrians and bicyclists to go through there. But I just wanted to let you know yes, we recognize that is a very dangerous intersection, where the bike lane is at. So far the only solution that we could -- we thought of was putting a light in there. And it's in the process. We already funded that, so I just wanted to let you know.

[10:51:35 AM]

>> All right. Thank you.

>> Mayor Adler: Thank you. Mr. Connelly? No? What about Chris Harris? These are all people on 35, which has been postponed. Mitchell, do you want to speak on the postponement to the 27th?

[ Off mic ]

>> Mayor Adler: But you have to speak on the postponement, you can't speak --

>> That is my intention.

>> Mayor Adler: Okay.

>> Hi. I'm sorry about the sunglasses. I lost my glasses somewhere. So now I'm just wearing sunglasses indoors. Thank you for postponing item 35. During the intervening time, I ask that you direct the city to engage with community members of the reimagine task force to evaluate issues and discuss a range of options to improve

[10:52:37 AM]

court functioning for everyone, that staff collaborate with the reimagine task force community members on recommendations related to court safety and security, that we ensure that all police officers working for the city of Austin have the same training requirements and are subject to the same levels of oversight and accountability -- that seems kind of basic -- and we ensure especially that officers working in the municipal court with Austins poorest people most guilty of failure to pay class C fines conduct their work from deescalation training grounded in iCAP, the decision model developed by per and the starting point for training in our police academy. I wanted to make those points because when this came up previously and you all sent it to the public safety commission, I believe that the purpose of doing so was to ensure that there was adequate community input into this proposal and it

[10:53:39 AM]

basically was rushed through the commission and sent straight back to you. You're all aware of that. I would ask that as we take advantage of this break, and a lot of time will be on Christmas break and Thanksgiving break, so I hope that this isn't another round of that and that in fact during this intervening time there is adequate collaboration and assurances that when this comes before you again -- if it comes before you again -- the issues that have been raised will be addressed. Thank you.

>> Mayor Adler: Thank you. I think that's consistent, Ms. Mitchell --

[ buzzer sounding ]

>> Mayor Adler: With the conversation we had on the dais on work session about asking this to come back to us again at a different time. Let's go on then to the next item. Alicia torres. Also speaking on this item. Okay. Thank you. What about Mary Arnold on

[10:54:44 AM]

item 47?

>> Mayor.

>> Mayor Adler: Yes.

>> Tovo: While Ms. Arnold comes up, I just wanted to ask if our Austin transportation department could provide us -- could provide councilmember Renteria and my office with an update on that pedestrian hybrid beacon. I think we shared the cost of that and I'd be interested to know what the timeline is for the installation as well.

>> Mayor Adler: Okay.

>> Tovo: Not in this meeting, but outside this meeting, if we could get some followup from the transportation department about the timeline for installing that pedestrian beacon, that would be helpful.

>> We'll get that to you, councilmember.

>> Mayor Adler: Ms. Arnold.

>> Mayor Adler and members of the council, I'm here mainly to just ask questions -- pardon me, answer questions. We were here in September and you appointed two new board members, one who was continuing and a new board member. And unfortunately, our new board member was not able to fulfill

[10:55:45 AM]

the role that was required and informed us that he would not be able to serve on the board. So the save historic district looked again, and we are recommending that Overton III succeed himself on the board. So, that's all I have to say and I hope you will approve his appointment.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: That's re-mange on consent thus -- remaining on consent thus far. We appreciate his willingness to continue to serve. On item 52, is Mr. Greg Anderson here? No? What about Jackie Brooks? Oh, come on down. Jackie Brooks is on deck.

[10:56:46 AM]

>> Mayor, was this item pulled for discussion or is it still on consent?

>> Mayor Adler: Item number 52 is pulled for discussion.

>> Okay. And we speak now? Thank you for bringing this item, councilmembers. I had dinner last night and talked to a server, Greg Anderson, housing advocate. I talked to a server and asked her what was

housing like and she stopped what she was doing and she bowed her head. And she said prayer. She said that it's so difficult for her and her friends right now to find housing in the city that they can afford that they're not sure what they're going to do. They're bunking up, doing creative things, moving further out, moving to other cities. It's really, really difficult. And so this item is a step in the right direction. We definitely need to get more height. 60 feet is an arbitrary number nobody can get behind. It makes zero sense. There's not a construction type that makes sense.

[10:57:47 AM]

We're talking to retail down there. For a thousand reasons it makes sense to go taller. I took the time over the last three weeks to reach out to ten different developers who had built developments around Austin in the past seven years and asked what was the biggest thing, biggest hindrance to you building more of these developments, more units, more affordable at their dime and each one answered compatibility. Every one of them. I was expecting to get some similar answers I was expecting to get different answers, similar to number one, number three, permitting process, the city manager side of things that I know we're going to continue to try to work on, but I would really, really hope that as you guys take up this big conversation on the 30th that we could look at pat believe as it costs us -- compatibility as it costs us more housing units that are off the books. If single-family neighborhoods are off limits. We understand that only the top 5 to 10 percent of people can live in those

[10:58:47 AM]

neighborhoods because of the restrictions we keep there, can we at least open up the corridors and allow thousands and thousands of more units on transit right next to downtown on so many of these corridors that today we are preserving parking lots and liquor stores and gas stations because of compatibility.

[Buzzer]. Thank you.

>> Mayor Adler: Thank you. Jackie Brooks. Rick Pervodiac is on deck.

>> I'm Jackie Brooks, a resident of Windsor Park. I currently have the privilege of serving the Windsor Park neighborhood as a part of the Windsor Park neighborhood contact team. I want to talk about agenda item number two to enhance the VMU program and the effort to work on

[10:59:47 AM]

affordability. I want to share my concern with the outcome I've seen as a result of the current outcome. There is a glitch in this tool that allows a developer to buzz doze 90% of a community shopping center,

evict thriving community owned and small business tenants and replace it with gated off residential style building and call it vmu. So here's my ask. Please add a review of the design and commercial use requirements under both the existing vmu and any new vmu with the goal of preventing developers from finding and leveraging loopholes to circumvent the requirements. Why is commercial relevant to this affordability conversation? Because vmu is not just about housing. Access to neighborhood services and connectivity is key to its success. The addition of housing is welcome, however, it can't be housing at any cost. The Windsor village shopping center is perfectly positioned to move us towards a complete community as defined in the imagine Austin plan but instead we're getting a gated community. How? The Windsor park neighborhood participated in the planning process

[11:00:47 AM]

alongside of the city to practically set the location up for success, but the proposed project is a huge miss. We are now aware that the vmu tool is being used in a way that strays far from the incident tent. What's happening at Windsor village is exhibit a and you can change that. The response to our urgent plea is not only an opportunity to reinforce trust built into the neighborhood planning process but also to pause, measure and recalibrate to get it right. Acknowledging the stakeholders an intent of the vision and tactically envisioning the follow through process. My professional and personal experience have taught us that shaping for the future is better rather than worse. We need accountability for the outcome of the tools and I really appreciate your consideration. Thank you.

>> Mayor Adler: Thank you.

>> Mayor Adler, council members and city manager, I'm going to speak to pretty much the same thing that Jackie just did.

[11:01:48 AM]

I thought we had three minute to we're going to cut this down, but again Windsor park went through the neighborhood planning process, we did all of the right things. We added mu to the properties that we thought where it was appropriate. Vmu was not an option at the time we did our neighborhood plan, but immediately after it was. We adopted -- we did not give mu to Windsor village, it was a commercial center. We wanted it to remain that. But vmu gave us the option of also putting housing on this property. So what happens is trans world development bought vined December village and plans for a 500 unit apartment complex. When neighbors became aware the contact team began looking into the project submissions and reviews as they became available I'm. The four text in this group were baffled that trans western submitted a project so oblivious to vmu and the requirements we later learned that the ordinance

[11:02:50 AM]

required pre-application conference had been waived so they didn't really know. They are possibly violating phasing requirements because they're talking about a next phase of 300 more apartments. They are not accomplishing about 100,000 square feet of commercial space and leaving one building. They're adding two spaces that add up to 2700 square feet in the vmu building. And then they're building a 3700 square foot building that is not a vmu on separate property. So please consider reviewing the vmu ordinance to require the inclusion of adequate commercial space. Failure to provide a place for business uses while adding hundreds of new residents who will need those services and jobs is not good planning. They say it takes a village, but what if they take your village? Thank you.

>> Mayor Adler: Thank you. Hector martel?

[11:03:52 AM]

Angelica Montez so deck.

>> Mayor Adler, council members, city manager, thank you for hearing us today. My name is Hector martel, I'm an architect in Windsor park, city council district 4, also to comment on the vmu additional density bonuses. Based on the public data from the city's open data portal, Windsor park ranks number two with eight percent of all vmu land and district 4 accounts for over a third of all of vmu land in the city. So I urge you carefully to consider feedback from district 4. Vmu zoning as intended San asset to the city. It allows for the construction of housing above commercial services. The affordability bonuses are a critical tool in the overall housing market as we have heard today. They are great examples of vmu's now all across much of Austin. Resolution 52 would create more pathways to more vmu buildings, but current vmu ordinance is flawed. Currently according to city staff there is no stipulation to how much commercial is needed to satisfy the letter of the

[11:04:52 AM]

code. So we're spending time kind of identifying the percentage of affordability that's required, but there is no equivalent percentage of commercial required in the code. In Windsor park our commercial center has been shut irrelevant for months now. The developer is proposing to remove 50,000 square feet of commercial spaces in the first phase and replace that with only 2700 feet of commercial space. The neighborhood wants a true vmu development with ground floor commercial space. While you're considering the additional bonuses please clarify the ordinance to more clearly articulate the commercial requirement. The intent of vmu is to clearly provide walkable, mixed use developments, but if Windsor park is an example it will be a gated apartment building if built as proposed. Please revise this resolution to allow city staff to interpret vmu with the intent of vmu and amend section 4.3.3 standards subsection B, mix of uses, to read, the predominant use on the ground floor must be different from the predominant use on an upper

[11:05:53 AM]

floor. Windsor park was hopeful that vmu zoning would convert Windsor village into a true mixed use town center development.

[Buzzer]. We were happily support the vmu too if we can have that component. Thank you.

>> Pool: Mayor, I have a question for legal. These are really good points that the community is bringing to us, but I wanted to make sure I understood if there's an existing case and we make a change to an ordinance, does the change to the ordinance affect an existing case or does it continue under the ordinances that were in effect when the case was filed?

>> Council member, normally cases do continue under the regulations that they were already under when they started, but can you just -- I don't know what all the changes are in this particular case, so by the time the case -- discussing the case I will know if there's any different.

[11:06:55 AM]

>> Kitchen: Could I speak to that? This -- the request that's being made relates to design standards? That's not the scope of this fee resolution. It keeps with the existing V and it's just speaking to the height. There is another -- I don't know if these speakers are aware of this, but there's another proposed approach to look at V that's making its way through the planning commission right now. That one may be broader, but this one is not. This one is only -- is not speaking to the design standards that the folks are asking about. So this one would not impact one way or the other. In fact, it was posted very narrowly and I don't think we could make the changes that are being requested within the posting. And that's not the intent of this one. There are other avenues that the planning commission is talking about V right now.

>> Mayor Adler: Councilmember Casar.

>> Casar: Thank you, mayor

[11:07:56 AM]

and thank you, council members pool and kitchen and to the neighbors for coming out. I and also the mayor pro tem are really supportive of the changes the neighbors have been asking for in this case, but obviously there's a bigger issue at hand. And I think what some of the neighbors alluded to is part of the path if we are able to successfully pass this resolution and an associated ordinance even if it doesn't change a site plan that's been filed, that may create options for the neighbors to present to this

particular applicant to see whether or not anything can shift, and if it can't, then it may be in time for a second phase to make things better. Whether or not it would change the regulation is one thing. My sense is no as councilmember kitchen and pool laid out, but it could provide a tool for negotiation in the future, or with the vmu item moving through planning commission it's something that the council could review. We appreciate you bringing this forward. Obviously about your neighborhood, but then also the way that it impacts

[11:09:00 AM]

other places.

>> Tovo: Mayor, I'll add my voice of support to that as well. I represent a small sliver of Windsor park as well and also join my colleagues who represent more of Windsor park in that support for the neighbors and their requests. So I hope we can figure out how to leverage this conversation even if it's to provide the neighbors with some support in their negotiations.

>> Also, do you want to concur with what councilmember kitchen said. The posting today would not allow us to amend it in that respect, but there may be subsequent vehicles. All right? Let's continue on. I think we had Hector martel and Angelica Montez. Our last speaker on 52.

[11:10:09 AM]

>> Hello, my name is Kyle and I'm speaking on behalf of Angelica Montez. I'm a first year student here at UT Austin and I'm part of an organization called the UT habitat for humanity. In this organization we really advocate for affordable housing and we feel that item 52 is -- it is a step in the right direction. However there -- this is our chance to really do more to allow for more affordable housing and housing options in general in Austin. The gap between the number of people moving into our city such as from the university and immigration and the amount of housing units that are being built in the city need to build faster in order to accommodate for more people or else the housing prices will just keep going up.

[11:11:12 AM]

The housing costs are going up for the housing we're building for our clients and for our Clunes absolutely ourselves. We have trouble finding housing and we feel that although the additional height is an important factor to help establish units in the city, if you like at this point the item can do more in allowing for more housing across the city in Zones where where vmu housing would actually help benefit the housing crisis that is currently going on. We feel this is going to be a burden in the long run and that we are able to address it now. This is our opportunity to increase the number of we want to

increase the number of vmu's across the city and advocate for more future in which we're able to implement this -- [buzzer].

[11:12:14 AM]

Implement the housing that's already in the safe and walkable environments and transit friendly environments to our new community members.

>> As you know there is a meeting about housing availability and housing supply and I urge you to get involved in those ideas as well. Thank you if being here. Councilmember pool.

>> Pool: And I would also like to encourage the university of Texas to be an active participant in these difficult conversation. As the students rightly point out they're there to attend the university and there's a shortage of university provided housing.

>> Mayor Adler: Okay. We'll move to item 63, max Whipple. By the way, our rules would

[11:13:15 AM]

also point out that -- I would also point out that the rules do not allow us to substitute a speaker. So make sure the next time that the person speaking is someone who signed up. Max Whipple. No? Those are all the speakers I had signed up here in person. Is anybody here in person signed up to speak on the morning's docket.

>> Mayor, Alicia torres is here for item 35.

>> Hello, my name is Alicia torres, I am a member of the reimagine Austin and also a member of the public safety task force. I am here to say that item 35 should not just have been pulled out of the agenda, it should not have even come up at all.

>> Mayor Adler: So would

[11:14:16 AM]

you excuse me, this is being postponed to January 27th so you could speak to the postponement whether you think it should be postponed to the 27th or not.

>> It should not have been postponed. It should not have been discussed. I will invite the council and the rest of the Austin outreach community to revisit the recommendations of the reimagine public safety task force that said no increase on policing. That meant in physical form inside or outside the courts. Soiled again at large community and especially the remaining council members, please uplift the

true desires of the reimagine public safety task force and those actually prioritize safety, not increasing policing in any form inside or outside the courts. Thank you.

>> Mayor Adler: Thank you. Anyone else signed up to speak? Did we have a call? Then we'll go ahead and ask you to call the folks that are called in.

[11:15:16 AM]

>> Okay. The first speaker is Amanda Williams.

>> Good morning, council members and mayor. Thanks for the time to hear testimony on item 2 today. My name is Amanda Williams. I am a the city of district 4 and I'm also the executive director of the willow fund. In light of the proposed special for d4 I'm calling this morning to uplift council member Greg Cesar's work on access in Austin and to take the short time to recognize how incredible it has been to have him as a champion on this issue at the local level. I know I don't need to tell this council how devastating the attacks on abortion access has been on our communities in recent years. As you know the landscape has only worsened after the abortion ban in September, which is now the most extreme abortion restriction in the nation. To put it plainly our rights are being held hostage and we know we have a long fight

[11:16:16 AM]

ahead of us and this is a fight that councilmember Cesar has never backed off from. From his efforts to our planned parenthood effort to Austin becoming the low just kel support for austinites needing abortion care, those groundbreaking victories come from cities in the south and beyond who are looking for new and innovative ways to show up for local communities in this widespread attacks on our constitutional right to portion. This work has never been more important than it is today in the wake of sb8 and we're so grateful to have had councilmember Cesar fight for us and the clients that we serve in Austin. I am so proud to have worked with councilmember Cesar to make Austin a better place and we will not forget the work that you and your team have done here for women's rights and beyond. We wish you the best of luck on your journey?

[11:17:25 AM]

>> Kelsey hues.

>> I'm here to speak today in support of agenda item 24. I'm happy that this alternative study is being proposed and I urge you to consider an alternative study to route I-35 around Houston using existing state highway 130. That road would be appropriate for getting around town safely. I-35 promotes a lot

of emotions out of me and the greatest is fear. Although I-35 is generally the fastest for me to break inner city trips, but I avoid it. Due to the enormous flyovers, high speeds, large amount of trucks that would crush my Honda civic if I was in a crash, exiting and merging in short ranges and I know someone in a crash on I-35 and severely injured their back. Even if I'm in an Uber or Lyft I will ask the driver not to take I-35 because I do not feel safe on it. My feelings are shared by my

[11:18:26 AM]

co-workers who do not allow their teenaged children to drive on I-35. My parents in their 70s who do not drive in their 70s and countless others who are forced to drive on it because there's no better option. I want Austin to be a city

[indiscernible]. We wouldn't put the highway there today if we were starting over. I urge you to imagine a better option for me and other young people in option and study rerouting I-35 around our city. We need to get this right as it could be a huge mistake. Thank you for your time.

>> Sean Haney.

>> Thank you, good morning. I'm Sean Haney, I'm a

[11:19:28 AM]

resident of district 9 and I'm speaking in support of agenda item 24. I live right beside I-35 and I've been following the capital express project very closely. And I'm excited to see the feasibility studies finally taking shape. However, before this process depose any further, I'd really like it if we could expand this feasibility study to study the necessity of having an interstate cut right through the city center as well as the potential of redesignating existing ex-urban highways such as 183, 360 or more preferably one 30, designating one of those existing highways as I-35. This would route the main interstate traffic outside of the city core while letting the existing I-35 main lanes to be converted into more of a business route for local traffic. Removing the interstate from the city could would make it a lot easier for us to

[11:20:31 AM]

explore some alternatives for that route much like the downtown corridor. By design in the state would be limited access highways with very few exits that move traffic as efficiently and quickly as possible. The capital express proposal that I've seen on the other hand seems to be more of an unlimited access highway. There's a whole mass of exits, managed lanes, merges, flyovers and the spaghetti junction of ramps. This is a massive once in a lifetime project for Austin and I ask that any discussion of redesigning

this roadway shouldn't go forward unless the designation shop is studied and considered. Thank you for your time.

>> Cat Pratt.

[11:21:39 AM]

Sorry, mayor, my system froze. Elyse Epstein.

[Background noise].

>> Hi, can you hear me?

>> Yes, go ahead.

>> Okay, great. I know y'all are postponing item 35, which is great. My name is Elyse Epstein, I'm an organizer for black lives and a resident of district 5. I wanted to remind y'all that an earlier speaker in person said to reflect over the next couple of month before the next hearing about this. That the proposal for the Marshall programs is it does not represent reimagining public safety and it would be really important to listen to what the reimagining task force did when they reimagined the city budget that would divest from the policing and

[11:22:39 AM]

the [indiscernible] System which has been

[indiscernible] And institutionalizing white supremacy. Violence is a cycle. Service and care arrest cycle. The reimagining public safety committee serves the city residents in honoring your requests, investing hours and days to find better ways to care for the people of Austin. If we ignore their requests for choosing violence, take take into consideration again all that they recommended. Let's step away from policing and [background noise]. And we don't need to be giving ticket and criminalizing

[indiscernible]. Thank you for taking time to consider this and I hope you take the time for it over the next few months. Thank you.

>> Crystal Ericsson Collins.

>> Hi. This is crystal Ericsson Collins, thank you. I was intending to speak on

[11:23:41 AM]

item 35 and now that it's been postponed, I'd like to just uplift the comments that Ms. Mitchell made that it's not going to get delayed or avoided. This needs to be resoundingly negated. This should not happen, thank you.

>> Jessica Robertson.

>> Hi. My name is Jessica Robertson. I'm a resident of district 4. I'm with undoing white supremacy Austin and I'm also happy to be of service to our neighborhood association as the vice-president of the north Austin civic association. At this time I understand that item 35 is being postponed, although that is confusing to me as I think the postponement suggests some confusion on the parts of residents of Austin even

[11:24:41 AM]

though I was under the impression that there was an overwhelming rejection of the idea that more police officers are needed in the city of Austin. And I also think it flies in the face of the reimagining public safety task force, them having been excluded from this and be something that we specifically requested. So one way or the other, I hope that this is voted down and I'm also here to speak on item 89 and 90 regarding the brownie Grady rezoning. I just wanted to say on that that I want to be a proponent of more housing, of affordable housing, things to be -- housing to be accessible to people in our neighborhood without having to relocate. Opportunities for people to own their homes as opposed to being renters. But I'm worried that the burden of affordable housing

[11:25:42 AM]

and density is too high in district 4 and specifically the area noted, which is one that's been overlooked, the brownie Grady area has been overlooked generally and it's very disingenuous that the unhelpful infrastructure changes that have been promised along with the rezoning and the future development come part and parcel with commercial space and with increased density.

[Buzzer]. >>

>> Mayor Adler: Thank you. And remember we call the zoning speakers this afternoon for people who want to speak on zoning cases, people that have signed up can do that at 2:00. Next speaker on this morning's items.

[11:26:44 AM]

>> Amelia garzas.

>> Good morning, I will be brief. My name is Amelia garzas. I'm a resident of district 6 and also part of the Texas defense project. I want to thank you so much for postponing the creation after city marshal's program. There are still so many unanswered questions regarding the need and function of the city's marshal's program so I just really hope that we sincerely spend the next few weeks having real community conversations and explore what truly makes our city and courts safer for all council members and staff. It is also critical that just moving forward any following items posed as reimagining public safety should be vetted by the public safety task force. Lastly since the item has been postponed I want to mention that the funds earmarked for 35 to be spent on actual reimagining public safety task force recommendations and meeting the needs of community before they ever have to enter a court in the first

[11:27:44 AM]

place. So with that, thank you again for the postponement and your time.

>> David king.

>> Yes, thank you. My name is David king and I'm speaking in support of item 52, vertical vertical. Thanks to councilmember kitchen for sponsoring and council members pool, alter and tovo for co-sponsor this important resolution. Please consider the following recommendations: Annual median family income requirements should be set at or below 50% per rental and ownership to facilitate equitable to income restricted housing to low income families of Austin. A recent university of Texas study shows that the annual median income for black and roughly that of white families in Austin. Another study shows that the market is adequately serving families earning between 80

[11:28:46 AM]

and 120% of the area median family income. A minimum of 15% of ownership for 99 years should be required. Affordable housing nix requirements should apply to the entire project not just the bonus area. Income restricted housing units should be on-site and no vmued. They should not be granted and residential compatibility should not be waived. Vmu 1 and vmu 2 zoning should complement existing vmu zoning and existing vmu requirements should be carried forward. Any expansion to the vmu overlay should follow and comply with the public rezoning process that requires public notice to affected residents and public hearings by land use commissions and city council. The stakeholder process should be equitable and transparent and comply with state open meetings laws. Neighborhoods, communities, residents and small local businesses situated on or

[11:29:47 AM]

existing to adjacent or proposed vmu corridors should be specifically included in the process. Thank you for considering my comments and for your service.

>> Monica Guzman. Monica Guzman. Frances Acuna.

>> Thank you hear me?

>> Yes, go ahead, please.

>> Hello? My name is Frances Acuna and I'm speaking as a resident of survey 744 and I'm speaking in regards to item

[11:30:48 AM]

52 to point out that the continued amendment amendments to the code seem to be geared towards displacing low income residents in the eastern crescent zip codes. Only allowing 10% of residential units to be affordable in the mixed use development or any development is not enough. Limiting the 10% of units to 60 to 80 percent median family income is not compatibility with the residency of affordable housing. Most of your constituents in the eastern crescent zip codes earn between 25 to 40% mfi. Residents in the eastern crescent are forced to choose between paying for their housing in the 60 to 80% mfi and meeting the basic needs. Then we wonder why are there so many people with chronic

[11:31:48 AM]

illnesses. In 2018 or 2019, I don't remember, I was asked -- I asked a speaker that the city brought from another state what low income residents can do to prevent displacement and I was told that unfortunately some people must be displaced. This new development makes me feel like residents who fall below the 50% mfi are those who it's okay to displace. I urge you to take a look at the income based zip codes not based on the whole city of Austin. Thank you very much.

>> Jessica Johnson.

>> Good morning, mayor and council members. I'm Jessica Johnson, a member of the reimagining public safety task force and the deputy director of Texas fair defense project. While I support postponing

[11:32:49 AM]

agenda item 35, I do share the concerns brought up alicia torres. That the task force put forth a set of strong recommendations but for some reason we xenon vetted suggestions that do not resonate with the community without any community input. I want to echo Kathie Mitchell's sentiments emphasizing

that when this item is taken up at the very least needs to be meaningful conversation between the municipal court and community members. This conversation about security at the courthouse simply cannot be had without considering the safety of both court staff and the people who are involved in the criminal legal system. We should not be implementing the same solutions to issues at the courthouse, issues which I'm hoping will be more thoroughly and thoughtfully identified before this comes up again. Finally, I just want to reiterate that the best solutions for community come directly from the community like those laid out in the task force recommendations. Soliciting community input after a proposal has already been solidified is not enough. Rather it shows that

[11:33:50 AM]

attempts to involve community are merely informative rather than a general attempt to garner meaningful input. We have to be better in being intentional about truly reimagining public safety.

>> Monica Guzman.

>> Yes, good morning, mayor and council. I'm Monica Guzman, quality director at gave, go Austin, vamos Austin, speaking on item 52. Like some council members I too have not had a chance to thoroughly review drafts two and three. Though the concepts sound promising, when it comes to affordable housing it's understood the fair housing contact does not allow for varying mfi based on communities where development is proposed or plan. Deepening rental university affordability in graft 3 is nice to see although there is concern about unintended consequences. People qualifying for affordable housing are not always truly those in need and retail is not necessarily compatibility with community retail,

[11:34:52 AM]

thinking boutique versus mom and pop. With regard to the public process, specifically community engagement, when seeking input or conducting public hearings, they need to be plain speak versus technical jargon as well as being language accessible and digitally inclusive as mayor pro tem pointed out at the November 4 council meeting, the average person is having to learn while navigating the system. We urge you to ensure community engagement meets the people where they are at. Thank you.

>> Carmen Llanes Pulido.

>> I want to thank the co-sponsors of this item for sparking some creative conversations about better value with capture and affordability and Gooding some benefit in return for the millions of dollars in increased revenue for developers and property owners that is provided when this council grants additional development potential with each zoning change. I want to thank councilmember kitchen's

[11:35:52 AM]

office for providing additional answers to gava's questions on this matter. It's become practice in the business models of many of our developers in town to spot zone. They buy at sf prices and go for zoning changes that can quadruple or continue it up Pell the value of their land. We grant additional land basically development potential for people for the price of administrative hurdles and we also get very little or nothing in return. Therefore it is a really important conversation, potentially a great idea to add vmu to the designation and I am concerned primarily about two elements. One is the language in the draft resolution that I've seen saying that tracts with existing V zoning designation will have access to vmu 2 density bonus option administratively at the required percentage outline and I don't know if I'm reading this light but does it propose an

[11:36:53 AM]

administrative process by which a property owner can have a zoning change without notifying adjacent property owners. It does involve council but if this is administratively accessible to tracts with the V designation now, I'm not sure how that plays with the notification and purchase rights. My other concern is that vmu two just like any density bonus has the potential to negatively impact and cause harm to communities, like Ms. Acuna said earlier, 60 to 80% mfi is still not at each of those most in risk at displacement and often comes with a huge influx of luxury units and high income owners to a community.

[Buzzer]. Contrary to the statement made by a speaker, most homeowners are not in the top five to 10% --

>> Thank you, speaker, your time has expired.

[Overlapping speakers].

>> Mayor Adler: Hold on a

[11:37:53 AM]

second. Councilmember tovo.

>> Tovo: Ms. Llanes Pulido, would you please finish your statement.

>> Sure, thank you. Just a couple of seconds more. The buyers and investors waiting with cash on hand waiting to come into Austin, but when they're on zillow or we're getting texts from real estate investors that is who is in the top five to 10 percent income bracket. But the constituents, if service industries, caretakers, most of us are just hanging on and the homeowners and home renters, 20 to 30% of the single-family homes in most of gave neighborhoods are renter occupied. None of those folks are in the top 10%. So while we understand that you have concerns about violating fair housing rules with respect

to limiting mfi to a zip code specific area, I'm urging you to consider the potential harm that could be created if this is not strategically applied only in very high opportunity areas with higher land values, meaning

[11:39:00 AM]

the way you apply this may not be appropriate and not for all neighborhoods.

>> Tovo: Thank you. And it sounded like you had several respecific questions. We'll reach out or if you don't mind kind of sending those on, that would be really helpful.

>> Will do. Thank you.

>> Zenobia Joseph.

>> Thank you, mayor, council members. Mayor, I have a technical request before you start my name. Item 9 didn't have any backup material when I signed up, so can you ask the clerk to change my position to neutral? I had it against, but I was only against it because there was nothing to read.

>> Mayor Adler: The clerk is acknowledging that. It will be changed.

>> Okay. Thank you very much.

[11:40:02 AM]

My comments -- that was cultural arts grants, for anyone who is listening. As it relates specifically to item 7, I know it's postponed. That's the diversity and ethnic chamber alliance item. I specifically have a request, however. I would like for staff to actually include the language from the Texas public information act as it relates to the governmental body and specifically it says on 552.003 in the definition that the part section or portion of an O commission, committee, institution or agency that spends or that is support understand whole or in part by public funds actually is a governmental body. I bring that to your attention because this has been a long-standing issue. The greater Austin black man chamber. Since 2016 I remember putting in an open records request to ask about the

[11:41:02 AM]

return for investment and Pam Hawkins didn't reply within 30 days. I want all the chambers to recognize that when they take public funds they are subject to the public information act. I would like you to recognize that there are at least two opportunities in there today as it relates to economic prosperity for the chambers to weigh in as they actually provide some of the outreachists that they're doing in the

community. One is the regional economic diversity development plan. So I'm looking at advancing racial equity and support for underserved communities through recreation opportunities closed today and they can support submit formal comment and there is the analytic for assessing equity on the impacts of surface transportation. Bring that to your attention because Johnson slated to be

[11:42:02 AM]

chair. I have problems with that because of project connect, but others may have other comments.

[Buzzer]. And lastly, I want to mention our I-35, the caps and stitches, I would just like to ask specifically who is going to pay for the caps and stitches. It is 2.8 --

>> Thank you, speaker, your time has expired.

>> Dayscy Ludwig.

>> Hello, I'd like to me on item 35 and join the chorus of residents who are speaking in favor of the postponement specifically for reasons of more reflection for staying committed to the reimagine public safety mission and most importantly involving and listening to your

[11:43:07 AM]

community, community solutions from the community, for the community. Thank you for your time.

>> That concludes all the speakers, mayor.

>> Mayor Adler: Thank you. Colleagues, that gets us to the consent agenda. Council, what is the number to fill in on the blank on item number 34?

>> \$75,000.

>> Mayor Adler: On the consent agenda would reflect that \$75,000. Also, colleagues, there's a version 3 in backup on item 51 which is setting the salary for the interim clerk at 12% increase and that is the version on the consent agenda. The consent agenda is items 1 through 54 and item number

[11:44:07 AM]

91. The items that have been pulled are items 9, 22, 38 and 52. Is there a motion to approve the consent agenda? Councilmember pool makes the motion. Councilmember Ellis seconds it. Any discussion or points to be made on the consent agenda? Councilmember Fuentes and then councilmember Kelly.

>> Fuentes: Thank you, mayor. I just wanted freeway some brief comments on item 51 and say that I'm in full support of appointing Mena iOS as the interim city clerk. She has spent the last 14 years with the city of Austin, nine of which has been spent as the deputy city clerk. She oversees the operation of the most vital components of our city's democratic processes, including 70 boards and commissions as well as city council and has

[11:45:08 AM]

made all of the adjustments to make council accessible to our community throughout the pandemic. I appreciate all you do, Myrna and I believe that you will be the first Latina clerk for a large Texas city. I want to extend my congratulations.

>> Mayor Adler: Thank you. Councilmember Kelly.

>> Kelly: Thank you, congratulations, Myrna, I want to follow along in that gratitude that councilmember Fuentes expressed. We're very glad to have you here. On item 91 I just want to say it's tough on taxpayer funded lobbying I've reviewed the contracts and documents related to this item. And for those who don't know taxpayer funded lobbying diverts money from local need and advocates money to be used to tax dollars to be used for or against an item. I don't believe that paying lobbyists should be part of the local taxpayer burden so I can't support that.

[11:46:09 AM]

Please let the record reflect I'll be voting no on items 40, 42 and 91. Thank you.

>> Mayor Adler: Any other comment? A couple of items on this agenda I think are worth noting. I think that the item number 24, the I-35 engineering, is an important thing in our city. We have a lot of community looking forward to getting that capped and hopefully being able to utilize that space and we continue to urge txdot to make that part of the program for I-35. We continue on today's agenda with vaccination outreach with item number 43. Right now in our city while hospitalizations are low, the transmission numbers of

[11:47:09 AM]

the virus went up yesterday relative to the day before and has gotten us into an area that the CDC considers our transmission to be substantial. We've gone from a moderate place over the last week or so to substantial. So we can't rest on the knowledge that the hospitalizations are low. This is one of the early indicators looking at transmission levels. And we know that our greatest susceptibility with transmission levels are vaccination levels. So again, if you haven't been vaccinated we urge people to do

that. Children over five, now is the time to go ahead and get vaccinated. Another thing that's important to note is that it appears as if certainly for people that are older or susceptible that the vaccinations wane in their

[11:48:09 AM]

ability to help people. So if you are eligible for a booster, have not gotten your booster, please go ahead and get your booster. And I also point out that even though you've gotten vaccinated, which probably is going to protect you from ending up in a serious condition or in the hospital or dying, a significant part of the transmission of the virus in our community is involving people who have been vaccinated because if you're vaccinated you can still get the virus and you can still pass it on. It was estimated that 25% of the infections in our community are being passed on by people who are vaccinated, protected themselves, but unfortunately it then finds people who are not vaccinated and then creates serious issues. So we have to be mindful we are not out of the pandemic

[11:49:11 AM]

yet. We have on our agenda items 44 and 45, which are funding for people experiencing homelessness. Caritas, thank you for stepping up. Family elder care, thank you for stepping up to rapid re-housing efforts in our city that I think are important. And on item 91, I understand, councilmember Kelly, we just disagree on that. I think and having been up at the legislature, when the people collectively get together, which is what government is, it's the people, the people have a right to make sure that they're heard and it's real important in the legislative process that the people have equal footing with corporations and businesses, all of whom are allowed to hire lobbyists to present things that might be contrary to the interests of

[11:50:14 AM]

the people. And while we hope that the legislature, which also has the people's interest at heart, would act in ways. Sometimes the people in our community want the legislature to hear our perspective, our members thoughts on things. Without having ability to do that, we can't cover that. Elected officials cannot be that voice for the people over the course and duration of a legislative session. And we're close because we're in town but there are a lot of cities and communities and governmental entities across the state. And if those people don't have the same ability to be able to have their voices heard in that way, they're at a real disadvantage. So on this issue, councilmember Kelly, we agree on a lot of things. On this one we disagree and

[11:51:15 AM]

I'm happy that our city -- that our people continue to advocate. Councilmember tovo.

>> Tovo: Yeah, I wanted to make a couple of quick comments as well. First of all I have a rapid fire question on number 30 so if we could just pull it from consent and if I could take it up right after the consent agenda passes it really should just be about 60 second.

>> Mayor Adler: I think item number 30 has that been withdrawn and replaced with item number 96?

>> Tovo: Then 96, thank you.

>> Mayor Adler: It's a public hearing so it doesn't need to be pulled. It will come up later.

>> Tovo: Yeah. Number 30 is the ordinance to annex. Let me regroup. It's the one that relates to -- that has a comment within the backup that talks about fee waivers.

>> Mayor Adler: Yeah. I think it shouldn't have been on consent and that's

[11:52:16 AM]

why it got pulled, but it's items number 71 and 96. 71 is the zoning case and then 96 is the associated action.

>> Tovo: Great. Then I will ask those questions at the appropriate time. Thank you. And then I did want to just also add my thanks to the staff, especially to our homeless strategy officer and to our community partners in caritas and family elderly for the items reflected in 44 and 45. The city of Austin has invested in rapid re-housing in the past and certainly has seen success with those programs with the individuals who previously had been experiencing homelessness who were housed and had services and were provided with housing in the past. With our historic investment from the American rescue plan funds we're able to do more, so thank you again to those partners, but also to our homeless strategy officer for making sure that these funds can be invested as quickly as possible

[11:53:17 AM]

because we know so many in our community are in need today. So I'm glad to see those moving forward.

>> Mayor Adler: Thank you. Councilmember alter?

>> Alter: Thank you. I want to highlight two items. 18 first, which is a wildfire related item. So this is an item that will aid in mitigating the threat and effects of wildfire throughout the city. These are new contracts with new funding from Austin water and the parks and recreation department that are going

to provide vegetation, treatment services, create shaded fuel breaks on various Austin wildfire conservation property, bcp, water quality protection plans that are adjacent to urban improvements. A shaded field break for those who don't know is an area where a closed woodland canopy is retained or promoted while lower growing vegetation and dead material are selectively removed to

[11:54:20 AM]

affect the amount of vegetation that could remove during a wildfire. A well prepared shaded fuel break will discourage grass growth and canopy of the woodland and help with wildfire suppression. This will benefit the public by reducing wildfire risk to communities and residents while also protecting natural resources. I hope that we can continue to prioritize wildfire mitigation through all departments that own or manage property throughout the city. Each improvement makes us safer and there's a lot of work left to be done. And then finally I wanted to highlight number 53, I'm delighted to sponsor this item which authorizes fee waivers for the Austin disaster relief effort to allow them to move to a new and improved location. As many of you know, the Austin disaster relief effort provided help during winter storm uri and undoubtedly saved lives. Their crucial support was a prime example of how the city can partner with local non-profits and save

[11:55:20 AM]

community to step into the gap during times of need. I would like to thank my co-sponsors and colleagues who will no doubt support this item and I look forward to the partnership with the city in the years ahead. I want to thank them for their contributions.

>> Mayor Adler: Thank you. Anyone else? Councilmember Casar.

>> Casar:

>> Mayor, thank you. Again I want to thank the people who were so kind to have testified on item 2. I'll save longer comments or reflections for my last council meeting, but I want to take the opportunity to thank all of the city employees who have had the chance to work with over the years, thank my colleagues present and past and of course community members on this journey that we've been on together. And something that I was just reflecting on last night as this item came up is just what I heard from so many district 4 residents the first time that I ran for office which is just this feeling that nothing ever changes.

[11:56:21 AM]

And I think that that's one of the biggest barriers to things changing is people feeling powerless while watching things not actually happen and I think we have been proof because of our work together as a dais and as a community that things can and do change. And when I look back to seven years ago when we had city employees making as little as 7.25 without health care and we're more than able to double that and those with the survivors justice project, though told us about the decades long backlog that we were able to clear the investments in affordable housing that were always so important, but so scarce and now we've put over \$500 million towards housing and anti-displacement because of our community's priority on that. That has all changed and I've just been so honored and humble to have been one part of that, but to be one part of that alongside you all and alongside a community that's demanding more and that is the kind of momentum that I think will be so important for whoever fills the seat to carry forward because obviously on issues and survivor justice

[11:57:21 AM]

we still have a long way to go and the lawsuits will settle on issues of affordability, it's never been harder to afford the city, but I trust so much that things can continue to change and that misconception that nothing ever changes we can disprove that year after year. I have been so honor and humble to be a part of this and sticking around for a lot longer, but I wanted to say thank you.

>> Mayor Adler: You've certainly been central to a lot of that change. I'm going to hold off commenting until you're actually leaving.

>> Casar: It's like one of those awkward good-byes when you're walking to the car in the parking lot.

>> Mayor Adler: Not at all. That's good. We have at least several more meetings with you. All the -- there's been a motion moved and seconded on the consent agenda with the comments and items pulled. Those in favor, please

[11:58:21 AM]

raise your hand. Those opposed? Mayor pro tem, are you with us and voting on this, yes or no?

>> Mayor, I'm here.

>> Mayor Adler: Okay.

>> And are you voting yes together with the rest of the dais --

>> I'm voting yes with the rest of the dais.

>> Mayor Adler: Sounds good. Unanimous, the item passes. Let's take care of a couple of things here real fast, on items 57, 58, 59, 60, and 61, in a second I'm going to do the Austin housing finance corporation, those people should get ready, with respect to 57, 58, 59, 60, and 61, is there a motion to

the effect that city of Austin using the power of eminent domain described in the agenda for the current meeting for the public uses that are described there in? Councilmember Kelly makes that motion, councilmember tovo seconds, any discussion.

[11:59:22 AM]

Those in favor please raise your hand. Those opposed? Mayor pro tem, are you voting yes as well?

>> I'm here voting yes.

>> Mayor Adler: Sounds good. It's unanimous on the dais. I'm going to recess the Austin city council meeting here at 11:59. And I am going to convene the Austin housing finance corporation meeting here on Thursday, November 18th, 2021, the time is 11:59. We have the board of directors all present. So I think we can move forward with our agenda. Do you want to take us through the consent agenda?

>> Absolutely. Mayor, please note that we have late backup as mentioned earlier, that is for item two, there's a withdrawal memo. We are withdrawing item two and replacing it with number 8, agenda item number 8. Agenda item number 1 is

[12:00:23 PM]

authorizing staff to move forward with the formation of a new subsidiary nonprofit corporation, hfc, manor nonprofit corporation. Item number two has been withdrawn and replaced with item number 8. Item number 3 is authorizing staff to move forward with a loan agreement with Guadalupe neighborhood development corporation for \$2.133 million loan for a senior housing development, la vista delopez, item number 4, authorizing us to move forward with a loan agreement with gndc for \$8.4 million loan for 51 homeowner units, one to four bedroom units. Item number 5 is a loan agreement with habitat for humanity, for \$4.67 million loan, for 126 subdivision, consisting of two and three bedroom homes.

[12:01:23 PM]

And that is to be known as Hutto lake, item number 6 is authorizing staff to move forward with a loan agreement with summer tree development. This is for a 74-unit homeownership development with 28 units below 80% median family income. Item number 7 is a loan agreement with west gate momark, and this is for 58 homeownership units below 80% median family income. And item number 8, which is late on the addendum is a loan agreement with rgtp real estate, and this is for \$2.85 million. This is for 34 units, acquisition and rehabilitation of a project that will be 100% discern for people experiencing homelessness. I offer all of these items on consent, and I am happy to make any questions.

>> Mr. Mayor. Thank you.

[12:02:24 PM]

The consent agenda is iteming number one through eight. Item number 2 has been withdrawn and replaced with item number 8. In backup, there's a memo that speaks to that. Is there a motion to approve the consent agenda? Director Renteria makes the motion. Director Ellis seconds that motion. Is there any discussion?

>> Yes, councilmember Renteria and then councilmember Casar.

>> Renteria: I want to make a comment and I want to -- they wanted to donate that to and keep it as an affordable unit, and they donated to it Guadalupe neighborhood corporation, which is, you know, it's unheard of in the city of

[12:03:24 PM]

where people actually, you know, their property to a nonprofit, and I just want to say thank you, because I know in your heart you want as many of the residents that grew up in Guadalupe neighborhood to be able to afford to live in their neighborhood, so I just want to say thank you to the family.

>> Mayor Adler: Thank you, councilmember Casar?

>> Casar: Yes, thank you, mayor. I do want to thank the team for working on red field 34, which is on our agenda for today. It is 34 more permanent supportive housing units in district 4, and combined with what we were able to do with the country inn and suites and on Rutland, it's just great to be able to bring so much permanent support of housing to district 4. I think it clearly makes such a big difference

[12:04:25 PM]

over time. We had a press vent event earlier, and I thought it would be useful to show them here today and the folks at ctm have them, but in our first two years on council, and I don't know if y'all can pull those up, on our first two years as a 10-1 council, we were able to approve 35 units of permanent supportive housing and with the approval of so many here in the last two years, and with Redfield 34 today, we cross 800 in the last two years, and I think that just goes to show real dedicated work in the community and housing providers of our city staff, and bringing in Diana gray's homeless strategy and of course of this council having set this as a top priority, and so I know that it is hard every day to see folks

sleeping on the street. Nobody should be sleeping under a bridge, but this shift goes to show that we I think as an entire council, and as an entire dais are doing something very differently.

[12:05:26 PM]

35 units in the first two years, and over 800 voted on and approved in the last two years I think is just a testament to this work, and it takes a little time for these to get on the ground. This one will actually be serving people extremely soon, because it's a remodel. This is what it's going to take to drastically reduce homeless in the city.

>> Would you post that chart to the message board, please, so that the public has access to it.

>> Casar: Will do. Also wanted to also thank the Lopez family, and the council for work on affordability and also allows this senior housing to be able to exist at this location, so again, thank you, to everybody who has worked on such a great project.

>> Thank you. Councilmember tovo?

>> Tovo: Yeah, I think I hope we have an opportunity to talk about that chart at some point, because I'm concerned that it does not really reflect the full range of housing investments that

[12:06:26 PM]

we've meated through all of our different program, and so while I'm super excite and have helped lead and support the drive to increased investments, I also want to be sure that we're very clearly reflecting the way in which we have been able to escalate our investment, but that permanent support of housing, investing in our community organizations that provide housing, investing our bond dollars has been part of -- part of the program for a long while, and I really feel that that chart is -- that chart without more context and without the fuller range of housing investments alongside it, sort of suggests that we were - it is -- it is a very small section of the full picture and I'm not sure that it really fully is -- I'm not sure that it really helps enhance the dialogue.

[12:07:28 PM]

>> Councilmember Fuentes.

>> Thank you. I wanted to say thank you, councilmember Casar, for bringing forward the chart, because I often find that, you know, people -- the average austinite don't know what the city of Austin is doing to actively address and to be able to say we have added 800 units of permanent supportive housing is incredible, and that's the type of stories we need to be sharing with our community and really taking the

time to say this is where our taxpayer dollars are going toward, this is how we're actively addressing affordability, so having this example today is super beneficial, and I want to appreciate your leadership on that.

>> Thank you, and I of course it does not tell the full story in the way that a full paper would. But permanent supportive housing, that is housing with services being voted for and being put on the ground has always been so hard to do, and I didn't want to list years when I wasn't on council, our first few years it took planning and investment

[12:08:29 PM]

to be able to get us to this point, and I know that will only grow because of the American rescue plan investments even beyond that 800, so thank you both, and of course, there is a larger story associated with it, and I think it's important, you know, this data straight from the housing department to show the very significant change in the last two years.

>> All right, moved and seconded. The consent agenda on Austin housing finance corporation, those in favor, please raise your hand. Those opposed. Mayor pro tem, you are voting yes on this with the rest of the dais? Got it. Unanimous by the directors, the consent agenda item passes. With that, I adjourn the meeting of the Austin housing finance corporation. Thank you, guys.

>> Thank you.

>> Mayor Adler: All right. Real quickly, audit and finance, two items, appointments, councilmember alter, do you want to move passage

[12:09:30 PM]

of 55 and 56?

>> Alter: Yes, I move passage of items 55 and 56. These are appointments to serve on various pension boards that we have, one nominates Michael granoff to the board of trustees, and the other nominates dick Levene to the city of Austin's retirement assistant board of trustees place four. We had a wonderful group of applicants that really, really qualified group, and both of these nominees are highly qualified and respected in their fields, and will serve us well in their respective board role, and I'm excited they are willing to serve, and want to thank all those who applied.

>> That's been moved. Is there a second for those items, councilmember pool seconds those, any discussion? Those in favor of these two items, please raise your hand. Those opposed.

[12:10:31 PM]

Patient, are you voting aye with the rest of the dais on these two items? Got it. It's unanimously we approve those two items. Just before we go to public comments, we have four items that are set for public hearing. We have called all the speakers, I think, that have shown up or signed up to speak on these, is that, correct?

>> Yes, mayor.

>> Mayor Adler: Thank you. Anyone want to move passage of item, 63, 64, 65, and 66? Councilmember Ellis makes the motion to pass those four items. Is there a second to that? Councilmember Kelly seconds that. Any discussion on any of those four items? Let's take a vote. Those in favor please raise your hand. Those opposed? Mayor pro tem? Yes. So unanimously, those four items pass. .Let's go ahead and turn

[12:11:35 PM]

now to public comments. I think we have three or four people that are signed up to do that. After we come back from lunch, colleagues, we have some pulled items to -- to address, 9, 22, 38, and 52. And then we'll get to zoning speakers at 2, zoning cases. We have, I think, five that have identified as possible discussion items. Eight that we have speakers speaks on. Hopefully we can get done this afternoon, there's going to be a required break between 6 and 7. Let's see if we can get done before that. .Clerk, why don't you go ahead and call public comments.

>> The first speaker is Clinton Rary.

[12:12:44 PM]

>>

>> Thank you all for having me here today. I know I have very limited time, so I'll be brief. And you all have done great things. The world right now is kind of in a mess with everything going on with covid. One thing I have to say is whenever a government claims that the people's interest at heart, you need to think again, the entire history of mankind there has never been a political elite concerned about the well-being of regular people. What makes us think that this -- that it is different now? In the age of enlightenment has brought forth anything, the certainty this, never take anything government tells you at face value. Always question anything government does or does not do. Always look for the ulterior motive, and always ask who benefits.

[12:13:45 PM]

Whenever political elite pushes agenda this hard, you can most always be assured your benefit is not what they had at heart. As far as I'm concerned, I will not be vaccinated with anything that has not been tested, and has shown no benefit that the benefit outweighs the disease itself, long-term side effects which to this day I do not know. I will not be reduced to a mere Guinea pig getting vaccinated with an experimental drug and surely not get vaccinated because the government tells me to, and promise in return that I'll be grant freedom. No one grants me freedom, for I am a free person. I was in the military. I'm heavily vaccinated, and I believe vaccines, but transparency is key, and that is not what we have, it's not about being Democrat, or republic, black or white, transgender, cis gender, it's a drug, because

[12:14:47 PM]

vaccines don't need boosters. Does not work. Yes. So December 21st, the article said that we had 516 deaths of covid deaths here in Austin. The Travis county medical examiner disagrees. He said only 48 cases from covid people died. So where are these inflated numbers coming from? Why are we inflating the numbers? Here is from this Monday. The fda is requesting to seal all documents from pfizer so there's no transparency so we can see what the efficacy and the health safety of these vaccines are. The Minnesota governor got caught in an e-mail correlating with the commissioner of health in his state, stating we need to have creative thinking on -- to justify these lock downs. Are we going to forget all of the lies, the

[12:15:49 PM]

history of big pharma poisoning us? Blood tests are finding that the spike protein is causing inflammation, and that is why we have so many people with side effect, there's hundreds of thousands of lawsuits going on in the supreme court district 6. Doctors in California, sending letters to the CDC and the fda stating that 50% --

>> Mayor Adler: Thank you very much for participating with us today.

>> So my free speech is getting silenced.

>> Mayor Adler: Everybody has a certain amount of time, and you get the same amount of time --

>> How much time is that?

>> Three minutes.

>> Three minutes has been our tradition here for years, but thank you for being with us today. Next speaker?

>> Ethan Smith?

[12:17:00 PM]

>> Good afternoon. First I wanted to say thanks for your show of unity in the face of the synagogue arson. My parents were married in that synagogue. I was going to talk about why is UT still only 5% black. But first I want to talk about some things that have happened since last time I spoke here. We passed two joint resolutions at UT student government. They passed unanimously. One was to encourage UT to build more housing on campus, and the other was about ensuring that there would be affordability in those units, because if UT builds more on campus, but they're unaffordable units, that doesn't really help. I met with Dr. Allen Cole who is present here at UT's Austin campus. He's going to deal me into the group working on stuff. I've been meeting with student leaders. I imagine I will be at a

[12:18:02 PM]

president student advisory committee rather soon. I've been meeting with the college student commission here at city of Austin, and I imagine they're going to pass a resolution that has the same exact text as the UT student government text tomorrow afternoon. Okay. Why is UT only 5% black when our state's about 13% black? The first way I would answer this question is to say university of Florida is 5% black, Florida is 16% black. University of Georgia is 8% black, yet Georgia is 32% black. What I'm basically implying here is we've never really fully desegregated these public higher education flagship universities, and we can invest in hbcus, isn't that kind of like a separate but equal framework. Don't we have a moral responsibility, right? These are intense concentrations of capital and brain power, these institutions. So I talked with the deputy vice president of student affairs, Kara

[12:19:06 PM]

Longoria about this, you know, they look at these students that are accepted and do not enroll. They ask why are these students not enrolling? So what do you think the top thing? Affordability. So board of regents, we did the Texas advance commitment, if your family makes less than \$60,000 a year, tuition is going to be free, but these students still don't come here, what's their number one cost going to be if tuition is paid for? I see some nods. It's housing, right? It's housing. And what we've been doing in west campus doesn't work. We shouldn't call it the university neighborhood district. We should call it the uptown neighborhood district or ordinance, because we're displacing, you know, complexes that serve students and building 300-foot buildings and saying, well, we're going to have -- and why is it median family income, why isn't it household income? That's family of four, what relevance does that have from a student from

[12:20:07 PM]

across the state?

[ Buzzer sounding ] Thank you.

>> Mayor Adler: Thank you. Next speaker.

>> (Indiscernible).

>> Paul robins?

>> Council, I'm an environmental activist and consumer advocate. I want to regale you with a bit of history. In the late 1980s, Austin went into an economic depression due to a massive default on real estate debt, and low oil prices that crippled the Texas oil industry. There were a lot of angry voters and they elected several fiscal conservatives out to punish city government. For most of these was councilmember Robert Barnes stone.

[12:21:08 PM]

He crusaded against various city programs, but his biggest target was Austin's energy efficiency programs. These programs created as an alternative to nuclear and Cole plants were meant to save energy at less cost while helping the environment and creating local jobs. This did not matter to him and he railed inses sently about socialized air conditioning unquote for three years. Barnstone then ran for mayor and lost by only a small margin. Had he won, clean energy programs would have been cripple and demoralized. One reason he lost is because our side proved to voters that we were saving the money. I will never forget that harrowing period, which is one reason I am trying so hard to stop the waste of as much as \$1.8 million a year in Texas gas service green washed conservation funds.

[12:22:10 PM]

The gas company will give away as much as \$325 of rate payer money to replace an existing gas clothes dryer with another gas clothes dryer that will save \$1.31 a year. That is a 248 year pay-back. All of you to some degree have expressed environmental sentiments, so let me give you this stark warning. These programs are a mess, and if environmentalists don't clean them up, there's a substantial chance that someone else will along with a lot of collateral damage. If some new fiscal conservative began railing against a program with a 248-year pay-back, I can't offer defense, because there is none. The worst part of this mess is that the city regulatry staff do not care. I have tried for years to

[12:23:12 PM]

document evidence and it does not matter. If Austin energy's legitimate award-winning clean energy programs get attacked, which have been responsible for some of the lowest residential bills in ERCOT, regulatory staff still gets their salaries, still gets their pensions, I am appealing directly to you, council.

[ Buzzer sounding ] Fix this mess before somebody else does. Thank you.

>> Mayor Adler: Thank you.

>> That concludes all the speakers.

>> Renteria: All right. Thank you. Anyone else here? Thank you. Colleagues, it is 12:25, let's take a lunch break 'til 1:30. At 1:30 we'll come back here and see if we can take care of some stuff before we call speakers

[12:24:12 PM]

at 2:00 for zoning consent. Looking to me like the pulled items that we still have the rest of our day is items 9, 22, 38, and 52. Those are the pulled items. And then we have the zoning. And associated with -- associated with 71 on zoning will be the public hearing on item number 96. They will be called up --

>> Chair, mayor pro tem, Harper Madison here.

>> Mayor Adler: Yes.

>> Y'all probably noticed, I'm harrral. Horizontal. I'm here. I have an injury, so thank you for your patience.

>> Thank you. The first thing we're going to take up when we come back on zoning -- when we get to zoning is the postponement discussion question. We'll take one speaker on each side on that postponement discussion question. We'll take that up first so we can see whether or not it gets postponed. If it gets postponed, then we won't hear from other speakers on that one issue.

[12:25:14 PM]

And we'll pursue with others. I'm sorry, go ahead. The postponement discussion is item 73 and 74. Okay. All right, with that, then, at 12:25, we're going to be in recess until 1:30.

[1:41:47 PM]

>> Mayor Adler: All right. I think we have a quorum present, so I'm going to reconvene the Austin city council meeting here. The time is 1:41. Let's go ahead and start with the items that have been pulled.

There's a direction that I've handed out on item number 52 that I understand is okay with the author, and also okay I think with councilmember Ellis that was asking for a postponement earlier. So I want to read that, with that addition to that direction, maybe something that would happen quickly. So, we have people that are working their way back. Let's do items 38 and -- that was pulled, 22 and 38.

[1:42:48 PM]

Let's start there. Councilmember Kelly, you pulled item number 22, do you want to start with that?

>> Kelly: Yes, both of these items are similar to one another. They both have to do with the contract with the interment. And we heard from a speaker earlier today who had photos of some pretty interesting possibly possible violations of the contract. I wanted to ask staff a few followup questions, if they're available?

>> Mayor Adler: And they're here.

>> Kelly: Okay. So my first question, who provides oversight of those contracts in order to ensure compliance?

>> Councilmembers, this is Kimberly Mcneely from the parks and recreation department. Are you able to hear me?

>> Kelly: Yes.

>> The answer to the question is that our cemetery management, our team provides that oversight, specifically our cemetery program manager, whose name is Tanya Davis. And in order to ensure that the

[1:43:49 PM]

contractor is performing their duties and responsibilities, we actually have a check sheet with each interment. We're able to go through and mark off a particular part of -- to review the actual work that's been done and check off each item that is required for that particular entity to be in compliance with the terms of the contract. If council would like to see a copy of that check sheet, we certainly could send that over.

>> Kelly: I would appreciate seeing a copy. And then my next question is I'd like to know how any violations might be able to be reported in case the oversight is not present or the check sheet is not completed. Is there a way for the public to reach out about that?

>> Absolutely. The public can always have the opportunity to email our cemetery team. They can email me, which some community members have taken that upon themselves to do. And, of course, in every contract from is an opportunity for the contractor to cure the

[1:44:52 PM]

violation and then for us to work through how to make sure those violations are not continued and that we have -- we are receiving the services as they are outlined in the contract.

>> Kelly: Okay. Have there ever been any violations that have been reported? That the city has had to act on? I'm just curious as to what our recourse is as a city for potential violations and how that might work in concert with the contract.

>> Sure. I'm going to ask Tanja Davis, our cemetery manager, to answer that question, because she's more intimately involved in the contract management.

>> Hello. I'm Tanja, cemetery manager. And yes, once we fill out that sheet, if there's any violations, we are in direct contact with the contract manager, which is Mr. Bagwell. And we have not had any reports that we've had to move up to

[1:45:52 PM]

pard contract, but we do an evaluation every quarter on the actual contract. So we have not had any major violations where we've had to take it outside of our division.

>> Kelly: Okay. That's all my questions. Thank you.

>> Mayor Adler: Okay. Is there a motion, then, to approve this item 22? Councilmember pool makes the motion, second. Councilmember Ellis seconds. Discussion? Those in favor, please raise your hand. Those opposed? It is unanimous on the dais with -- who are we missing, councilmember Fuentes. Councilmember Fuentes we're missing. The others voting aye. It passes. What about item number 38, did you pull that, councilmember Kelly?

>> Kelly: Just the same line of questioning.

[1:46:52 PM]

We can make a motion to vote.

>> Mayor Adler: Okay. Is there a motion to approve item number 38? Councilmember pool makes the motion seconded by councilmember Ellis. Discussion? Mayor pro tem, are you voting? All right. Those in favor, please raise your hand. I think it's everybody on the dais, again with councilmember Fuentes off, the others voting aye. All right. Next pulled item I think here would be --

>> Item 9.

>> Mayor Adler: Item number 9 pulled by councilmember alter.

>> Alter: Thank you. So I have just circulated a direction to go with item 9. I pulled item 9 not because I had any particular concerns about this item and the investments that we'll be making in our core and cultural heritage contractors through a mechanism that the arts

[1:47:52 PM]

commission has put forward, which takes into consideration other funding that these organizations have received, but because I wanted to make sure that we had a path forward to achieve the recommendations that the arts commission had suggested would be the best steps we could take to address the needs of the arts community in the short run during covid. And in looking at the rca and understanding the different pieces looking back at the arts commission's recommendations, there's a gap of \$500,000 beyond this arpa funding. And so I have direction that I would like to put forward which would allow us to take a vote in December that would allow us to fulfill what has been requested by the arts commission to meet the needs in the community. So I'm going to read the direction. It's been circulated to all of you. There's one that I'm missing that I'm going to read into my version, which will be the version that gets posted.

[1:48:53 PM]

So on August 19th, 2021, the arts commission recommended the use of a one-time \$500,000 infusion from reserves to increase the funding for the Austin arts and cultural nonprofit relief grant in order to serve an initial 25 grant applicants. Whereas the stabilization reserves have been used to support the fund in fiscal year '22, the city manager is directed to prepare an item on the December 9th agenda to amend the cultural arts fund to appropriate \$500,000 for the nonprofit relief grant to serve 25 additional applicants. These funds should come from the budget stabilization reserves funded portion of the cultural arts fund. The city manager is further directed to prepare a budget amendment to reimburse the cultural arts fund with \$500,000 from the budget stabilization reserve fund by March 31st, 2022. The city manager is directed to act with expediency to ensure arts and culture nonprofit relief grant recipients receive funds as quickly as possible,

[1:49:55 PM]

ideally by December 31st, 2021.

>> Mayor Adler: There's a motion to add --

>> Alter: I think it's direction, because of the language. And it's going to be coming back as an item to us in December and we'll vote on it.

>> Mayor Adler: There's a motion to add this direction to this item. Is there a second to this motion? Councilmember pool makes it. Can you help me understand it better? I'm confused now. I'm trying to go back to -- my recollection was, is that -- and you correct me, because I'm trying to recreate in my head here -- we had a certain level of funding that we had done in the past. We weren't able to do it this year. And the question was did we kind of advance the money to be able to fill the gaps. And we decided during the budget session that we would kind of do half way. We would go half way to fill the gap, but not the full way until we saw what was happening in the

[1:50:56 PM]

funding to see if we could make it through the year bringing everybody back up to where they were, or whether there was less that people would get but still more than what was originally offered. Does this impact any of that? How does this relate to that?

>> Alter: So, the item itself is dealing with arpa money. And it is going to the contractors who traditionally get money from that. And it's saying we're trying to do as best by those contractors as we can, but we want to take into consideration who got money and who didn't get hundred, because -- and how much money they got and how big the organization is. And that was what the arts commission put forward and said was the best use of our funds from the arpa. So that's coming from the \$6 million that we set aside for the arts in arpa. There is another pot of money which is our H.O.T. Money, in the cultural arts funding.

[1:51:56 PM]

In the budget, city manager put in \$4.8 million from the budget stabilization reserve fund to go along with the anticipated H.O.P. Money that would then by some process get out to folks. That process has not been fully determined. So that money is still there. What I'm essentially trying to do is take \$500,000 from reserves and put it in to pay for the nonprofit arts relief grants to get every organization funded, given that they are also taking \$420,000 of arpa and adding it to that, which I think is probably coming to us in December, or already came to us, I'm not sure. But I can't do that directly because of our financial policy which doesn't let us tap into the reserves willy-nilly. It wants us to do it at particular times of the year, but we still want to get the money out by the end of

[1:52:57 PM]

December.

>> Mayor Adler: Is this a way to advance the money we've already talked about giving out, or --

>> Alter: This is an additional \$500,000 but it is money that we talked about during budget that we said go to the arts commission. We identified that there was probably \$500,000 that we were comfortable spending on arts, but we said go to the arts commission and get their recommendation of how they would spend it, but we didn't make a budget amendment for that money, so that money just was put into reserves.

>> Mayor Adler: I'm trying to figure out --

>> Alter: It's confusing. I'm happy to answer any questions.

>> Mayor Adler: I'm trying to understand. Did we already earmark this \$500,000 to go to this purpose, or are we taking money out of the general assembly that had yet to be allocated?

>> Alter: The answer is both, because we talked very clearly at budget that there was probably another \$500,000 that we could use from the amount

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that we put aside because we found the other \$4 million that we put into reserves. And we said why don't we do that in arts. And everyone seemed to agree to it but then we didn't have a plan for it so we said, go to the arts commission. It was not registered as a budget amendment so it didn't get moved over to the cultural arts fund. But I think at the time, it seemed to be the will of the council that we wanted to use that for arts. We just wanted to get the advice of the arts commission on how to spend it.

>> Mayor Adler: Okay. Thank you.

>> Alter: So that is -- it is not the most straightforward solution but I am trying to be very mindful of our budget office desire to follow certain practices with respect to our reserve funds, which is chair of audit and finance, I think are important. And this was a mechanism that we figured out that we could do. The decision on how to use the

[1:54:59 PM]

H.O.P. Funds will still have to be made, and how to use that pot of money that was set aside for that. But that is a separate conversation that we're not trying to jump-start. But we have an opportunity with the nonprofit art grant relief stuff that -- to be able to fund every organization that was eligible and qualified to get their \$20,000 through that between this \$500,000 and the \$420,000 that's coming from arpa plus the portion from arpa that covers the fees for that. We also had put in a million dollars in our budget that we passed that was additional beyond the arpa, so that gets every one of the nonprofit organizations that applied that was qualified, gets them that money to help them through this period, which has been challenging for them.

>> Mayor Adler: Okay. Further discussion on this item?

>> Alter: All these items have to come back for other votes,

[1:56:00 PM]

so.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: Thank you. I guess my question is related to the H.O.P. Funding and how the funding, I guess, if staff could share with us how our H.O.T. Funding has been looking like these last few months. Part of the conversations we had during the budget deliberations, there were concerns about moving money from the reserves to help fill our cultural arts funding, given that we are still in uncertain times when it comes to our H.O.T. Funding. So I'm curious if staff could share more about what the outlook is like right now.

>> Good afternoon, economic development department, director. We are still in the midst of posting our receipts through October, but preliminary they are looking good, but I cannot

[1:57:01 PM]

articulate the specific number until all the cash receipts have been posted, and we're working on that.

>> Fuentes: So, thank you, director holt-raab. With this item direction, can you share with us your thoughts on what councilmember alter is bringing forward and how that would impact -- it seems to be in alignment with what the commission is recommending.

>> It is in alignment with the will of the arts commission, and as articulated before, this will completely fund 218 nonprofit arts organizations, as well as providing funding for arpa to our current cultural contractors as specified in the rca. There's certain requirements that if you receive funding you may not get as much, but the arts community, as you know, took a big hit and they are definitely in need. And we are prepared to expedite payment to these organizations

[1:58:03 PM]

so that they will receive payment before the end of the year.

>> Fuentes: Okay. Thank you.

>> Mayor

>> Mayor Adler: My understanding is, director, that staff is okay with this, other than the irregularity of doing a budget amendment out of time or that this is consistent with what was your overall strategy with respect to funding arts organizations.

>> Yes. We've been in conversation with interim budget officer Carey Lange and we are in agreement with this process.

>> Mayor Adler: Thank you. Any further discussion? All right. Councilmember alter moves passage of this item together with the direction. Is there a second to that? Councilmember Fuentes seconds that.

>> Alter: Councilmember pool already seconded

[1:59:03 PM]

before, but they can both second.

>> Mayor Adler: Okay. List them both as seconding it. List councilmember Fuentes as seconding T let's take a vote. Those in favor please raise your hand --

>> Tovo: Mayor, I had -- I can make the point after we vote.

>> Mayor Adler: Raise your hand in favor. It is the unanimous dais. It passes. Councilmember tovo.

>> Tovo: I just want to highlight that there are some other needs that we discussed during the American rescue plan and investment, talking about our investment strategy. There are some other areas that we were not able to fund as vigorously as we need to. This is certainly one that we had identified. Another one, though, is the work that we're doing toward food access and resiliency. So especially in light of the conversations we've had over the last couple of weeks about the need to really be better prepared for the next disaster, I wanted to say that the money we include from the arpa funds is a great start,

[2:00:03 PM]

however if we want to get out those kinds of preparedness materials to a wider range of just manner a handful of -- [background noise].

-- We'll have to identify some additional funding. So manager, as you're looking at additional fund that we didn't anticipate in the budget stabilization reserve or in other pockets, I think that is -- I would regard that as one of our very highest priorities.

>> Mayor Adler: Okay. That item passed. That gets us then I think to item number 52. Councilmember kitchen. Why don't you go first and then I'll introduce this.

>> Kitchen: Okay. Colleagues, item number 52 is, as you know, the purpose of it is to provide an

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additional option for affordability building off a successful program that we have now, our vmu program. So it's very narrowly focused. And it's focused on allowing an option to -- for 90 feet on V for -- in exchange for affordability. It does not set that affordability level. The intent is that it would be at least 10% and expectation is it would be higher than 10%, but we're asking staff to come back with what that percentage would be. But the intent is that it would be higher than 10%. So v1 would be maintained at 10% and then v2 would be at some level higher than that. So that's the focus. Really it's in response to other cases I had in my district and other cases where we had limitation on

[2:02:08 PM]

the ability to attach V to 90 feet along major transit corridors. So it gives us the option of doing that. It is not going to solve all issues around affordability and it's not intended to. It's intended to be one piece of the range of options that we'll be talking about and have already begun talking about. So that's the focus of it. The other thing I wanted to mention is that the reason for going -- one of the reasons for going ahead and moving forward is so this item can catch up with an item that's under discussion right now with the planning commission. The planning commission initiated a process of looking at v1, the existing vmu, that will be coming to commission in September. To passing this now will let this option of an additional height for a vmu 2 also be considered by planning

[2:03:08 PM]

commission at the same time so it will catch up this idea with the ideas they have already been discussing so they can all come back to us in January of next year. And mayor, I need to note there is a mistake in our version that it is coming back January 1st. The intent is January 31st. So the incident tent was to have it catch up with that item with PC in December and then come back to us.

>> Mayor Adler: Any objection to moving January 1st to January 31st? Hearing and seeing none, that change is made. Councilmember Ellis, you had earlier discussed a desire for postponement. Do you want me to discuss that first or would you like to discuss it first?

>> Ellis: I know the sponsors and co-sponsors

[2:04:09 PM]

worked very hard on this and I appreciate the creativity of doing a vmu 2. I did want a little more time because we are in two weeks going to be discussing some housing conversations among us so I thought maybe it was more effective to do them together but it isn't seem like that was the will of the dais at that point in time. So I certainly appreciate the direction that you've passed out as well because callation was something I had been thinking about. I know people had been working hard on this. It didn't seem like there was necessarily too much for postponement. I appreciate everyone trying to work through these items.

>> Mayor Adler: Okay, thank you. Councilmember kitchen?

>> Kitchen: Can I speak to that real quickly.

>> Mayor Adler: Okay.

>> Kitchen: Yes. I want to reassure councilmember Ellis that this will all be coming back to us for further conversation because this is only initiating the process so there's a conversation with the public and us again that has to come back to us before we actually adopt any change.

>> Mayor Adler: And I

[2:05:12 PM]

appreciate everybody's work on this. I'm going to move passage of the direction that's been handed out on the dais. If there's a second to that then I'll address it. Is there a second to that direction? Councilmember Ellis seconds it. And I appreciate, councilmember kitchen, your willingness to take this direction. It does not change anything in your resolution. Your resolution still moves forward. Obviously we want to maximize the amount of affordability that we can get. We don't know what the percentage is going to be in vmu 2. We certainly know it's going to be higher and how high that needs to be is part of the analysis. And that I understood and I was with you all the way on that when you made the further amendment to change the vmu 1 to change the percentage that go 10 -- I would rather it be 10% or 15 percent if we're going to

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make ha change, except I don't have any basis for the 10% or 15%. We know some people are bringing us projects at 10%, but I don't know if at 15 we would get the same projects and I don't know how many projects we're not getting because they can't meet 10%. We just don't know. So you will be going through, manager, a calibration process on the vmu 2 process, but also do it on vmu 1, we talked about calibrating lots of different things and I want to make sure we're doing this opportunity do that both. It's something I would ask for in q&a regardless. It doesn't change anything, but just asks for additional data for us and I think that would be good for us and the community to have. Councilmember kitchen and then councilmember tovo.

>> Tovo: So I understand the intent of this and city manager I'm understanding the intent of this is not to slow down this process because this process is designed to catch up with

[2:07:14 PM]

the planning commission in December. So we've talked to staff about that, talked to folks at the planning commission also. So I just want to make sure that that's the understanding. I see you saying yes, right, city manager?

>> Yes, that's correct.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Mayor, thank you. I need to ask for some clarification from you about one of your last points, but I would suggest an edit to this that I think is more in keeping with the intent of what I understand to be the intent of the original resolution and the conversation that follows. So I would suggest that after vmu 1 we change the language to say to achieve the maximum number of affordable units, but no less than 10 percent. I think what -- I would feel more comfortable with actually defining what we mean by affordability here and since we're talking about achieving what I believe we're talking about

[2:08:14 PM]

is achieving the maximum number of affordable units and I would not want us to see -- I would not want to be starting a process that results in less than 10% since that's what the program currently has. So that's my suggestion added to yours -- to your amendment.

>> Mayor Adler: The concern I have with doing that is whatever percentage we set, if with means Ta we're only getting 10% or 15% or 20% of the affordable units that we could get in the city, if we set the percentage at a different place, I want to make sure that we're maximizing the number of affordable units we get in the city. And I don't know what that percentage is and probably each time there's a calibration effort that goes, it's going to tell us. We had talked at one point and I hope we get to the place where we're calibrating on a yearly basis or some regular basis again to make sure that

[2:09:16 PM]

we're getting just absolutely the maximum number of units we can possibly get. I know that I look at Rainey street, for example, and I wish we had more affordable housing units there. And I'm not sure we calibrated that quite right. I just want to make sure that we do. I'm just asking for data at this point. And

if during the calibration process the staff comes back and says in this part of town you should run it at 25% around these circumstances it should be somewhere else. I would want that data and information.

>> Tovo: Okay, so --

>> Mayor Adler: That doesn't change councilmember kitchen's motion at all.

>> Tovo: So the data, though, that you're requesting is about achieving the maximum number of affordable units? Can we agree on that language at least?

>> Yes, yes.

>> Tovo: Okay. And then I think the other question is then what you would like to see is

[2:10:17 PM]

analysis of -- it sounds to me then like you were interested in information and that's one thing, but are you also suggesting that in looking at this program in your mind it might be at lower percentage than 10%. Because that to me would be a step backward and not a step forward. And I know vmu is one of the most successful, if not the most successful other than U.N.O. And actually building affordable units on-site. I don't want to see us walking back our percentage on this and as a co-sponsor of this I'm really interested in seeing us extend the benefits of the program, not walk them back.

>> Mayor Adler: I think we're all on the same page. We want to this get as much as we can. The reason I had level as opposed to number is because there are two different variables there. There's the total number of units. Is it five percent,

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10 percent, 15%, 40 percent of the project. And then there's the depth of affordability. Is it under 80%, 60%, 40%? And those are trade-offs. If I want to set it at under 40% I'm not going to get the same number of units than if the requirement is at 80%. I'll get more units, but I won't get the depth of affordability that I would get if I said let's maximize the number of 40% units. So this data I'm asking for doesn't set a parameter, it just says come back to us with the analysis about levels. And I agree vmu is one of the most effective things that we do and I want to make sure that it's maximizing the level of affordability that we can get. I don't know if we'd get five times as much affordable units in the city if we went to nine percent as opposed to 10 percent, but if we could get five or 10 times as many affordable

[2:12:18 PM]

units if we did that, I would like for us to at least be able to discuss that, but we can't discuss any of that if we don't have the information for that, and that's all I'm asking for here. Councilmember Kelly I think was next.

>> Kelly: So are we strictly talking about your your -- your direction now?

>> Mayor Adler: Yes.

>> Kelly: After that I would like to discuss a possible motion sheet I would like to bring forward.

>> Mayor Adler: I'll make sure we do that. Councilmember Ellis.

>> Ellis: Thank you. I agree with what you're saying because I would hope that staff knows it's clear that we obviously want the highest level that will work for these projects, but we want to be clear that when we go through zoning cases and stereotypes people may not build as much or any affordable units if we don't get the calibration right. I think that's where council's intent is pretty clear, but I also want to have the data come back very straightforward so that we can make that policy

[2:13:18 PM]

decision together, what that number is. I think we all want it to be as high as it can be without people building the housing that is needed.

>> Mayor Adler: Councilmember pool.

>> Pool: I'm looking at -- is version 3 the one that we're talking about?

>> Yes.

>> Pool: If you look at page 3 of 4 at the top of the became it has 10% of the residential units -- the top of the page it has 10% of the residential units. For occupancy of households at no more than 80% of the mfi and then I think don't you, councilmember kitchen, have another -- yes, down a little bit further down under b1 it also says 10% for mfi at 60%. So I think, mayor, to your point about the levels of affordability, we do have that baked in here already. And -- but we are saying that no matter what, we want to have at least 10% in both of those categories.

[2:14:18 PM]

And maybe the maker of the motion can -- and that item can speak to that. She has her hand up.

>> Mayor Adler: Well, we'll go to her in a second. I'm not changing anything about --

>> Pool: I think what I'm saying is we have what you're looking for already in the text of the item.

>> Mayor Adler: But the direction or the concern --

>> Pool: We've identified the levels of mfi in the text of the item of the resolution and the percentage is tied to it.

>> Mayor Adler: Right.

>> Pool: You're saying that part of the calibration needs to be, well, what should it be in setting the appropriate percentage of vmu 2, and we are trying to be parallel with the vmu 1 according to my reading on page 3, small letter l and further down item number 1.

>> Mayor Adler: And to be clear this does not change what staff is being directed to come back to us with. Staff is being directed to

[2:15:19 PM]

come back to us with an ordinance that does exactly what councilmember kitchen's motion does.

>> Pool: Right. We just don't want to confuse anything.

>> Mayor Adler: Apart from that I just want a calibration study to be done on these issues so that we have that information and data. I mean, if we can get 10 times as many affordable units at 60% if we did nine percent as opposed to ten percent, but it will -- 10 percent, but it will result in our city getting 10 times as many units, I would like to know that. Or if we can't tell I'd like to know that. All I'm doing is just asking for information. Which I would do regardless of this direction, but I think the direction just makes -- announces to the public that that's information that will be sought.

>> And I agree with you that this kind of work would be done by our staff anyway so it could be that your direction is simply restating what analysis would take place anyway.

>> Mayor Adler: Thank you. Councilmember kitchen?

>> Kitchen: I just want to

[2:16:20 PM]

clarify that your direction is not initiating an ordinance change, correct.

>> Mayor Adler: Correct.

>> Kitchen: And it is not changing what we are initiating -- because you're speaking to vmu 1, not vmu 2, correct?

>> Mayor Adler: Correct.

>> Kitchen: In the data that you want? >>

>> Mayor Adler:.

>> Kitchen: And you're not initiating an ordinance change to vmu 1, right?

>> Mayor Adler: Correct, nor am I asking for a change to the ordinance in vmu change that you are initiating.

>> Kitchen: Right. Okay. So I just want to clarify again because you say as part of and I want to make sure that the staff doesn't read this as saying they have to do this analysis and bring you back the data before we proceed with this initiation of the ordinance change.

>> Mayor Adler: I had assumed when they calculate the percentage to be determined that they're going to have to do some kind of calibration process.

>> Kitchen: Yeah, I just don't know if what you're asking broadens the scope so

[2:17:20 PM]

much that it would take them longer. That's what I don't know.

>> Mayor Adler: Okay. Yes, staff.

>> Good afternoon, Rosie truelove, director of the housing an planning department. I think if we did have to run the calibration as merit is requesting it would probably extend our timeline. So what I would propose maybe is that we maintain the path that has been laid out in the resolution with the revised respond back by date and look at a longer timeline to achieve what the mayor is asking for.

>> Kitchen: Mayor, that would work for me.

>> Mayor Adler: Let's take a look at this then because then I may want to split the vmu 2 change that we've been looking at plus this other change, so let me see whether -- and we can talk about the other change to vmu 1 on November 30th, but move forward with the change to vmu 2 as you had originally proposed. Can we do that?

[2:18:21 PM]

That might give us more time to figure out how to do this?

>> Yeah. I think you should remember that there's already been a code change initiated that's at PC right now on vmu 1 and that will be coming back to us inaway also. So they've already started that process. And the planning commission initiated that code amendment. So I was just aligning with that, but it doesn't have to be in here. We can revert to the original language if there's a concern for you right now and we'll just deal with vmu 1 when that comes to us from the planning commission.

>> Mayor Adler: Or we can move forward again with the additional two weeks to be able to ask questions about this and it could be on January 30th--

>> Kitchen: I don't want to postpone this.

>> Mayor Adler: I'm saying move forward with your original resolution with respect to vmu 2 --

>> Kitchen: I got you.

>> Mayor Adler: Let's not make the changes with respect to vmu 1. Let's talk about those on November 30th because we could decide as a group let's go forward with that.

[2:19:21 PM]

It's just new enough. I'm with you 100% on the vmu 2, I just have a question about the calibration of vmu 1.

>> Kitchen: Gotcha. The thing is the planning commission has been working very hard on what they're doing with vmu 1. I don't think we should intercede until they bring us what they're going to bring us on vmu 1. So I think you could ask for data now like you're asking for and then that data with the timeline that Rosie is talking to us, that might come to us later in January so you would have it to review if you wanted to at the same time we're reviewing what the planning commission is bringing us.

>> Mayor Adler: And that would work with me too. So if we could just do then your original motion without the vmu one changes let's not slow down the planning commission's work but stuff as you're doing the calibration can you have that data back? At some point we'll get the recommendation from the planning commission, those will be the same questions

[2:20:22 PM]

I'll be asking then. So if we could be getting that data in the meantime so that we're able to actually act the very first time we get this from planning commission, that will be helpful. Does that work?

>> Alter: Mayor, can you provide some clarity on what you mean by the vmu 1 piece? Because we're creating vmu 2 and vmu 1 is there as like don't go lower than vmu 1. I'm not sure what we changed on vmu 1. This being the third version.

>> Kitchen: Do you want me to explain what it is.

>> Mayor Adler: Go from 10 to five to 60 --

>> Kitchen: The 60 is already there. It's the 10 to five --

>> Mayor Adler: The 10 it on five.

>> Kitchen: Let me explain and I apologize for the confusion on it. If you look at version three, page -- if you look at version three, page three, where there's a crossout of five percent to

[2:21:23 PM]

10, we did that because we're picking up what's coming to us from the planning commission but what it says in code right now with regard to vmu 1 is the five percent. And you see right under it the crossed out part, in addition five percent for the nine years, that's an existing code. So if you -- if we just change that 10 back to five at the top of page 3, then that's all we need to change in this version 3 to take it back to existing code for vmu 1.

>> Mayor Adler: We would also have to put in theist I section.

>> Kitchen: You don't have to put it in. As long as we're -- I see what you meanment you're right, you're right. We would have to take the crossout out of that.

>> Mayor Adler: And to be clear, I hope to be able to support at least this and more as it comes back from the planning commission. I just want us to have data where we make those kind of changes, that's all. All right. So what I think

[2:22:24 PM]

councilmember kitchen is okay with at this point is let's make the changes in this that relate to vmu 2, let's keep the language as to vmu 1 the same as existing code. Let's talk about this on November 30th. Staff, manager, if you could do that math analysis so, Rosie, when it comes back to the planning commission in January, hopefully you can have data for us to look at. Are people okay with making that change? Councilmember alter?

>> Alter: Okay. So this is just changing it with respect to the ownership piece?

>> Kitchen: Right, it's only ownership.

>> Mayor Adler: And that's because 60% is the existing code language.

>> Kitchen: Right.

>> Mayor Adler: So what we see down in the blue. What is existing code with respect to what is in blue on v1?

[2:23:25 PM]

>> Kitchen: With respect to rental?

>> Mayor Adler: Yes.

>> Kitchen: It's 60 to 80, I think. I don't remember exactly what it says, but the V now is set at 60 for rental.

>> Mayor Adler: So what is the 80% that's crossed out?

>> Kitchen: So when V was established the neighborhoods could choose to set it at 60 or 80 and they set it at 60 so that's why we captured what's on V tracts right now, which is 60.

>> Mayor Adler: That's what code says right now. Code says 60 to 80 --

>> Kitchen: I think so.

>> Mayor Adler: So what I was hoping was, without having to -- because we don't have it in front of us, is we're going to make changes with respect to vmu 2 that add percentage to be determined to vmu 2, but as concerns vmu 1 we're going to keep existing language as it appears in the code now.

>> Kitchen: Right.

>> Mayor Adler: I don't know what pieces need to be

[2:24:28 PM]

moved for that, councilmember alter, but whatever it is pertains to vmu 1 is what we'll be doing, subject to us having discussion on this on November 30th and subject to the planning commission bringing something back. Councilmember alter.

>> Alter: All of that, but when they do the analysis for vmu 2 it's clear that you could do better on vmu 1, how much do you think it would surface that.

>> Mayor Adler: Yes, we know it's coming now and we want to be maximizing affordability in the city.

>> Alter: I think we're in agreement.

>> Mayor Adler: My sense is we're in agreement on the dais on this. Councilmember tovo.

>> Tovo: I think where I'm getting confused is that rental currently within the existing vmu rental is currently at 10%.

>> Kitchen: We're not talking about that, but the ownership part of it. At the top where it talks about ownership --

>> Tovo: Gotcha.

>> Kitchen: It's still 10.

[2:25:29 PM]

Right now it says five at 80 and five at 100. So we're reverting back to the language as it is now, which is five at 80 and five at 100.

>> Tovo: Okay, I'm just looking down at the -- but we are going to retain the changes to 60 in v1, correct?

>> Mayor Adler: No, whatever existing --

>> Tovo: Well, the existing code already does allow for it to be 60.

>> Mayor Adler: You if the existing code says 60 percent we'll use that. If the existing code says 80%. If it says 60 to 80% we'll use that. We're not going to make changes to existing code. Whatever it is that exists in code we're not going to change it here with this except as to vnu 2 and those are the changes that have been added by councilmember kitchen.

>> Tovo: Okay. I don't completely understand -- mayor, I think I understand your rationale for keeping it at existing

[2:26:29 PM]

code. I would say with regard to the 60 or 80 with rental, the existing code already allows for groups to go down to 60%. And so I think we've already done the calibration to suggest that that's viable, right? So some neighborhoods are at 60, some neighborhood opted in at 80, but the existing code allowed for either one and the rationale and the basis for setting those percentages allowed for it to go to 60. So I would say that in that case with regard to the 60, I think --

>> Mayor Adler: But doesn't it also allow to go for 80 and in some neighborhoods they've elected to go to 80?

>> Tovo: Yeah, but what I was saying was it's not -- I think you were saying we needed a fuller conversation about calibration with regard to v1. My point is that kind of work and thought happened before 60 and 80 were set, right?

>> Mayor Adler: But I thought you said some neighborhoods have chosen to go to 80.

[2:27:30 PM]

>> Tovo: Yes, they have, but they --

>> Mayor Adler: I don't want to preclude by the change here somebody going to 80 as can currently allowed under our ordinances.

>> Tovo: Okay. I guess I'm just disagreeing. I'm saying that since the original question posed to neighborhoods was 60 or 80 and there was a viable basis for that lower number, and many

neighborhoods opted into that lower number and some that opted into a higher number have actually said they wished they had opted into a lower number, but don't have ability to do that because it wasn't set, I think at this point I feel really comfortable making that policy change. I don't think we need that direction to make that policy change and come back to us with that option at 60 -- not that option, that requirement at 60, not any longer at 80. And the work that -- I don't feel like we need more study on that point because the

[2:28:32 PM]

study already happened prior to the vmu process. So I think there's a real rational basis for saying at this point let's use the planning commission's conversation, let's use the substantial history that we already have with vmu in this community and the fact that many neighborhoods pick 60 and it's gone well at 60. Let's just make it 60 for everybody.

>> Mayor Adler: I hear that. I'm just uncomfortable doing that. There was no notice for that. What we were noticed on, what was posted with the public comment on was the changes to vmu 2. So I appreciate councilmember kitchen allowing us to hold off on any changes to the code related to the vmu agreement.

>> Kitchen: That means that language would say 60 to 80 is what it would say to reflect the current code.

>> Mayor Adler: But that is not to say, councilmember tovo, that I won't support going to 60%. I just want us to have some time in moment to discuss that and ultimately to see if there's more work to be donement so without objection we'll consider the

[2:29:32 PM]

base motion to be the changes to vmu 2. Any further discussion or amendments?

>> Kitchen: Yeah, just for clarity for law, I hope this is not incredibly confusing, but we're only talking about to page 3 here. You got it?

>> Mayor Adler: Councilmember Kelly.

>> Kelly: I would like to bring forth a motion sheet with two possible amendments to the resolution. In the top part here the first motion, I think it would be helpful for us to clarify where the types of developments have been developed, which would provide the to public and developers more clearance on structures on how to approach future developments. I like the idea of a map so we can visually see where the developments might go with the future growth of the city. And I want to help create clarification between the differences between vmu 1 and vmu 2 for both staff and those building in Austin in the future. And then the bottom part where I have the change of the date to March 1st,

[2:30:34 PM]

2022 instead of January, is because I no during the holiday season that our commissions don't meet as often or people may have other commitments and that would allow time for additional input. Would you like for me to read it into the record? Or is this -- could I have it?

>> Mayor Adler: Why don't you go ahead and read it because the public have -- have you given it to the clerk?

>> Kelly: This has been sent to Casey in the agenda office but I don't know if it's been sent out read.

>> Mayor Adler: Why don't you read it into the record.

>> I move that lines 83 through 88 on page 4 be amended to read the city manager shall calibrate an affordable unit percentage level for vmu 2 for consideration during the code amendment process. The calibration shall include considerations of cost differences between vmu 1, vmu 2 and mf6. Cost considerations to include the costs to build affordable housing units, differences in building costs and the effective costs of compatibility and

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other code requirements. Staff shall add a happen of locations where vmu 2 can be considered based on asmp corridor levels thee, four and five, as well as a transit priority street network except as specified in this resolution. And then I move that lines 101 and 102 on page 4 are amended to read the city manager shall bring these code amendments for council consideration by March 1st, 2022.

>> Mayor Adler: Okay. Is there a second to this amendment? Councilmember Ellis seconds it. We're going to give councilmember Kelly the first chance to argue for her amendment.

>> Kelly: I just really feel that this would help us clarify where these types of developments will have to be built. The resolution this morning was amended and brought back forward E I don't think it allowed really for a lot of community conversation to happen around it. And I've heard from constituents throughout the day who felt like they didn't have a lot of time to

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add in or give back feedback on how this could further the developments in our community and so by bringing forward this motion sheet I'm hopeful that we could include some of those suggestions.

>> Mayor?

>> Mayor Adler: Yes, councilmember kitchen and then councilmember pool.

>> Kitchen: I can speak to these two separately. I cannot accept either one of them and I'll explain why. The second one doesn't match the timeline. What we're trying to do, bringing this code amendment back by March 2022, about bringing vmu 2 back at that time misses the window of catching up this conversation with the conversation about vmu 1 that is already happening at planning commission. It makes no sense to separate them that way and so all we're talking about here is adding the option for height to 90 feet and it has to come back to us. It will go through the

[2:33:37 PM]

discussion process at the planning commission. So I just can't accept the change to March. That's too late. We need to get, working on this. The second one I'm trying to understand exactly, first off, I'm not quite sure -- to me it sounds like you're asking for information, which is more aligned with what the mayor is doing, asking for information, I would not put this into -- it's really going beyond the scope. I'm trying to understand what you're doing here. You're suggesting that -- you're putting a lot of parameters on calibrating, on setting 10% versus some higher percentage. I think if you'd like to do some kind of direction we can talk about that. But I don't think that's appropriate in the document. It's also something that staff will go through their process and consider what's

[2:34:37 PM]

appropriate for them in the process. I don't want to add this other -- these other details and I would rather you be thinking in terms of direction for data along the lines of what the mayor did. So I can't accept it either.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I can't support what you're offering here, councilmember Kelly. It looks to me like a really massive assignment to staff actually that would take considerable effort. If staff weren't already working on a lot of other things they might have the time and resources to put towards this. I'm not sure how this forwards the efforts that we're attempting to make with affordability. In fact, it strikes me that in fact this may be intended to slow down our offering of affordable housing units and that deeply concerns me.

[2:35:38 PM]

So I cannot support this at all, not even as direction.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I think the points in this amendment are well taken. I see both the benefit of streamlining vmu to process with planning commission with the vmu 1 that's already happening. I don't have enough knowledge about if the vmu 1 conversations already had a head start, how they will be able to work through vmu 2 in a much quicker manner before we get back from our December break, but I think the idea of looking at the potential mapping I think could be hugely impactful for people to understand and what to expect and what types of implications might be able to come from this. And I think the calibration, we're all in agreement that it was a good idea. And so I am not sure why there's conflict on it for this particular statement but I think all these points are well taken.

[2:36:45 PM]

>> Mayor Adler: Councilmember Casar.

>> Casar: I'm all for maps. We have them all over the office and they're always very helpful. But I think this given this this would be a zoning in process, I think it will be specific to really specific tracts. Somebody for example just built a vmu building then I think highlighting it on a map that it could be vmu 2 to me -- it may not tell the full story because somebody is not going to go ask for vmu 2 where if someone just builds a vmu building. And then looking at the corridor levels I think that's generally where we would expect, but there are cases where it doesn't map right on. For example, the Windsor park village folks that just came forward to us it happens to be on a village 2 street and that's something that the neighborhood worked on. They thought it was the right place for vmu, but it wouldn't actually fall within the street levels. So again, I think this is something we can work on and talk about as we go through the process, but I'm worried that this kind of map may

[2:37:45 PM]

not actually teach us what I think folks may want to learn from it.

>> Mayor Adler: Councilmember alter and then councilmember Kelly.

>> Alter: So I'm not going to support this as an amendment to this item, there's nothing that precludes us from doing further calibration of bonus programs that could be citywide in some manner. I'm a co-sponsor on this item and why we landed was to try to make this usable with the least amount of rigmarole so that it could be put in motion sooner. We've had a lot of folks coming in for mf-6 zoning offering to do certain amounts of affordability levels. It's just complicated under the systems we have for approaching zoning, so this would be providing a

[2:38:46 PM]

mechanism that could be deployed even without potentially a whole zoning process which makes it easier to get it up on the ground. It is not designed to solve every problem in the code. It is a piece of it that we thought we would have general agreement would be a step in the right direction. I think we're going to have a really complicated set of conversations if our goal is to do everything perfectly and do every piece trying to maximize every little bit we're not going to be able to move forward. And I would rather be able to see us take off the bite size pieces that we could get and get something done instead of not moving forward.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: It looked like councilmember tovo had something she wanted to say. Is it okay if she goes first?

>> Mayor Adler: If you want to pass on it, I will come back to you.

>> Kelly: Yes.

>> Mayor Adler: I'm going to talk then. My sense is that there are

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real good things for us to consider. I think by going back to where we had gone back to, it's very simple and it's just saying hey, with respect to vmu 2 let's create that because we're already missing opportunities we can always go back and fix things later, but we're presently fixing opportunities. So for the same reason I pulled down my direction when councilmember kitchen allowed for that to happen, my suggestion would be because I think that a lot of these things happen during the calibration process anyhow, but I think that's a really good question to talk about on the 30th, how we calibrate and that kind of thing. I think that might be -- I think that the things that you have here would be more appropriate for us to discuss as part of the conversation on the 30th, but now that it's been -- now that we've really focused down on what councilmember kitchen is bringing, I'm okay with moving forward with that as it is. It's really simple. It says let's do this before

[2:40:49 PM]

we lose more than we know we've lost because we have people coming in here with the sf-6 unable to actually really give us the affordability in a way that we could enforce without doing third-party agreements that create all sorts of problems for us. But I do want to come back to these laws at our discussion on November 30th. That's what I would recommend.

>> Kelly: Real quick, I want to say that I appreciate my colleagues for hearing my concerns and my statement. We all know the code is complicated. It's two years older than I am. I do appreciate us talking about this in a forum where we can come together and create solutions. Thanks.

>> Mayor Adler: Are you okay with just bringing this back on the 30th?

>> Kelly: I'm sorry, what was that?

>> Mayor Adler: Are you okay with us --

>> Kelly: Yeah, I think it's dead.

>> Mayor Adler: So it's just down to the base motion. Any discussion on that? Councilmember tovo.

>> Tovo: Yeah, I had some comments on it on the motion that's now -- the amendment that's now been withdrawn,

[2:41:50 PM]

but I'm going to turn them into a more general comment. I think that's a lot we can accomplish with county code amendments and some of the changes that we have broad consensus on across the dais and I'm looking forward to getting those moving. I think this is one of them and I'm excited that councilmember kitchen has brought this forward. I think it creates both an immediate need and one again around those -- around which there's broad consensus. I think there's broad consensus around some of the changes with regard to ads as we've discussed with the item that was put on the message board by councilmember alter and you, mayor, that we've talked lots of times about adding residential to commercial. I would say that I hope we will begin with those places of agreement. What concerns me, councilmember Kelly, about some of the language in yours is that it's tying -- it's again tying some -- what will be regarded as some pretty substantial

[2:42:50 PM]

changes to back to some items -- that mired us with regard to the land development code code. Once we start tying things to transit priority corridors and designations made outside of zoning changes I think we will end up in that same cycle where we are at loggerheads with many members of the community and including the numbers who live in some of those communities that would be changed by these. So I would just really caution us. Let's see how much work we can get done around the points of consensus and I'm glad that we're back to that with regard to this particular provision, this particular resolution.

>> Mayor Adler: Councilmember tovo, I think that's a really good point. I think as intended by most of us and I think most of us have weighed in on the message board. What we'll be trying to find on the 30th are those things that we can get agreement to and we'll try to come up with a good process for us to be able to make sure that that's where we're spending

[2:43:52 PM]

our -- the bulk of our time on when we're together. All right, councilmember kitchen's motion as amended is in front of us now. It's been moved and seconded. Let's take a vote. Those in favor please raise your hand. Those opposed? Mayor pro tem, are you with us voting? And let the record reflect on this one that it passes 10-0 with mayor pro tem off the dais.

>> Kelly: Councilmember Renteria is gone as well.

>> Mayor Adler: And councilmember Renteria. Thank you. So 9-0. All right. Those are all our items except for zoning and the one public hearing. Associated with that. So we want to get to speakers, but before we get to speakers, we're going to first handle the postponement discussion on items 73 and 74, is that correct?

>> Yes, mayor. Jerry rusthoven with the

[2:44:53 PM]

planning department. We do have postponement requests on 73 and 74. 74 for the property at 200 academy. The neighborhood has requested a postponement to January 27th. The applicant disagrees with that and is agreeable to a postponement to December 2nd instead.

>> Mayor Adler: Okay. As is our practice with respect to postponements on zoning cases, we'll have one person speak in favor of it, one person speak against it and we'll hear from two people. I think we've identified someone from the neighborhood to speak and then the applicant to speak. And then we'll take a vote on whether or not to postpone. If it's postponed, then those speakers that are lined up don't need to be with us. If it's not postponed, then obviously you will all be given a chance to speak. Who do we call first? I guess the neighborhood

[2:45:53 PM]

since they initiated the request for postponement. Do we have a speaker? Why don't you come on up. It sounds as if there's an agreement at this point to do a postponement.

>> Yes.

>> Mayor Adler: It sounds as if the real issue is it in December or is it? January.

>> Yes. We want -- we would like more time to inform the naked. I'm Brian Beaty and I've been involved in the Austin music scene since 1979 and I've played in any number of legendary Austin music clubs that no longer exist. I'm a record producer, a singer/song writer and I do side man work. I've produced a number of records at Arlen studios, the recording studio at 200 academy, and I've played at the Austin

opera house and its last iteration. I care deeply about Austin music, Austin history and Austin music history, but I oppose being the opera house

[2:46:53 PM]

back to our neighborhood. So I'm requesting a postponement on items 73 and 74 at 200 academy drive to the January 27th meeting. It's our first request for a postponement in these cases. We think the cases and proposed uses are problematic and threaten to create completely chaos in this small, compact area of our neighborhood with very unique topography. I live directly across academy drive from the only exit and entrance to the proposed venue. The elements of the proposed development are incompatible with both residential and commercial properties in the area, are out of scale with what we believe is suitable for the unusual location of the tract, especially because of its lack of ingress and egress to any main thoroughfares and the constant mini festival size crowds that the opera house might draw. There is an effect on property owners and we want more time to understand

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whether the tia properly addressed the volume of traffic to be expected with a venue of this size and to solicit input from the neighborhood to ensure that all the interested parties have an opportunity to understand the development proposal so we can bring forward any concerns and return to the applicant and council with solutions and counterproposals that can make the development workable at the site. And just the holiday season right now, it's -- [buzzer] It would be very difficult to do that work before the second. It would be impossible for us. The 27th is really what we'd prefer. Thank you.

>> Mayor Adler: Thank you. Councilmember tovo until.

>> Tovo: Mr. Beatty. I just want to zero in on the reasons. As the mayor said, there's agreement, is that accurate, there's agreement on a postponement, just a disagreement about how much time?

>> Yeah, we need.

>> Tovo: Could you try to zero in on the reasons why

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you need that additional time? I understand the second is certainly -- would only give you really a couple of days by the time you factor out Thanksgiving, but there's also the meeting in December. So can you help us understand better the kind of work that you would anticipate being able to do if it's postponed until January?

>> A lot of it is the process of understanding we don't think the tia properly addressed the amount of traffic. So we want to understand that a lot better ourselves. And also a number of people in the neighborhood, although most people know and a surprising number of people don't know about it, and we're still trying to contact some people but because of the holiday season there are a number of people who just don't know about it yet. So we could -- it's possible that we could do it on the 9th, but that would be -- that still would be just the tail end of the holiday

[2:49:56 PM]

thing. And we're making good progress making people aware of, but we still feel like it kind of rushed at this point considering how many questions there are to us.

>> Tovo: And Mr. Beatty, I assume and I see some of our other neighbors here today too. I assume if you are granted this postponement you will be working together and working with the applicant and trying to find a place of agreement?

>> Yes. We want to continue to work with them. We've been meeting with them multiple times and it hasn't -- what we've done -- our only objection is to the venue and the applicant -- there's all sorts of compromises that we feel like we want to make with a are in of residential, -- number of residential that would go there. We would love to have plenty more residential, we think, but the applicant has never made any move on the only thing we object to, which is the venue itself and the size of the venue.

>> Tovo: But I just want

[2:50:56 PM]

to make sure we're not getting into the merits of the casement you and your neighbors are committed to working during that time with the applicant.

>> We're working very hard and want to continue working.

>> Tovo: Super. Thanks so much for being here.

>> Thank you.

>> Mayor Adler: Thank you. We'll hear from the applicant.

>> Hi. I didn't really have anything prepared because we didn't get this request until yesterday at 11:30 A.M. I am Richard Weiss and have been an architect and musician in Austin specializing in music venues and housing preservation for almost 30 years. Last time I came before you was for a zoning case in the Hyde park nccd for the baker school. This time is to bring back the historic Austin opera house with a residential buffer to the fairview park nccd. I'm here to speak on why we do not want to delay this case an additional 10 weeks per the neighborhood request. We didn't agree to this request except we

understand that they get one. When we first met with the neighborhood group in April of 2019 I was 48 and had short hair.

[2:51:56 PM]

I am currently 51. The neighborhood group says they need more time. We asked them to meet with the entire neighborhood group on several occasions and they kept directing us to one small group. Our request has remained the same and it's straight forward. No change to initial base zoning, just the removal of an nccd overlay that restrictive covenants any new development and the addition of a mixed use overlay to allow more housing where it is needed the most in Austin. What can be accomplished in the next 10 weeks that was not feasible in the previous 136 weeks since we first met? Additionally, every concern the neighborhood has raised here today, traffic, venue size, noise and scale, are all required to be addressed at site plan with a new tia, planning commission approved conditional use permit, updated sound ordinance, citywide compatibility. Zoning is not the end of this conversation, it's the beginning. We've had an opportunity to meet with many council offices to discuss the benefits of removing 200 academy from the nccd and I hope in the next two weeks

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we can continue to meet and reach consensus that the base zoning that exists on this site offers the entitlements and the protections that will be a win for Travis heights, live music, housing with zero displacement and the city at large. We formally request that this case be heard at the next council meeting on December 2nd.

[Buzzer]. Right on time!

>> Mayor Adler: Good job. All right, colleagues. Councilmember Ellis. Thank you, sir.

>> Ellis: Your timing shows you truly are a musician.

[Laughter]. I really appreciate that. And I appreciate the neighbors coming and speaking with us today. I think in discussion of whether there should be a two week postponement or a 10 week postponement, I don't know if there's harm in bringing it back sooner rather than later. We can always at that point in time decide how the conversations are going and progressing and decide if there needs to be more time we can allow for that as well. So I'm more comfortable with doing a December 2nd postponement.

>> Mayor Adler: Okay. Further discussion?

[2:53:59 PM]

Councilmember tovo and then councilmember kitchen.

>> Tovo: I'm happy to hear my colleagues first and then I'm prepared to make a motion.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I respect the rationale or the reasoning that the neighbors are bringing forward. It makes sense to me about the amount of time that they really would like to see. And although I respect the concerns of the developer, I think in this case it's important to allow that additional time. So I'm going to support the neighbors' request for postponement I believe it was until January.

>> Mayor Adler: Further discussion on the dais?

>> Tovo: Mayor? If I may.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah. This is a case in district 9. I'm real familiar with it. I understand bodies the

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applicant's -- both the applicant's requests as well as the neighborhood, as well as some of the neighboring property owners. I believe it would be in our best interest to really allow for some more focused conversation. I don't believe that December 2nd is a reasonable -- is going to allow for that kind of conversation. So my motion is that we postpone until January 27th. I would have otherwise wanted it to come back sooner but we don't have any January meetings that are sooner. So were we to postpone until December 2nd it really gives them, I don't know, something like six business days to take over what is a Thanksgiving holiday. I just don't think it's feasible. So as we look at setting our meetings up for more efficiency and setting up our community members for more success in these kinds of issues, I really think that -- I really think December is too soon and that all of us would be better served by having it happen in December 27th, having spoken with

[2:56:00 PM]

neighbors, but also with representatives of some of those businesses that are -- that have significant concerns right now. I believe there's a real willingness to look at where the points of agreement are and what those issues are still to resolve. So that allows them and affords them the time to to do so.

>> Mayor Adler: There's a motion. Is there a second to the motion to postpone until the last week in January? Councilmember Kelly seconds that. You know, the difficulty here is that December 2nd is too short a postponement to be usable and January 22nd is longer than we normally give in this kind of situation. Does the 9th work? Does December 9th work?

>> Tovo: I think it's a better option than the second. I don't know that -- I think we'll be in a similar position on the ninth having a similar conversation is my

[2:57:01 PM]

grave assumption. I think if there's not support for the 27th we can -- again, that would be my next preference, but I believe we're going to have a repeat of the same conversation. There's just not quite enough time. You nailed it. January 27th is probably more time, but the other one is just simply too short.

>> Mayor Adler: Discussion, colleagues?

>> I could support the 9th, and if those conversations are still ongoing, we can decide at that point what the best move is.

>> Mayor Adler: Councilmember Casar?

>> Casar: I would support the 9th. I think the 2nd, if we're going to postpone something, it's so few business days. But over two months may also lend itself to us being in the same place because it gets dragged out too long.

>> Mayor Adler: Councilmember Renteria?

>> Renteria: I believe the same way as my colleague, Greg and Alison. We're trying to support our

[2:58:02 PM]

music industry here in Austin and if we keep delaying, I really feel like we're just turning our back on our musicians. So I'm uncomfortable waiting that long, ten weeks.

>> Mayor Adler: Councilmember Kitchen, I think you had your hand raised?

>> Kitchen: Yeah, I was just going to say I hear the dilemma but I -- you know, I'd like to -- I think councilmember Tovo, this is in her district and she has a good read on what is really necessary to work through this case and the time that's needed for it. So if she'd like to move forward with her original motion, I will vote for that.

>> Mayor Adler: Councilmember Pool?

>> Pool: Yeah, I'm in the same place because I think if we get to the 9th it won't be enough time and we will have this

[2:59:03 PM]

discussion again. And then we will delay it until January 27th. And I think we may as well just say January 27 and all parties, make sure to complete your conversations and your negotiations so that we can move expeditiously to a decision on the case, hopefully even on all three readings at that point. But we'll see. Yes, I'm in support of the motion as made.

>> Mayor Adler: Anybody else want to say anything before we take a vote? We're pretty evenly divided. It's pretty straightforward. Does the applicant or the neighborhood want to respond one last time on this? I'll give both a chance to respond and we'll take a vote on the two days.

>> Thank you. My name is Chris and I appreciate you giving me a moment. One of the things I thought we were supposed to do here today

[3:00:04 PM]

is to review the process and not talk about the merits, about the case and whether you're in favor or not, but just to talk about what we've done to date, just so you can see, kind of, the process that we've taken. So as Richard said, you know, we first presented to the neighborhood 2 1/2 years ago and we have been in contact and presenting and compromising and changing for the last 2 1/2 years. You know, we met with the Austin transportation department in 2019, spent a year and a half completing our tia. That was completed over six months ago. You know, that's the last part that we needed before we went before planning commission. And so we actually gave a copy of our T.I.A. To the neighborhood to review. They came back and said could we have a couple more sessions to

[3:01:09 PM]

postpone. And so we actually granted it and consented and said, okay, we'll work with you. We'll go ahead and do that. And part of that understanding was that once we started forward, we would continue forward. So, you know, we've met with the neighborhood quite a few times. You know, and the issue is since we finished the planning commission meeting, the neighborhood has not contacted us one time. And so that's been over a month. And the issue is, is that we have come and we've compromised and on both sides, because originally at 2.5 years ago the neighborhood told us no, we're not interested in any develop. Development. But at this point we're down to hey, let's discuss the venue size and let's --

[ buzzer sounding ]

>> The issues of traffic. So that's where we are. We've come a long ways, but we need your help at this point to try to make further progress. And whether we get two weeks, or

[3:02:11 PM]

three or four months, I don't think anything is going to change and that's evident by the fact that no one has contacted us.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Does the neighborhood want to give us a last thought?

>> We have been in contact. Our main problem -- our issue has been getting everyone in the neighborhood to understand what's happening, because from the beginning our issue has been the fact there's going to be a venue there. I'm not sure how much y'all are aware, but it's been there three times historically, in '74, '77, and through the '80s. I don't want to talk about -- once again, I hate dipping into the merits of the case, but we -- as far as us being in contact with them for years, there's not anything that we've objected to that's ever been addressed at all by the applicant. So, our objection has been that it's a club and that it's too

[3:03:13 PM]

large. And nothing has changed. So we are in contact with them, but we want to continue to talk about possibly the venue being smaller, which they've never given an inch on. And we found that we've been -- what we feel like is giving towards what -- this would give back to the community for housing. But no one seems to be listening to the fact that we feel the neighborhood is endangered by putting a giant club. And it's happened a number of times. So we don't feel like we've ever gotten anything resembling a compromise from the developers. That's why we want more time to talk. And we would like -- and we've met before, but every time that we have we've never been able to get them to shrink this proposed size down. And that's what's always been the thing that was dangerous to the neighborhood. I don't know if you've read

[3:04:13 PM]

about the history of the club in the neighborhood, but it's always been a problem. And there was even more access at that point to main thoroughfares. So our issue is that --

[ buzzer sounding ]

>> Even though we've talked, we don't feel like -- we do want to talk more. But we wish we would get some sense of compromise from them, because we haven't so far.

>> Mayor Adler: Okay. Thank you. Colleagues, my sense of this is there's a hard decision based on size. I'm not sure that's going to change. And we're going to have a difficult choice to make. I think the 2nd is too short a period of time giving the Thanksgiving holiday. If someone wants to propose an amendment to the motion to make it December 9th, we could vote in the absence of getting six votes for that, we'll then vote on the January 27th issue.

>> Tovo: Or we could vote on

[3:05:14 PM]

January 27th.

>> Mayor Adler: We could do that, too.

>> Tovo: It has a valid petition. I think given these parties the ability to talk with one another is important and would be our most time-efficient strategy.

>> Mayor Adler: I understand. Councilmember Ellis?

>> Ellis: Does it have a valid petition? Jerry? Even though it's an overlay removal, not a rezone?

>> Well, that's an issue that we're going to be discussing, but we have received a petition yesterday. We haven't verified it yet. It will be part of the assessment with the law department.

>> Mayor Adler: Okay. We have a motion on the table to make it January 27th. Is there a motion to amend that motion? It would be in order now. Councilmember Ellis.

>> Ellis: I'll make a substitute motion for the 9th.

>> Mayor Adler: Okay. Not a substitute motion, just a

[3:06:14 PM]

motion to amend it to be the 9th.

>> Ellis: Keeping track.

>> Mayor Adler: Any further discussion on that? Let's take a vote. Those in favor of the motion to go to the 9th, please raise your hand. It is Ellis, Casar, me, and councilmember Renteria. I can't see mayor pro tem. It does not have six votes, it will not pass. That gets us back to the original motion, which is to postpone until January 27th, I think. Those in favor of the motion to postpone, please raise your hand. Those opposed? Councilmember Ellis voting no, the others voting aye. Mayor pro tem, are you with us? Okay. That motion passes. We're postponed until January 27th.

>> Mayor, if you'd like -- sorry.

>> Mayor Adler: Now what I

[3:07:15 PM]

want you to do is let the people on the phone know, the other cases that are on the consent agenda to be postponed, so that they know that those cases are going to be postponed.

>> Will do, mayor. Item 70 has a non-contested postponement, I-35. Item 72 has a non-contested postponement, 3527 Jefferson street. Item number 81, which is the Chrysler house, has an uncontested upon, and item 84 has an uncontested postponement, and item 88, which is 1725 Toomey also has a non-contested postponement.

>> Mayor Adler: The item numbers?

>> Items number 70, 72, 81, 84, and 88.

>> Mayor Adler: Okay. So, in case you're on the phone speaking to 70, 72, 81, 84, 88, or 73, 74, those items are all

[3:08:19 PM]

postponed. So you need to come back when those items are going to be discussed on the merits. Let's go ahead and call SP speakers. All right. I have four people signed up to speak on item number 70, but that item has been postponed. I have people signed up to speak on 73 and 74. That item has been postponed. Item number 75, is Maria Bowen here? Why don't you come on down. And Parker Hank is on deck.

>> My name is Maria Bowen, I've lived on Rogers lane for over 18

[3:09:23 PM]

years. I pose the zoning code change -- oppose it. There's concerns stemming from the substandard conditions of our road and the existing mobility problems. Rogers lane cannot support dense housing without putting its current residents at risk of serious harm. This is not a hyperbole. We are a small country road that has been forgotten. Our neighborhood has to the seen any -- not seen improvements in decades. We will not settle for getting it later. The developer promises the infrastructure will come eventually. In the meantime, piecemeal infrastructure will come at the cost of our safety. That would be a very high price to pay. There are stretches of our roads that are in complete darkness, not a single street light, not even one. Fire hydrants so few and far apart my neighbor lost a structure to a fire two

years ago. There are no traffic lights at the intersection of the major road with 969, where my neighbor broke four of her ribs and

[3:10:24 PM]

totaled her car in an accident because traffic is ridiculous during morning commute. Denser housing will bring more motorists that will put our children at risk when they have to stand in the fork of the road at the very top of a steep and blind hill with poor lighting because it's the only spot the school bus can maneuver a stop. Since we don't have curbs with marked numbers for each home, emergency vehicles will have a harder time finding homes in a denser neighborhood, delaying life-saving services, especially when addresses for existing homes are not in numerical order. The roads are so narrow and deteriorated that they will surely result in collisions and near misses, especially without a single speed limit sign and an increased number of motorists because we have no access to public transportation. People drive on fm969 like it's a highway. Unless it's morning or evening commute when it becomes a parking lot with a sea of cars as far as the eye can see.

[3:11:25 PM]

Sadly, fm969 is the only main road to access services and goods for all the neighborhoods east of 183.

[ Buzzer sounding ]

>> Please keep sf2 and on affordability, they're going to go for \$400,000. I can't afford to live -- I can't afford a \$400,000 home. I can't afford to live in my neighborhood for how long?

>> Mayor Adler: Thank you for being with us today.

>> Thank you.

>> Mayor Adler: Is Parker here? Why don't you come on down. These two speakers are on 75. Next, we'll go to 85. Go ahead.

>> My family and I live on Rogers. We're opposed to the rezoning. 5417 is a single one-acre property, it's typical of most land touching the lane, rezoning will set a precedent for future property transactions on our street. Just as someone might pay a premium for a house on a golf

[3:12:26 PM]

course, we deliberately purchased an older home because we liked the spacious atmosphere, modest homes and quiet street. If every time a house sells on Rogers it gets torn down and rezoned sf6 and

replaced with as many houses as possible, it will detract from the reason we purchased here. The diverse residents all chose to live here because they value the quiet atmosphere. Central to that is the quiet road that we all live on. The lightly traveled road is where we visit with neighborhoods. It's rare to go for a walk without a neighbor pulling over to ask you how your garden is growing. If you tried out the seeds they gave you. We have no sidewalks, but since the road doesn't allow for through traffic, everyone drives slow. The precedent of sf6 set now for this property would mean almost any other property on the street would be a candidate for future rezoning and the 30 plus acres held by other developers could

[3:13:27 PM]

follow suit and bring over ten times the current number of houses in our neighborhood. For our lane, this is unrealistic. I have no issue building a neighborhood under its current zoning. But sf6 sets an unsustainable precedent of development for our street that will erode the neighborhood character and present practical traffic issues. Our area is not near bus stops or walkable destinations. It doesn't make sense to prioritize dense development, especially when it ruins the atmosphere that drew us here. There is no lack of middle income housing in the area. I would not consider the price tag on the developer's other houses to be middle income. Rogers lane is our community's hike and bike trail and I ask you to please balance the values of the current residents with the need for additional housing in Austin.

[ Buzzer sounding ]

>> Mayor Adler: Thanks for being with us today.

>> Thank you.

>> Mayor Adler: Is Diana Dean

[3:14:28 PM]

here?

[ Off mic ]

>> Mayor Adler: Okay. Colleagues, we're on item 85 and 86. Is Melanie here? Do you want to come on down and speak? On deck is Nadia Barba. So, the first speaker that we had was Diana Dean. Come on down, Diana Dean? No? Is not here. I'm sorry.

[ Off mic ]

>> Mayor Adler: Melanie Dixon? Come on down. I was calling out the name of the next speaker after you so they could get ready. Go ahead.

>> Mayor Adler, mayor pro tem Madison and councilmembers, my name is Melanie Dixon and I

[3:15:29 PM]

co-chair the emlk contact team. And I chair the martin Luther king neighborhood association. I'm here today to speak on item 85, the regiene road development. I am excited to say the regiene road development has yielded much conversation between the community and the developer themselves. This conversation with the contact team as advocates for the community and the developer agent. In our conversation the community presented options that would yield greater benefits for current residents and those persons expected to live here in our wonderful city of Austin. The benefit package included affordable housing, which we asked for true affordable housing, those persons, i.e., as would include our educators, that would include our creatives, that would include

[3:16:31 PM]

those that are minority business owners, who may not meet that qualification of that 60 to 80 mfi. Those persons such as our educators, such as our creatives, our service workers and our businesses owned and operated, which include our black and brown business owners. We know that this developer will yield millions of revenue and profits and the benefits by the developer for the community does not compensate or is equal to the amount of revenue that it will create. It is minor in comparison to the magnitude of the project. So as I stand here before you, I am torn between the support it's

[ buzzer sounding ]

>> --

[ buzzer sounding ]

>> Of this project. However, I support this project in good faith that the developer

[3:17:33 PM]

will come through with benefits that will help the community for future generations to come. Thank you.

>> Mayor Adler: Thank you.

>> Mayor.

>> Mayor Adler: Yes.

>> Tovo: Can I just ask the speaker, could you sum up a couple of the benefits that you'd like to see?

>> We have asked the developer to provide us with creative space, as from what we last spoke, there was like a million square feet of spacing for this huge project. And we were given -- suggested 200, perhaps less of square feet for community space. You know, compared to 1 million square feet of space, that's really pretty nothing. We were -- let's see.

>> Tovo: I think it's only scheduled today for first reading. Maybe if you haven't done so already -- I'm going to go through my email and make sure I didn't overlook something -- if you could kind of just summarize

[3:18:33 PM]

that for us.

>> We will --

>> Tovo: Some of those requests.

>> We were asking for community space for creatives. We were asking for daycare centers for the community. We were also asking for true affordable housing that would yield greater than the 60%. We were also asking for the safety for many of our workers for this, which was agreed upon, which was a plus. So, yay for us on that one. As well as giving back to the community in terms of space and time for longer periods of time.

>> Tovo: Great. Thank you so much. Thanks for summarizing this for us.

>> Thank you.

>> Mayor, I know you can't see me, but I'd also like to pipe

[3:19:35 PM]

in.

>> Mayor Adler: Yes.

>> Harper-madison: Because this is a district one item, I just wanted to make sure that the questions that are being asked, that the summarization comes across to the d1 office. And then I also just wanted to make certain that Ms. Dixon has the question coming out of the d1 office that ultimately is -- I also would like to know very much what are the community's questions, concerns, and then ultimately how can we -- especially because we still have room to go here -- ultimately how can we all get the best benefit for the community. So, just wanted to put that out there as well. Thank you.

>> Mayor Adler: Thank you.

[3:20:37 PM]

Okay. Next speaker is Nadia bravat. On deck is Janis Bookout.

>> Hello, my name is Nadia, east mlk co-chair and officer and in pecan springs neighborhood association, piggybacking on much of what Melanie just said in the exchange, our area is getting incredibly swamped with zoning cases and changes, as I think you know. This came up extremely fast from planning commission to here today. And I would recommend that we, in the future, try to get a minimum of three to four weeks. We've had ten days to prepare for this amongst our other cases. We're not doing just this one case, because we're actively

[3:21:38 PM]

advising neighbors on other cases coming up for planning commission soon as well, and this is moving extraordinarily fast, which is why there was some gap in communication to all of you, definitely on my part. So, we have agreed to first reading today in good faith with the agent and we're appreciative of the better builder agreement and the community space of approximately 250 square feet for approximately 25 years for our community to use. But I just want to bring forward to you what you may not have heard. I'm not sure if you're planning how the communication works between your planning commissioners and yourselves, but there were seven different neighbors that came here last Tuesday and echoed a lot of frustration that the community benefits when we give huge up-zonings, that these developers get tons of dirge additional revenue for many years to come and the community doesn't always get an equal

[3:22:38 PM]

amount. So we're excited for some progress on this case, but we encourage developers and others here to hear that we would likemore investment in the community, including off of the exact property site --

[ buzzer sounding ]

>> And we encourage staff and council to try to make that happen as well. Thank you.

>> Mayor Adler: Thank you. Is Janis Bookout here? Why don't you come on down. And Angela Garza, you'll be up next.

>> Hi, good afternoon. Thank you for your time and for your service. And mayor pro tem harper-madison, I just emailed the full list of community benefits if you'd like to review that. I just want to start

by saying it's easy to think of land as a commodity. That's the way that it's treated here in Austin. That's certainly the way that

[3:23:40 PM]

developers think of it. However, it is actually a common property, because it impacts our communities for decades to come the way that it's utilized. So I request that we think about it that way rather than as a commodity for this conversation. As you approach all the zoning cases and especially those in district 1, Rogers lane, yak jack coal, Springdale, and regiene, which is what I've been asked to speak here on, I would ask that you consider why our community members are asking you to use every tool in your toolbox to slow things down. I heard a developer frustrated earlier that things weren't moving fast enough. Why we're asking to slow things down is because the community hasn't been heard and honestly, sometimes it feels like developers own this town. They have so many tool and Wes and we have so few to fight them. What does that mean? Let's talk about under the umbrella of affordable housing and the history of Austin, we -- of the 60,000 units since the

[3:24:43 PM]

1990s that have been built under that umbrella, only 3500 are currently designated as fool affordable, if you look at affordability from the zip code level. So, what I mean is that for example, you know, if 80 mfi -- if the mfi is 99,000, 80 mfi is \$40 an hour. 60 mfi is 30, 50 is 25, which is mit, what mit says the living wage in Austin, and 78721, where this development is proposed, the mfi is 47,000, which makes this development a driver for gentrification and displacement, which means that this community --

[ buzzer sounding ]

>> Has the right to ask for community benefits to offset that harm. Thank you so much for your consideration.

>> Mayor Adler: Thank you. Go ahead, Ms. Garza.

[3:25:43 PM]

>> Hello, mayor, mayor pro tem, city leaders. It was a dog fight just to get the better builders on this project. I mean, it took us a month. I have so much respect for someone because I had no idea how much that takes. It was a dog fight but we finally got it. Overall, the project itself has a good concept. You have 10,000 square feet of commercial. We've never seen affordable commercial. The issue with that is we need to go deep enough. When you calculate the numbers in that area, it's like 45% is what is hitting that mfi to meet it. And the mayor said earlier that he wants to see he's getting maximum benefit

out of the project. And it hits numbers of what's actually going on in that area. We went back and forth with actual community benefits, even planning commission was like, they couldn't figure it out, because it was so complex. And we came in in a consensus that we want to do this so bad

[3:26:44 PM]

and we worked our hearts out. I wish I could tell you the nights, days, weekends, calls and everything that we were doing here to try to come up with middle ground. You should have a sheet of benefits the community asked for. A lot of thought was put into that. And on the other end we kept hitting a wall with the developer and finally came up with some middle ground of a baby step progress, is what we got out of it. And we got one thing out of those two sheets, which is the space, which is only 250 square feet. At the end of the day, we tried to come up with another consensus, can we do a letter of intention, or in the future as the project progresses and makes money, we tried every angle to work on how can we get the maximum benefit. It wasn't like we were going against in a sense, it's like our team really, really looked at every single angle.

[3:27:44 PM]

So --

[ buzzer sounding ]

>> We need your help here, mayor, on how to balance all that.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Anybody else in person signed up on a case they want to speak on? Do we have people on the phone?

>> Yes, mayor. We've got Lynne Galbreath.

>> Hello.

>> Mayor Adler: We --

>> Speaking on 89.

>> Mayor Adler: Yes. 89 is a good case. And now we'll go back to the room to get Jessica Robertson, who I skipped over, when we're done with the speaker on the phone.

>> Okay.

>> Mayor Adler: You can proceed.

>> Okay. Thank you. My name is Lynne, and I'm speaking against the rezoning

[3:28:44 PM]

request under item 89 for the brownie mixed use. Austin's long-range planning, inclusive of our neighborhood plan, responsibly places intense residential and commercial use such as this in locations where conditions necessary to support it exist. Drainage, sidewalks, public transit, grocery stores and other community necessities. This site under this proposal lacks all of that. Some conditions do exist along all of our mixed use corridors of north Lamar and Anderson lane. The applicant could buy and readily build a mixed use project there that he wants to. Instead, he's made speculative purchase of cheaper land that is zoned for other purposes and waited a few years for the city of Austin to become more desperate for new housing. I think supporting this application will simply increase

[3:29:45 PM]

his profit margin substantially whether he sells the land next month or builds the expensive condos. There's no down side to this for the applicant or for city staff officials, but there is certainly a price. That price will be paid by the currently existing community of lower-income majority people of color and the reduction of their safety and quality of life. If that sounds familiar, it's because it's happened in other areas of the eastern crescent. I request that today you implement the values of responsible land use planning and social justice that the city of Austin claims to hold by denying the speculator's request for this change to our future land use map. Thank you.

>> Mayor Adler: All right. So I skipped someone here. Jessica Robertson, is Jessica

[3:30:46 PM]

Robertson here? All right. We're back to the phones.

>> Jessica Robertson.

>> Jessica Robertson again from d4, speaking against number 89 and 90. I'd like to bring attention to the important effects that are over-cited in policy and politics, easy to get hyper-focused on immediate short-term factors, and we're asking that we look at the bigger picture and the negative impact to the community. While Austin has programs and initiatives to unravel the continued segregation, displacement, and gentrification, rezoning approvals like this one pose a great threat to undermine the big picture efforts at hand. Yes, there's a housing crisis, but it's an affordability problem. The development will not address the housing crisis and it will not address the affordability issue in this area.

[3:31:47 PM]

This neighborhood is currently one of the only affordable neighborhoods remaining in Austin. The small neighborhood, low income. As culturally rich neighborhoods filled with long-time austinites, this development will add additional housing units but they will not be affordable, which will result in more people being displaced than by the development, than those being housed. In addition, many of the residents have spoken of traffic and safety concerns being a huge issue, given the location of the tract of land. There was a fatal accident on the corner of brownie and Grady just last summer, as there are no sidewalks or safe walking paths on brownie, Grady, or middle 5th. We ask that you consider the residents of that area over the monetary gain of the developers and vote to deny this rezoning. Thank you.

>> Monica Guzman.

>> Yes, before you start the

[3:32:49 PM]

clock on me, how many minutes do we have to speak?

>> Mayor Adler: Two minutes.

>> Thank you. Good afternoon, mayor and council, I am Monica, molcy policy director at go Austin, vamos Austin. District 4 resident Preston's statement -- in regards to the proposed zoning change, I live on Grady drive and have for 20 years. I have witnessed the traffic issuings on Grady. My mailbox has been smashed. Both my neighbors and those across the street have had their parked cars hit. Our street cannot handle more traffic that would be caused by a multilevel condo building with retail on the bottom. The streets in this area don't even have drainage and except for Grady are one lane. The other street this building without exit on is the very northern tip of middle, which is the same size it was when I-30 ran over it in the '50s. It is a small, narrow street

[3:33:49 PM]

with no drainage. It can not handle more traffic. In the mornings, Grady backs up with cars waiting to turn, and, of course, if southbound 35 is backed up, so is middle fiskville. If cannot handle 60 to 140 new cars at that intersection. Any multiunit structure will flood our streets with more traffic. End quote. Gava supports the resolution, but the planning staff does not support the zoning for the commercial side. Years ago, residents put in many hours across many months for a neighborhood plan approved in 2010. Gentrification began encroaching on the rundberg community at least seven years ago, yet north Lamar

neighborhood is one of the few remaining affordable communities. As mayor pro tem stated on November 4th, the average person does not get invited to land use conversations. They receive a notice leaving them racing against the clock, trying to navigate a complex

[3:34:52 PM]

system, learning along the way, hearing technical terms.

[ Buzzer sounding ]

>> Additionally, information is usually in English. One way to build in resources for the residents is to hold developers and city staff accountable, ensure documents are language-accessible and meetings are digitally inclusive.

>> Mayor Adler: Thank you very much.

>> My final --

>> Mayor Adler: Thank you very much for participating with us today. Next speaker.

>> Jade Lovera.

>> Jade.

>> Hello. Good afternoon, I would like to start with gratitude to the council offices that have provided consistent communication, support, and further education on how things work. Much gratitude is also given to the councilmembers that stood up and voted no last meeting. Unfortunately we have not seen the same consideration for our district representative. As mayor pro tem stated in the

[3:35:52 PM]

last council meeting, she recognized the time and sacrifices that we have put in for the past seven months and other residents with similar cases in having to learn and navigate this complex world of zoning and land use in order to protect and have a voice in our community. We are the experts in our neighborhoods, so it was disheartening that councilmember Casar has only dedicated 20 minutes of his time to meet with us on this issue, and that was just three days ago. And at the time of this meeting, councilmember Casar explained he was not aware of the applicant's position and could not provide an opinion or direction on the case. Our councilmember has only spent three days on this and shown clear desire to accommodate and consider the applicant's desire, but has not given consideration to us, the constituents of his district in this neighborhood. Just yesterday the district 4 office was discussing with the applicant how to fill grant zoning on the site, more than staff recommendation.

[3:36:53 PM]

Why are we being dismissed after all of the appropriate efforts? During this process I have seen systematic oppression of the normal citizen's voice, amongst other policies bypassed regularly, which can be addressed with thoughtful review. However, I refuse to accept this process is called fair and just. Inaction is the opposite. How is our district rep able to be a guiding light when the community's voice is left out? Perhaps this is the reality of politics, but that does not make it right. We have to believe each person in office maintains their integrity individually and stays true to their oath and what they know to be right or wrong.

[ Buzzer sounding ]

>> We have a valid petition on this case, according to city policy, valid petitions are still valid, although I empathize with the --

>> Thank you, speaker. Your time has expired.

>> Disregard for --

>> Mayor Adler: Thank you for participating.

>> At minimum, we ask for --

>> Mayor Adler: Next speaker.

[3:37:57 PM]

>> Mona Knoll.

>> Hi. Thank you, mayor and councilmembers. I greatly appreciate you taking the time to hear our voices. We feel at a disadvantage being up against the well-connected developers. Many of our neighbors, myself included, spent years working with the city to come up with our neighborhood plan. This plan was our vision of what we want to see our neighborhood look like in 20 years. We are barely at the ten-year mark. Our neighborhood cannot support a dense project like the owner is requesting. We have not received any infrastructure updates since we were annexed into the city in the '70s. The zoning that is being asked for is no way in line with our vision. I see no need for changes to the zoning or to the land usage. As you know, our councilmember, Mr. Casar, is stepping down, so I courageously ask you to vote no for this applicant to amend

[3:38:58 PM]

the neighborhood plan and rezoning in its entirety. And thanks for your time.

>> Mayor Adler: Thank you.

>> Emily Payne.

>> Hello, my name is Emily Payne. I am speaking in favor of the landmark designation at 304 Belmont circle. It's a property that well represents the rubenet family, one of the most prominent jewish families in Austin. The house was also design by a prominent architecture firm, Mauer, and it's a great mid-century modern example and I just want to encourage you to support preservation and landmark designation of the house. Thank you.

>> Mayor Adler: Thank you.

>> Mayor, that concludes all the speakers.

>> Mayor Adler: Okay. Jerry, do you want to come back

[3:40:00 PM]

up here and take us through the consent agenda?

>> Sure, mayor, Jerry with housing and planning. Consent agenda for today for zoning is item number 70, which is case c1-2020-0143, postponement to December 9th. Item number 71, I think if it's okay we'll table that because we need to do the annexation item related with it. If I go ahead and put that one aside for a moment, item number 72 is case c14-2021-0137, a postponement request by the neighborhood to December 9th. You've already taken a vote to postpone items 73 and 74. Item number 75, case c14-2021-0127, the Rogers lane case. On this case, this would be for first reading only and the applicant has amended their request to sf5.

[3:41:02 PM]

It does have a valid petition. But for first reading it would need just six votes. Item number 76, case c14-2021-0154, ready for consent approval on all three readings. Item number 77, case c14-2021-0040, the lane zoning case, offer for consent on second and third reading, but the applicant submitted a letter of intent to maintain the creek behind the property. Item number 78, case c14-2021-001, withdrawn and replaced with item 98. Item 79, npa-2021-23, offered for consent approval on first reading. Item number 80, c14-2021-0133, offered for consent approval on first reading. Item number 81, case c14-h-64,

[3:42:02 PM]

postponement request to January 27th, 2022. Number 8, 82, c14-2021-0082 for consent approval on all three readings. Item number 83, case c14-2021-0143, consent on all three readings. Item number 84 is case c14-2021-0091, a postponement request by the applicant to December 2nd, 2021. Item number 86 -- 85 and 86 are the regiene cases. I'd like, if it's okay, to have a brief discussion about those items. So those will be pulled for discussion. Item number 87 is case c14-2020-0144, ready for consent approval on second and third reading.

>> Kitchen: Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I have some verbal direction on this one. Shall I wait until Jerry gets through it?

>> Mayor Adler: Why don't you

[3:43:04 PM]

wait.

>> Our next case would be item number 88, c14-2021-0009, a postponement request by the neighborhood to December 2nd. Item number 89, npa-2021-0026.01, I can offer it for consent approval on second reading. The related case is item number 90, c14-2021-0039. These are the Grady and brownie cases. They are ready for consent approval on second and third readings, however they do have a valid petition on the zoning case and at first reading it did not receive nine votes, so unless the votes change, what I think the best course of action would be to offer those cases for consent approval on second reading only.

>> Mayor Adler: Okay. All right. Go ahead.

>> I'm sorry, item number 97, c14-2021-0144, offered for consent approval on all three readings and item number 98,

[3:44:06 PM]

c14-2021-0081, offered for consent approval on second and third readings. That concludes the consent agenda.

>> Mayor Adler: Thank you. I'm looking at the consent agenda, colleagues, as zoning cases 70, through 90 and also 97 and 98. The items I'm showing as being pulled are 71 so that we can consider that with 96. I'm also showing pulled being 85 and 86. The others moving forward. Is that correct, Jerry?

>> Yes.

>> Mayor Adler: Except for 71. Is there a motion to approve the consent agenda? Councilmember pool makes the motion. Second? Councilmember Renteria seconds. Any comments on the consent agenda? Councilmember kitchen.

>> Kitchen: Yes. I have direction on item 87. And this is the south Lamar.

[3:45:06 PM]

There's an existing co on one of the tracts of land, and so we're not continuing that co. So instead, I've talked with the applicant about some direction to our staff. And also just a reminder to everyone, this one is impacted by the redevelopment ordinance, so the site plan has to come back to the council at some point. So here's the direction. The city manager will direct appropriate staff to work with the developer during the site plan review process with the goal of studying the need for ingress or egress on skyway circle, which is a small dead-end street, to avoid access in favor of ingress/egress on south Lamar and Dixon. The city manager is directed to report back to council as part of the site plan approval process under the redevelopment ordinance the options for avoiding traffic impact on skyway circle, except for

[3:46:06 PM]

pedestrian, bicycle, and emergency ingress/egress. The purpose, city manager, of this direction is just to see what options there might be. In talking with the developer and understanding the impacts of south Lamar and the corridor plan, we don't know what the options might be. And so that would have to be considered as part of the site plan process. And since that has to come back to council anyway as part of the redevelopment ordinance, this seemed the best way to understand what possibilities there might be not to impact that small dead-end street that has some multifamily housing on it to see what we can do to not impact that. So I'll send you this language.

>> That's fine.

>> Kitchen: Does that make sense?

>> Mayor Adler: Staff is okay with that language?

>> Yes, sir.

>> Mayor Adler: Okay. Any objection to adding that direction to that item? Hearing none, that is added and

[3:47:08 PM]

this item remains on consent. Off uv

[ off mic ]>> Mayor Adler: A couple people do. Mayor pro tem, then councilmember tovo, who might have had a question.

>> Harper-madison: Hi there. Thank you. I appreciate it. Apparently legal is requiring that y'all have to look at my ugly face today, so, sorry. Here you go. So, for items 85/86, regiene road, I have a motion that I'd like to present.

>> Mayor Adler: It has been pulled. Not quite yet. Those have been pulled. Just a moment.

>> Harper-madison: Thank you. Just making sure. Thank you.

>> Mayor Adler: Anybody else have anything else on the consent agenda? Councilmember tovo.

>> Tovo: Yes, thank you, mayor. Thank you for recognizing me though I hadn't raised my hand.

>> Mayor Adler: Our staffs may have talked to each other.

>> Tovo: I have a question about items 89 and 90. Did -- when you read the consent agenda, Mr. Rusthoven, did you

[3:48:09 PM]

say PC recommendation?

>> Yes, for the first reading.

>> Tovo: But with the PC recommendation.

>> And second reading only.

>> Tovo: Thank you. That was my only question.

>> Mayor Adler: Okay. We have the consent agenda. The only items pulled are 71, 85 and 86. Councilmember alter.

>> Alter: Oc. For 75, which reading is that?

>> That is for first reading only.

>> Alter: Okay. And then for 89/90, second reading?

>> Yes.

>> Alter: Okay. So I wanted to clarify that for -- and 86 was pulled. Okay. So, 75 and 89, I'm comfortable supporting them on this reading today, but I want to make it clear that I'm still reviewing these two cases and I'm not committed to supporting these particular permutations on final reading. So we'll be looking more carefully at these cases moving forward.

[3:49:09 PM]

>> Mayor Adler: Okay. Let's take a vote. Councilmember kitchen.

>> Kitchen: Just a question on 75. So you mentioned 75 was first reading only, right?

>> Yes, and the applicant has amended the request to sf5, the original request was for sf6.

>> Kitchen: What does that do to the zoning and platting commission --

>> They recommended sf6 with a cap of three units. And so this would be sf5 which by code would max out at ten units. My guess is that from discussions with the applicant, it would be around an eight-unit project, under sf5.

>> Kitchen: Well, I have the same concerns that councilmember alter has raised, because I was interested in supporting with that co. So since it's only on first, I'm willing to let it move forward, but I'm going to need to have a discussion about that.

>> Mayor Adler: Okay. Further discussion? Take a vote on the consent. Those in favor, please raise your hand. Those opposed? Mayor pro tem is voting aye so

[3:50:10 PM]

it's unanimous on the dais, the consent agenda. That gets us then to three items. Let's call up items 71 and item 96 together. Is there a motion to approve items 71 and 96?

>> If I could note, a request is to approve on first reading only.

>> Mayor Adler: Is there a motion to approve these two items on first reading only? Councilmember Fuentes makes the motion. Is there a second? Councilmember Ellis seconds that. Any discussion? Councilmember tovo.

>> Tovo: Yes, thanks. And I'll also say on several of the cases we just passed, I didn't want to interrupt at that point, but on 85, 86, and 89 and 90 I have some similar concerns that my colleagues raised. So I'm willing to support them on today's reading and did on the consent agenda, but I also want to see what that eventual case looks like coming back to us. Mr. Rusthoven --

>> Mayor Adler: 85 and 86 are

[3:51:10 PM]

pulled.

>> Tovo: On 96 there's a reference in the posting language to fee waivers. It's my understanding this is pretty standard language, but it says that the ordinance may include the exemption from or waiver of fees, alternative funding methods, etc. And especially because we once had a situation where we were an earlier version of this council passed some amendments with regard to pilot knob without understanding the extent of the fee waivers, I want to be clear about them.

>> No, councilmember, that language is included because of the lawsuit you spoke of. So we've been putting that in with every pilot knob case, but this is a request to add area to the pilot knob M.U.D., but there is no request for fee waivers as a part of this annexation and zoning case.

>> Tovo: Thanks for that clarification.

>> Mayor Adler: When you started speaking you heard made reference to 85 and 86.

[3:52:11 PM]

Those items have been pulled. They're not part of the consent agenda. Let's take a vote on the consent agenda. Those -- we already did. She was commenting afterwards. Thank you. That gets us to 71 and 96.

>> Tovo: And I'll --

>> Mayor Adler: So we have --

>> Tovo: I'll support councilmember Fuentes' motion.

>> Mayor Adler: Councilmember Fuentes made the motion on both. It is been seconded. Are we ready to vote on 71 and 96? Those in favor, please raise your hand. Those opposed? It's unanimous, all of us. So, 71, and 96 are taken care of. Our last two items are 85 and 86.

>> Mayor, these will be a very brief staff presentation. Number 85 is case number npa-2020-0015.03 and item number 86 is zoning case number c14-2020-0150, both for regiene road. The staff had two issues with

[3:53:12 PM]

this going into today. I believe we have resolved one of them. The applicant and the staff are in agreement to prohibit light manufacturing as a use on the property but we would allow the brewery use. So with that, I would like to suggest that as an amendment. And secondly, the thing we are not agreeing on is the height. The applicant -- the existing zoning on this property is LI, limited industrial, 60 feet of height. The applicant is proposing 275 feet of height. I on exactly what portion of the site, but for a portion of the site, and 120 feet for the remainder. The staff recommendation is to approve 120 feet of height at this location. The reason that we're willing to go to 120 is because the property immediately

to the north of this is the property known as zen garden, which the city council sold last year, the former motorola campus. We allowed up to 400 feet of

[3:54:13 PM]

height transitioning down to 120. The hope was that the -- the reason the staff supported the height was it's probably going to be a corporate campus-type site. We wanted to allow height for that type of use. On this property we are willing to go to, like I said, more than what's normally allowed in LI, 60, we would be willing to go to 120, but the applicant would still like to see 275.

>> Mayor Adler: So if I understand correctly, there's an agreement now, staff and applicant, with respect to the use, which is brewery, exclusion. So it's not light industrial except for brewery use.

>> We prohibit light manufacturing, except brewery.

>> Mayor Adler: And the setback was an issue, but because of that change -- agreement on 50, what the applicant was seeking?

>> We're fine with that.

>> Mayor Adler: The only thing in contention appears to be the

[3:55:16 PM]

275 versus 120.

>> Correct.

>> Mayor Adler: I'm going to ask the applicant to come up, give the applicant an opportunity. You have five minutes. Thank you, Jerry. Oh, and mayor pro tem, before I go there, do you want to say something on this before we hear from the applicant? You're muted. You're muted. Mayor pro tem. We can't hear you. I don't think -- I don't see --

>> Harper-madison: I just said I don't want y'all to have to look at me any longer than you have to, so, I do have a motion that I would like to make on the item but I'm happy to hear the applicant first and then make my motion. It's up to you. Wherever you think it's most appropriate, chair.

>> Mayor Adler: Applicant, do you want to hear the motion first or speak first?

>> I'm happy to do it however you'd like. I can just do a quick

[3:56:16 PM]

presentation. I can go fast.

>> Mayor Adler: You have five minutes.

>> Thank you, council, Leah Bojo representing the applicant on this zoning case and future land use amendment. There we go. Just to orient you to the site, east of downtown, adjacent to 183, 16 acres, entirely vacant. Adjacent to the future green line corridor and also very near to the Walnut Creek trail system. We are currently in discussions with Cap Metro about a future station location and have been working with the parks department to ensure we have connections to the trail network over there. The project is intended to be a mixed use hub dedicated to Austin's creative community angles. Sorry, I'm not sure why I'm having trouble. There we go. So, the request before you, as Jerry said, to change it from industry to major planned development and to change the zoning from a mix of SF2 and LI to LPDA and

[3:57:19 PM]

there we go. You can see the zoning map. There's a small portion of SF-2 adjacent to 183. The majority of the site is already limited industrial. And you can see that the entire -- sorry about this -- future lapped use map -- land use map is there. And the land category describes what we're looking to do. It is a multi-acre tract with a wide variety of uses, including residential, commercial and clean industrial. Here is an aerial of the site. I think maybe this remote needs batteries. You can see that there's a major air transmission line that runs through the site and it is heavily treed mostly with invasive species but with a few heritage trees we will be designing around. The change is on the

[3:58:20 PM]

industrial portion of the site, there are some pretty heavy industrial uses permitted. We're removing those uses and adding the residential component as well as the brewery use that Jerry discussed earlier that we're in agreement on, also reducing the F.A.R., reducing the parking and increasing the height to 75 feet. This is what's currently allowed on the site, which would be some single-family uses and quite a bit of heavy industrial use. We're proposing a mix of apartments. We have voluntarily agreed to 10% at 60 on the affordable units. We have a mix of office, clean industrial, creative spaces, retail and brewery with 10,000 square feet committed to be affordable creative space. We are working on the connections to the Walnut Creek trail and Capital Metro to create that hub that I described. We are as Jerry said in agreement on everything at this point, except for the height. The reason that the height is important is because that commercial square footage that's going to primarily make up the height is really the

[3:59:20 PM]

economic engine or the base of the development and that's what is allowing the mix of uses and particularly the creative and maker spaces, which are sort of funded by that commercial square footage. And this is less height than what was approved to the height on the north. We've agreed to 120 on the eastern portion where it meets with zen garden, but particularly on the 183 frontage we would like that additional height to make the project work. These are those commitments I talked about, 10% at 60. We also agreed to tenant protections in leases at the front of the project instead of later on. We've agreed to the affordable commercial and signed a pledge with the better builders project. I want to take a minute to talk about the developers's vision and other projects that they've worked on. Central Austin management is a local developer who creates places for artists and creatives and then holds on to them and continues to manage and maintain them. Two well-known projects that they've worked on that I've

[4:00:21 PM]

discussed with many of you are Springdale general and canopy. I bring this up because we've been talking here in Austin for a long time about how to create space for creative people and makers and things like that. And this project is how you do that. This is a really great project that is totally in line with our planning principles and our stated goals as a city for creatives. It's a vacant lot that we're proposing to have residential with an affordable component, creative space with an affordable component. And then also a vibrant mix of other uses and transportation connections. With just that I think this is an excellent project and then with these additional commitments that we've made when working with the neighborhoods I think it's an extraordinary project. And so with that we would request that you approve on first reading the applicant's request, which at this point would include the 275 and everything else we're agreeable with staff on. Thank you.

>> Mayor Adler: Thank you. Mayor pro tem, did you want to make a motion?

[4:01:21 PM]

[Buzzer].

>> Harper-madison: I did, thank you. I would like to move to approve the applicant's request with the staff's light industrial amendment. And then I subsequently have some commentary, so tell me whether or not this is the part for commentary or the better part for my motion.

>> Mayor Adler: Let me get a second to your motion. This was first reading only. Is that my understanding?

>> Harper-madison: Correct.

>> Mayor Adler: First reading only. The applicant's request with the limitation exclusion of light industrial as the staff explained. Seconded by councilmember Ellis. You can now discuss it.

>> Harper-madison: Thank you. So what I'd like to say is what we have here is another great example of community collaboration. I want to give a hard-core shout-out to the east mlk contact team. They really put a ton of work, a ton of work,

[4:02:25 PM]

alongside the developer to help put together what I think is truly a great project. The community benefits will deliver a direct result of the contact team's tireless efforts, so thanks to them and thanks to the applicant for being a willing partner and also thanks to the worker's defense project for them being an active participant as well. And their assistance during the course of this conversation project, etcetera. So with that I would like to move that we approve the applicant's request on first reading. So --

>> Mayor Adler: We've heard the motion, applicant's first reading with the limitation exclusion to light industrial. Any further discussion? Then let's take a vote. Those in favor of the item please raise your hand. Those opposed? It passes unanimously on the

[4:03:26 PM]

dais. The record should reflect that items 92, 93 and 94 were not covered today and are withdrawn because they were completed at our work session on Tuesday. I think that's all the things on our agenda. So I wish everyone a happy Thanksgiving next week. And then we'll be back together. Remember there are meetings in a row, there's a meeting on the 30th that will be devoted to housing affordability and supply, that's a work session. Then you have the regular work session for the council meeting on Thursday. I will not be with you for that work session. And then the council meeting on Thursday and I'll be back for that. Manager?

>> Mayor, I'll just note that we don't have any planned presentations on that work session and so it's possible that we will not need it and we can use the whole day on Tuesday just for the affordability conversation and of course

[4:04:26 PM]

the pulled items if requested.

>> Mayor Adler: So Tuesday there is no work session other than affordability and supply.

>> We have the covid joint briefing.

>> Mayor Adler: What.

>> The covid joint briefing.

>> Mayor Adler: We have the covid joint briefing and the rest of the day is affordability and supply. Are you saying you might not need the work session on Wednesday?

>> Correct.

>> Mayor Adler: If people want to pull items on Wednesday, let the clerk's office know otherwise you would get Wednesday back. The only issue on Wednesday was the opportunity to talk to the clerk, which if we didn't meet on Wednesday we could do on Thursday. Councilmember pool.

>> Pool: Do you have -- I guess we don't really know, but how long of a conversation do you anticipate for the housing? It almost sounds like it could be like nine hours

[4:05:28 PM]

long. So I wanted to check and see.

>> Mayor Adler: I think we should have a hard stop at 5:00.

>> Pool: We start at nine with covid.

>> Mayor Adler: We start at nine with covid and the rest of the day for that. I'm hoping folks will go on message board posts and give other ideas and daylight them so that we can see, but a lot of it will just touch base. We'll try, as I think many of us will, will come with a series of ideas and throw them out and say is this something that we could work toward or not? We're trying to find those, as councilmember alter described in the post, and I think councilmember tovo described here earlier, we're trying to find those things that we can get consensus on.

>> Pool: And it's not a voting session, so it's all conversation.

>> Mayor Adler: All conversation.

>> Pool: I would just like to point out that our work sessions have, of course, under covid circumstances have been extraordinary so extraordinary and we've been having the joint meetings and everything, but having work sessions go as long as and sometimes longer than council meetings is not --

[4:06:33 PM]

has not been the norm until recently. And I would just like to urge that we all consider the fact that it -- there's a lot of work that we did when we're not on the dais too. So. So if we could in fact keep our maybe scope until 3:00 in the afternoon instead of a hard stop at 5:00, which would increase the chances that we would be off the dais by 5:00, might be a better approach for a good use of our work session days. I really would like to see us get back to having them be more efficient and shorter and

more focused on answering questions and then moving forward to the voting session, which then is normally on Thursdays. If that makes sense.

>> Mayor Adler: It does, absolutely. And if you could think of specific things that you think we could do to help ensure that rather than having a long presentations approximate from staff if we could get more presentations earlier so that people could just ask questions if that's possible or memos, that

[4:07:33 PM]

might be one way to do it. If you could think of ways to owe I think everybody is with you in the goal --

>> Pool: I think one of the ways is we have our meetings with staff before we get on to the dais so that we actually ask the questions, tee them up and they are answered and if we have additional lingering questions we can bring them too, but we really have great opportunity to have really focused conversations with staff when we do the one on ones in the small group.

>> Mayor Adler: I think that's good, counci, too. Councilmember alter and then councilmember Ellis.

>> Alter: Thank you. I had one logistic question and one more sort of process question. So on Tuesday with the covid briefing are they still wanting us to be online? Virtual for that?

>> Mayor Adler: The covid briefing we do -- I've been doing them here. I think you have the ability to be able to be online.

>> Alter: Whatever works. Okay. And then do we have a sense

[4:08:33 PM]

of how -- of the structure on the 30th so that we can be most prepared? Because it seems a little amorphous to be go bring your ideas and affordability is kind of broad and I know some people emphasize certain aspects of affordability and other people emphasize other aspects. And I think it would be more productive if we're prepared but I'm still not fully understanding the scope and what we are expecting if there are presentations from staff or if it's all just us talking. And I'm not wed to one way or the other, I just want to get a better sense of what you have in mind, mayor.

>> Mayor Adler: I think that's a really good question. We'll post something to the boardment we think that staff does want to make a presentation. I'm not sure we would lead with the staff presentation. We might lead with just a brief description of what council members post or wanted to bring about. That way when staff spoke they might also be able to speak to the kinds of things

[4:09:36 PM]

that council brute. There's been some suggestion that we might have -- give an opportunity like housing works or some other places to get 10 or 15 minutes to be able to address us, but we continue to work with staff on that. We'll post something and give folks a chance to be able to react to it and give some measure of outline before we get there.

>> Alter: And then for the December 9th meeting, the process is it only posts one week in advance.

>> Mayor Adler: There's only one posting.

>> Alter: I want to call folks' attention to the message board post that the mayor and I made yesterday with respect to adding residential into commercial areas. We've already had I think four other people chime in that they wanted to co-sponsor, which is great. And others are welcome to do that. I think our intention will be to put that on the 9th agenda and I guess we'll just figure out how to do all the extra co-sponsoring with the agenda office.

[4:10:37 PM]

We can still have certainly conversations, but because of the one week we wanted to kind of flag that for people and then I'll be posting that and you may get some confirmation requests, but it's still the intention that we have the conversation on that day, but given the timing with the agendas, if we do want to take it up on the ninth we will have to get that in, but I don't want any part of that process to preclude the idea that we're going to have that conversation that we've Teed up.

>> Mayor Adler: Okay, thank you for doing that. And that's as we discussed. Councilmember Ellis.

>> Ellis: Thank you. So I guess for the purposes of the two weeks from now we should still pull our items according to the normal deadline we would pull our items by? That makes sense to me. And then I would just request when we have a one week post and a meeting that following week it's extremely hard for us to get our questions answered between Friday evening and Tuesday morning. And so if there's any way to

[4:11:39 PM]

either post early college high school or daylight some of the things that might come to us, I don't know what that looks like in the agenda office, but it is really helpful for us to get at least a little bit more time to answer the bigger questions we might have about the items.

>> Yeah. We won't be able to post it earlier, but I'll see if we can daylight some of the more discussion related topics and we can raise that to council as much ahead time as possible so you have some awareness.

>> Ellis: That would be great because we all know the last meetings of our sessions end up with items we've postponed or things that need to get done before the end calendar year. I like to be aware that sometimes those agendas may end up pretty big pretty quickly.

>> Mayor Adler: Daylighting that I think would be helpful. I think there are a lot of ways you could do that absent actually posting. Councilmember kitchen.

>> Kitchen: Just a quick suggestion on how you're thinking about structuring

[4:12:40 PM]

the 30th. It might be helpful for staff to provide to us the link for the affordable housing related provisions that we passed on second reading of the ldc. I'm going to look them up myself, but others might be interested too. If staff could just help us find those, that would be helpful.

>> Mayor Adler: Okay. Check and see and if there's a link to that that would be helpful to get that out to us if there's a quick way. All right. Anything else? So with that then here at 4:13, the meeting is adjourned. Happy Thanksgiving.

[6:00:20 PM]

>> Mayor Adler:.. All right, we ready? This is both a day of celebration, given the new opportunities and sharing, the expertise that you have with another city, but it is a sad day for us. You have been present, Jannette, at some of the most extraordinarily great movements and advances in our city in this department, and certainly in the clerk's office has been challenged in your tenure unlike any other time that I know of in my 40 years here in the city.

-- Four years here in the city. It's hard to even believe that you're leaving and it's hard to imagine what it's going to be like.

[6:01:21 PM]

I just know that from when I sit, having your steady hand in doing this always brought great assurance and peace to me, even when things were getting incredibly frazzled, you had a way of being able to say and to convey that it's okay, we've got this. We're going to figure this out. And so both from a city perspective, thank you. From a personal perspective, thank you so very much. So I understand that you were never presented with years of service pins --

[laughter]. So there's a bunch of them in here.

[Laughter]. Five, 10, 15, 20 -- five, 10, 15 and 20 year pins. And then also today a

[6:02:25 PM]

retirement pin. But to put it all into context, a distinguished service award issued by the city for her untiring service and contributions to the local and state entities, but more importantly to the organization and the public during her 21-year tenure as a dedicated employee of the city of Austin. Jannette Goodall is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof this 18th day of November in the year 2021 from the city of Austin, and I have signed the award. Thank you so much.

>> Thank you.

>> Mayor Adler: Here is your award. Your pin, your bag of pins.

[6:03:28 PM]

[Laughter]. Do you want to say something?

>> Thank you all. And first of all, thank you to the people behind me because they are the true public servants in the city. Most people don't know the municipal clerk is one of the oldest public servant officials ever. It dates back to biblical times. We are the hub of the government and we are not -- although many people think we are clerical, we are anything but clerical, and it is because of the people behind me that I have been given the opportunity to move on. But I guarantee that you are in good hands with the people behind me and you will not know that I am gone. And that's the way it's supposed to work. So thank you, mayor.

[Applause].

[6:04:35 PM]

Next one!

[Laughter].

>> I want to get a picture of you two up here.

[ Laughing ]

>> Perfect.

>> Thank you.

>> No. I lost my mask, though. I don't know what I did with it.

>> Berta pick it up, maybe?

[6:05:36 PM]

>> Maybe. Oh, well. What are they going to do, fire me for not having a mask?

>> It's on.

>> They're coming in.

>> Come on in.

>> Come on in.

>> Tovo: Just as a reminder, you wrote one of the application letters to help.

>> Mayor Adler.

>> Steven, how are you doing? Good to see you.

[6:06:36 PM]

Congratulations. Come on in, guys. Stand back here. That way you get to be in the picture.

[ Laughing ]

>> I'm excited that you guys are here, too.

>> Tovo: Do you want to quickly introduce yourselves and the role you play?

>> I'm a senior in marching band and band president as well.

>> Mayor Adler: Good to meet you.

>> I'm the drum major and I'm a senior.

>> Mayor Adler: Hello.

>> Carmen, I'm color guard captain and also a senior.

>> I'm a senior.

>> I'm -- captain, president, and a senior.

>> Mayor Adler: It's great to meet you guys. I am real excited that you get to go. A lot of people watch this parade on television and it's like a huge event. I -- grew up getting to watch the parade back on the east coast, and it is a big deal,

[6:07:39 PM]

this parade, and a big deal that you guys were selected to be able to participate. All of us on the council are just so excited for this opportunity for you guys. And it's going to be exciting this year watching it with my now grandchildren, where I get to do that knowing that at some point in the parade, we'll be able to yell, hoot, and Hollar that we have our local folks there. Please convey that to everybody in the band. So many firsts.

[ Laughing ]

>> Excited.

>> Mayor Adler: Know that we've all been pulling for you, and I think probably I got to participate in the letter of recommendation, but I know that there were a lot of people in the community all doing the same thing. So, I have the -- why don't

[6:08:41 PM]

you -- can you close the door? That will just help us with noise a little bit. Thank you. An important proclamation we have today to celebrate some local ambassadors that are going to be arriving on the national stage to represent our city in some pretty significant firsts. We want to send them off with our best wishes and just to let them know how excited everybody is in this city for this opportunity. A proclamation. Be it known that whereas the Anne Richards school for young women leaders opened in 2007 with the mission of preparing young women from diverse backgrounds to attend and graduate from college, to commit to a healthy and well-balanced

[6:09:42 PM]

lifestyle, to lead with courage and compassion, and to solve problems creatively and ethically in support of our global community, and whereas the Anne Richard marching stars is the only all-female competitive marching band in the nation, and whereas the marching stars compete in the university, interscholastic league marching contests, bands of America regional competitions and other competitive events in and around Austin, and whereas the Anne Richards marching stars were selected from among thousands of performers nationwide to participate in the world-famous Macy's Thanksgiving day

parade, and whereas the marching stars, the only band from Texas participating in the 2021 Macy's day parade, is the first

[6:10:46 PM]

all-female marching band ever to be invited. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the council, council members tovo, councilmember kitchen, and the entire council, do hereby proclaim November 25th of the year 2021, Thanksgiving 2021, as also the Anne Richards school for young women leaders marching stars day in Austin, Texas. Congratulations.

>> Thank you.

>> Steve, did you want to say something?

>> I would love to pass over the mic to our band president, yeah.

>> Mayor Adler: Okay.

>> Well, good morning, mayor Adler and councilmen and women, I am Monica, a senior at the Anne Richards for women leaders, as well as band president of the Anne Richards marching stars. It is truly an honor to have your support as we represent the

[6:11:47 PM]

Anne Richards for young women leaders, the great city of Austin, and the entire state of Texas as we perform at the Macy's Thanksgiving day parade. This band has worked tirelessly to perfect our show and we look forward for everyone being able to see this wonderful performance. We are grateful to have your support and on behalf of the entire Anne Richards school of women leaders and the Naranjo annerichards marching stars family, we thank you for this incredible honor.

>> Well-said.

>> Mayor Adler: Can we step up here so we can get a picture with everybody?

>> Do you want to take that?

>> Just a little bit.

>> Or behind them.

[6:12:49 PM]

>> Here.

>> As long as you get --

>> Okay.

>> Come on down.

>> Congratulations.

>> We're the first band in the parade, so you have to get up

[6:13:50 PM]

early on Thanksgiving.

>> I'll be watching.

>> Thanksgiving morning.

[ Laughing ]

>> Congratulations, guys.

>> Thank you.

>> Thank you so much.

>> We're going to do -- next, and then you're done. There's one more after that, but we need to go upstairs.

>> Mayor Adler: Thank you.

>> Come on in.

>> Hello.

>> Mayor Adler: Thank you. I wrote a note on the back.

[6:14:51 PM]

All right. So this is a sad moment, but also a happy moment. You get to spend tons more time with your family, but we're going to lose in our office probably our cornerstone, the steady rock in our place. You have given such a gift to the city in almost ten years of service, three council offices. I think we're the third. Also working on city staff. In our office, you're kind of one of the real cores to our institutional knowledge and the rudders on our ship. And you can see in many ways your fingerprints on a city that

[6:15:52 PM]

has changed so much in the last ten years. And I hope you're proud of that service. And so we're going to issue today a city of Austin distinguished service award for her untiring service and commitment to the residents of Austin, serving as a senior adviser to three members of the Austin city of Austin over her tenure, including during the pivotal transition to the inaugural 10-1 council. Ashley fisher is deserving of public acclaim and recognition, and this certificate is presented in acknowledgment and appreciation thereof this 18th day of November in the year 2021 by the city of Austin, signed by me for the entire city council. Ashley, thank you.

>> Thank you.

[ Applause ]

>> Mayor Adler: Say good-bye?

>> I'll miss everybody. Thank you. I've been here a long time, for

[6:16:54 PM]

three councilmembers, and I'll miss everyone.

[ Applause ]

>> Do you guys want --

>> We'll do one with you all.

>> Let me -- now.

>> Mayor Adler: I'm done?

>> Thank you.

>> Last one's yours.

[6:18:05 PM]

>> Hello.

>> Hello. This is a trap for high heels waiting to happen. Got to walk carefully.

>> I'm trying to figure it out.

>> You can hand him to me. I don't have kids, so they kind of sense it. I can hold him for you. Ooh. Look at that.

[6:19:07 PM]

>> How about that? Get the car started for me, would you?

[ Laughing ]

>> Everyone's going to be in the shot real close.

>> Get on --

>> Are we ready? All right. Fantastic. I am city councilmember Paige Ellis, district 8, southwest Austin. I am here today with fellow advocates in honor of national child injury prevention day. We have a city proclamation and I'm joined by amazing folks from public health, the office of violent prevention, arms for life, Texas gun sense and Dell children's medical center. Whereas injuries are a leading cause of death and disability to U.S. Children 1-18 years old and whereas the city of Austin is committed to creating a safe environment that contributes to our children's safety and

[6:20:10 PM]

well-being, and whereas while many of these injuries and deaths vary across the state, every county in Texas is impacted by these events, and whereas hospitals, state agencies and community organizations are committed to reducing injuries and deaths by promoting safe practices, and whereas national injury prevention day raises awareness and promotes efforts in reducing injuries among children, the city of Austin commends the Dell children's medical center, Texas gun sense and lock arms for life and Austin public health and all involved in this worthwhile endeavor to help protect children from injury, now, therefore, I, Paige Ellis, on behalf of Steve Adler, mayor of Austin, proclaim November 18th as the 2nd annual national child injury prevention day. And now I will pass it to state representative Donna Howard.

>> Thank you so much. Let's see how this goes. This is exactly the kind of young person we're trying to

[6:21:10 PM]

protect here, so I'm very happy to be here and to work with these great groups that are doing so much to protect people like this. Whereas the second annual national injury prevention day is taking place on November 18th, 2021, and this occasion offers an opportunity to highlight an issue of vital importance, and whereas bodily injuries are the leading cause of death and disability to children in the United States between the ages of 1 and 18, each day 20 children in the country die from preventable injuries, more

than from all diseases combined. And increased education and better safety practices and equipment can reduce this tragic toll. And whereas in 2020, the injury-free coalition for kids established national injury prevention day to focus public attention on the issue, and the need to take action. The coalition works with local

[6:22:14 PM]

hospitals, state agencies and community organizations to encourage safe practices and raise awareness. As part of the initiative, buildings across the United States will be lit in green in order to shine a light on opportunities to prevent injuries. And whereas young people represent the future of the Lone Star state -

[ laughing ]

>> And by joining together to help reduce injuries, Texans can help safeguard this precious asset, now therefore be it resolved that the 2021 national injury prevention day be recognized and that all those participating in this observance be extended sincere appreciation for their commitment to a worthwhile endeavor. Signed by me, Donna Howard, state representative for house district 48 for the state of Texas. And now I will pass it on to Dr. Ayer, chief medical officer at Dell Children's Medical Center.

>> Just in time.

[6:23:15 PM]

[ Laughing ]

>> Thank you.

>> Good morning. My name is Nina. I am the chief medical officer of Dell Children's Medical Center, and it's wonderful to be here today on behalf of Dell Children's Medical Center and Ascension Texas. Thank you Mayor Adler, Councilmember Ellis and Austin City Councilmembers for issuing this proclamation recognizing today as National Injury Prevention Day. We would also like to thank Representative Howard for the state recognition of this day of awareness about the burden of injury, violence, and the need for prevention. We appreciate community partners with us today -- Austin Public Health, the Injury Prevention Program and the Office of Violence Prevention, along with Lock Arms for Life and Texas Gun Sense who are all working together to keep our children safe. Ascension Texas has served the

[6:24:18 PM]

community for over 119 years. It is especially meaningful for Dell children's medical center to have community and state recognition of the second annual national injury prevention day. Injuries are the leading cause of death and disability to U.S. Children from ages 1 to 18. Every day, 20 children die from preventable injuries, resulting in more deaths than all of the diseases combined. In fact, injury is the leading cause of death for people through 44 years of age. With the investment of money in charity care in the central Texas community and the planned expansion and opening of Dell children's medical center north, you have a commitment to provide excellent clinical and compassionate care for all, but especially the vulnerable and those experiencing poverty in our central Texas community. You also have a commitment to work tirelessly to prevent childhood injuries. Dell children's medical center joined doctors, nurses, and community outreach personnel at

[6:25:18 PM]

trauma centers across the country to raise awareness for injury prevention. Tonight, Dell children's will light the tower green to shine the light on injury prevention in solidarity with communities across the country who are doing the same. Thank you.

>> Thank you for joining us today. I will close us out by saying these organizations are available for comment if you have any specific questions for them, or want to talk to them further. Thank you.

>> Sure. In front?

[6:26:27 PM]

>> Got it? Sure?

>> All in. One, two, three, smile.

>> Good job.

>> Yeah.

>> He was great.

>> Mayor Adler: About ready to get started? Before we convene the meeting, we're going to have is just a couple moments here of personal

[6:27:28 PM]

privilege. We're losing some titans here from the city and I want to make sure we get a chance to recognize those folks. Alison, do you want to go first?

>> Alter: Do you want to do --

>> Mayor Adler: Okay.

>> Alter: Oh. Never mind. She's here. Okay. So, my office is losing one of our team members from four years, April Romero brown, and I want to just take a moment to thank April for four years of service and friendship. April has offered so much to the city and to my office and our team. It takes a steady hand to work in a council office, and I've

[6:28:29 PM]

seen no steadier hand than April's. She demonstrates a calm under pressure coupled with a real commitment to make good public policy, always finding out the information that we need, helping me to make the right decisions and helping us to move things forward constructively for the city. April has supported me on communications and outreach, but also helped lead our efforts with respect to reimagining public safety, safe routes to school and homelessness. And these are among the most contentious and intricate issues that we've dealt with as a dais. And she has approached each of these issues and her work with this with a tough fierceness and a commitment to truth and a commitment to doing good public policy. April, you will be missed. Thank you for your service.

[6:29:31 PM]

And you've contributed a lot and will definitely be missed. So, thank you.

[ Applause ]

>> Mayor Adler: We also want to make sure that we recognize that this is Jannette Goodall's last meeting with us. We've had the opportunity to present her with a distinguished service award and I watched her take her five-year pin, her ten-year pin, her fifteen-year pin and her twenty-year pin, because apparently she hadn't gotten them timely. So she's leaving with a bag of pins.

[ Laughing ]

>> Mayor Adler: But Jannette was clerk in this office when there were just huge, significant changes, both in our city and in that office. And we're just incredibly appreciative of that. And certainly most recently, but

[6:30:32 PM]

not least, the work -- your work and the work of your department and staff over the last 20 months of the pandemic and the winter storm, and multiple elections and special elections, and has just been absolutely extraordinary. We wish you the best as you move on to bring this level of sophistication and modernization to other parts of the state. So, thank you so much for your service.

[ Applause ]

>> Mayor Adler: I also want to thank Ashley fisher in my office. Colleagues, you or your staff probably know her really well. She has been gifting to the city her service for almost ten years. I think that her work in my office is her third office.

[6:31:36 PM]

Pio, I think she worked with you in yours, and Dr. Spelman's office. She also had a stint on city staff function. In my office, she is kind of one of the rudders on our ship. She is one of our sources of institutional knowledge and it's just real comforting to have somebody who has already seen everything once or twice, or ten times before in terms of being able to keep steady progress. But also your fingerprints on so much of what's happened in this city. Thank you so much for your service.

[ Applause ]

>> Mayor Adler: All right, Pio?

>> Renteria: Yes, mayor. I really appreciated Ashley when

[6:32:39 PM]

she was in my office. Hi great joys when she would bring her two daughters to her office, and one little one she had just fostered. She just had a bad habit of running into the table she was at, not short enough. But thank you for all you have done for our city. Thank you.

>> Mayor Adler: Thank you. All right, colleagues. With that I'm going to go ahead and convene the Austin city council meeting here today, it's Thursday, November 18th, 2021. The time is 10:22. We have a quorum present. Mayor pro tem, are you with us remotely? Yes, I see you. Thank you. That means we're all here except councilmember Casar, who will joining us shortly. The changes -- let me go ahead and take us through changes and

[6:33:41 PM]

corrections. Item number two on the Austin housing finance corporation is withdrawn and replaced with agenda item 8. We'll need to remember that when we break into the Austin finance -- Austin housing finance corporation agenda. If I forget, please remind me. Item number 7 is postponed to December 2nd of 2021. Item number 11, November 3rd, 2021, was recommended by water and wastewater commission on a 7-0 vote with commissioners Michael, Musgrove and Williams absent and one vacancies. Item number 13 on November 3rd, 2021, recommended by the water and wastewater commission on a 6-0 vote with commissioner Penn re-cueing and commissioners Michael, Musgrove, Williams absent and one vacancy. Item number 15 is related to item number 16. Items 17, 19, and 20 were

[6:34:44 PM]

recommended by the electric utility commission, 8-0, chair Hopkins absent. Item number 30 is withdrawn and replaced with agenda item 96. Item number 33 is withdrawn and replaced with agenda item 91. Item number 71 is related to item number 96, not just item 30. Item number 78 is withdrawn and replaced with agenda item 98. Item 83 is actually in district 6. Item number 84 is actually in district 7. Numbers 89 and 90 there was an 8-3 vote. The councilmembers that were voting no were alter, tovo, and Kelly. That's a correction. Item number 90, a valid petition

[6:35:47 PM]

has been filed in opposition to the zoning case. We have two items that have been pulled off the consent. Item number 9 has been pulled by councilmember alter. Item number 35, I would suggest that we postpone this item to January 27th of 2022. This is the Marshall issue, the staff has suggested that's the right time to bring this back. So I'm going to go ahead and leave that on the consent agenda if there's not an objection, with a postponement to January 27th, 2022.

>> Mayor.

>> Mayor Adler: Hang on. Councilmember Kelly.

>> Kelly: I'm okay with the postponement, but I'd like to pull two items, items 22 and 38, please.

>> Mayor Adler: 22 and 38.

[6:36:50 PM]

>> Kelly: I have questions for staff.

>> Mayor Adler: Okay.

>> Kelly: Thank you.

>> Mayor Adler: All right. Continuing on with changes and corrections, we'll get to -- councilmember pool?

>> Pool: I just wanted to note if we are postponing an item, any speakers would only be speaking on whether to postpone or not, is that correct?

>> Mayor Adler: Correct. We're all going to try to ensure that measure of discipline.

>> Pool: We can give people their morning back so they don't have to hang on the line if they are. And the same in chambers.

>> Mayor Adler: Okay. All right. Continuing on, the Marshall issue. Any discussion on that today would be on whether or not to postpone to January 27th. Yes.

>> I'm sorry, I didn't flag this earlier, but the item 52, the

[6:37:52 PM]

vmu one, I know there were some extra versions that came out that I was still sorting through and given that we have a special called work session to talk about housing, I wasn't sure if it made sense to postpone it for a little while to be able to talk about those all together, but I can pull that if we wanted to have that discussion.

>> Mayor Adler: I think because this is an issue that we've seen a lot, I'm okay with letting this one go through today. I know that there were some amendments that were circulating. I don't know if people need more time to see those, but I think if anybody wanted to do it for that reason, I'd be fine with it being pulled. If people thought they needed more time, but I think this is something we ought to be able to vote on today. I appreciate that because on November 30th I think is really the day for us to dig into this

[6:38:53 PM]

area. And my first impulse was as yours is, but this is such an issue that we run into so many times, I'd probably just let this one go. Further discussion, councilmember Kelly.

>> Kelly: I would like to second councilmember Ellis' postponement just because I understand that if a councilmember would like a postponement for their own reasons I want to be able to support that.

>> Mayor Adler: All right. So let's pull item number 52. We can discuss this later. So, also on changes and corrections, we have late backup in Austin housing finance corporation item number 2. Please remind me when we get to that agenda to do that. Items number 7, 10, 37, 47, 51, 70, 71, 72, 73, 74, 75, 76, 78, 80, 84, 86, 89, 90, and 92 and

[6:39:54 PM]

98 all have late backup. Colleagues, the consent agenda items today are items 1-54 and also 91. At this point I'm showing item number 9 to be pulled, item 22 to be pulled, item number 35 is on the consent agenda to be postponed to January 27th, item number 38 has been pulled, and item number 52 has been pulled. We have some speakers that have signed up to speak. Council, unless there's objection I think we'll go straight to the speakers. I'm going to call the in-person speakers first so that they have an opportunity to be able to leave, and then we will do the phone speakers.

[6:40:56 PM]

We have about three hours of testimony today between the morning and the afternoon, a little bit more than that at two minutes each, so we're going to limit speakers to two minutes each, both in person and on the phone. And I'm going to call these in groups by numbers that folks have signed up to speak. You have two minutes to speak on whichever one or more issues you want to speak on. We're going to begin with item number 2. Ana? And then Jayme Perez, and may mays.

>> Good morning, councilmember

[6:41:57 PM]

Casar and everybody else, my name is Anna, here with my colleagues from survivor justice project. We're here to thank councilmember Greg Casar for your service. When we saw the item on the agenda we wanted to take a moment to celebrate the work that you've done and to thank you personally and publicly. We brought issues first to you I remember in 2016. The presenting issue was about the rape kit backlog. Of course we've since learned that that is a symptom of a much larger project, but in that meeting, I remember Kristen telling you there were rape kits on the shelves that were older than you. And you never stopped listening and taking action from that moment on. You didn't know a lot about the issue, but you dove right in and became a leader for us. It wasn't just the backlog that you worked on.

[6:42:57 PM]

You also worked on resourcing victim services, community-based counseling initiatives related to emdr, and, of course, with other councilmembers, councilmember alter, evaluating the sex crimes unit within

APD as a cosponsor. We think that you embody the spirit of reimagining public safety. We wish we could have gotten farther as a community on that. But you've left a legacy here that is nationally recognized. You've changed the landscape for survivors and have centered survivors along the way. And you've set a new standard for what it can look like to serve in public office in spite of so many difficult and frankly violent attacks against your character for wanting to make this city more aligned with the values we say we hold. We want to thank your staff publicly as well because --

[ buzzer sounding ]

>> None of it could be possible

[6:43:57 PM]

without them. Thank you so much for your service.

>> Mayor Adler: Thank you. Next speaker on items 22, 38, Sharon Blythe -- sorry.

>> Hello, councilmember Casar, mayor. Similar to the previous speaker, I'm here to thank you for all of the work that you've done. When I saw this item I was like, I need to tell you explicitly what you've done for me and my community. My family came here in 1993 from Mexico when we settled in areas in district 4 throughout my whole life. My mom started making \$4 an hour and I grew up in a city that was divided, that was segregated, that was not meant for me and my family. When district 4 was created and you started to represent us, for the first time I felt that we had a voice for our community.

[6:44:59 PM]

The often neglected parts of Austin that never get any attention, with the lowest parks, public safety, highest traffic accidents, all of these aspects of the city that I grew up in but are often invisible for many others. I remember when I first got back to Austin, you listened to my family's story of my father's deportation and worked with communities, organizations, with me and with others to ensure that this city lives up to its values of protecting everyone, including immigrant communities like mine. I'm here to say that I'm very excited to support this and have the opportunity to elect another councilmember who can have the same vision that you had for our community, who will work with community organizations, with families like mine and make sure that areas like the Rundberg area, Rutland where I grew up, where my family, my family goes to school, we go shopping, these parts of Austin that are always ignored are never ignored by the representative and the councilmember like you did when you represented us.

[6:45:59 PM]

Thank you so much for your service. I'm very excited and proud of you and excited to see where you go next because I know you're going to continue holding those community values and the heart of school district four is never going to go away from -- district 4 will never go away from you and I'm excited to see what you do next. Thank you so much.

>> Mayor Adler: Thank you. Anyone else here signed up to speak on item 2?

>> Casar: Mayor, I want to thank all the speakers from survivor project, and for your extremely kind words. I'm at a loss for words. I appreciate y'all coming here and appreciate everybody that has really -- the people have led and we've tried to follow. So, thank you so much for coming out today.

>> Mayor Adler: Okay. The other speaker on item 2, may mays.

>> I've never done this before, so can the district have no councilmember representing it?

[6:47:01 PM]

Will polling places be located only in district 4? Are district 4 residents the only ones allowed to vote in the special election? When is the deadline to file for candidacy? Why did the council choose to hold a special election instead of having an in-house vote? Can the district be without a councilmember?

>> Mayor, if . . .

>> Mayor Adler: Get you some answers right away from the clerk on that. It's a citywide election. As there is for all of the council positions. No.

[ Laughing ]

>> Mayor Adler: I'm thinking of my election.

[ Multiple voices ]

>> We'll speak with her.

>> Mayor Adler: One, the office will not be without a representative. So councilmember Casar will continue to serve until the replacement happens. The election is on that day.

[6:48:03 PM]

The district votes. All the polling locations in the district?

>> Most. We have a number of polling locations within the district, but there are other entities. There are a couple, I think, outside of the district so that -- to make it more convenient, but I don't have the list.

>> Mayor Adler: It's just people in the district.

>> Only registered voters in district 4 are eligible to vote.

>> Mayor Adler: All right.

>> Mayor.

>> Mayor Adler: If you have further questions, those are the clerks right there.

>> Mayor.

>> Mayor Adler: And you can ask that. Yes, councilmember tovo.

>> Tovo: Perhaps the city clerk could answer some of the other questions that the speaker asked about filing deadline and just briefly requirements for that position, but also if you could provide information about --

[ buzzer sounding ]

>> Tovo: Where this speaker or others could get that more

[6:49:05 PM]

specific detailed information about polling places and about qualifications for running, that would be helpful. I think that might cover the speaker's battery of questions.

>> So there is an item on your agenda ordering the election today. And I think part of the backup we have at least some of the polling locations attached to that ordinance. As soon as you adopt that ordinance, then the filing period will start, once you adopt the ordinance, so it will start sometime today when you take action and it will run through December 16th, that's the last day to file. The election will be on January 25th. Early voting starts a couple weeks before that -- sorry, I don't have the date in front of me. But it starts -- I think the 19th of January and runs up until four days before the election. And candidate packets are ready

[6:50:07 PM]

and as soon as you pass the ordinance, are available from the clerk's office that provide all of the details and the schedule for the special election.

>> Mayor Adler: Do we know what the qualifications are for the position?

>> You have to be 18. You have to be a resident of the state for a year. You have to be a resident of the district for six months. And you have to be a U.S. Citizen and not convicted of a felony unless you have been pardoned and meet all of those --

>> Mayor Adler: Councilmember pool.

>> Pool: I think that the packet for the election is also going to be available for download from the clerk's --

>> It will be posted -- we have a website for the January 22 election, the candidate packets and all of the required forms will be on that as well and hard

[6:51:09 PM]

copies will also be available and we will also make it available electronically on a thumb drive.

>> Casar: Mayor.

>> Mayor Adler: Councilmember Casar.

>> Down now?

>> Mayor Adler: You absolutely may --

>> Casar: You absolutely may sit. Thank you for coming and asking your questions. Thank you for joining us. I think of the questions the speaker asked, the only one left was the question about why a special election. I saw that Ms. Webster is on, also I'm sure the clerk could answer it.

>> I can answer quickly, give you a simple answer, and then Caroline can correct me if I make any mistakes. We have to have a special election because of the way we are structured with four-year terms, etc. We have to hold an election within 120 days of the announcement, which triggers the councilmember resigning and going into a holdover capacity. And so the 120 days does not

[6:52:11 PM]

allow us to wait until the may uniform election date.

>> Mayor Adler: There's another rule that says you can't be within 30 days of a uniform date, so when councilmember Casar announced he was running for congress that serves as a resignation. He serves in that role until he can be replaced. The state law provides for when the election can be held, no longer than 120 days after the effective resignation with the announcement of running for congress. But it can't be within 30 days of the primary date. So going after the March date doesn't work, because it's more than 120 days, which means it has to be no closer than 30 days prior to. And that Tuesday or election day turned out to be the 25th. All right? Yes, councilmember Kelly.

>> Kelly: I asked a lot of these questions in the council q&a which is available online, so if there are further questions in the community that's a good resource.

[6:53:12 PM]

And then as far as the vacancy goes, in the q&a it was stated on the date we canvas, the replacement can be sworn in, so there will not be a vacancy.

>> Correct. The clerk's office will work with the council and arrange the swearing in ceremony to occur on the day of the canvassing, a few days after either the January 25th or if the election goes into a runoff, after the runoff election. Fingers crossed, you're able to appoint -- have a permanent member who will serve the remainder of councilmember Casar's term. They're not being elected for a four-year term, but to fill his remaining portion of his term.

>> Mayor Adler: All right. Sounds good. Are we ready to move on? Let's do that. Next speaker, speaking on items 22 or 38, Sharon Blythe.

[6:54:13 PM]

Is Ms. Blythe with us? Good morning. Adam Greenfield is on deck speaking on item 24.

>> Thank you. My name is Sharon Blythe. We're talking about a historic cemetery here, which falls under a different category of care and concern. I hope I can get this powerpoint to work right. Next slide. Back up one. Okay. Next slide. The interment services contract has certain provisions that was signed in 2013, where the contractor shall place at least three six-foot 2 X 8 wood studs across the open grave

[6:55:14 PM]

opening. And then he must, you know, use plywood in good condition, also. And the chains and rope should be around those cones that are marking that site. Next slide. Here's a picture of the cones. You can see there's no ropes or chains around them to demarcate where they are. According to this contract, that's what he must do. Next slide. This is the piece of plywood he uses. It is not in good condition. It's dilapidated. This is against his contract, also. He should use better plywood. Next slide. They're not picking up the flowers, graves here, that they should be filling in after an interment. Next slide. In 2013, the city purchasing office said there were no other bidders. Here's a company that offered to put in a bid.

[6:56:15 PM]

They were never called back by the purchasing office so they did have other bidders that could do that work in 2013. Next slide. Interment services has never bid on the contract in 2013. They pulled the bid and they just started negotiating with him on the prices. Next slide. Here's the current fee schedule

they're proposing. As you can see, there's quite a difference between the current fee that they're calling and the proposed fee.

[ Buzzer sounding ]

>> Next slide.

>> There's huge increases proposed and I hope y'all realize that from 2013 to 2021 there's big increases in all those categories. Next slide.

>> Mayor Adler: You can go ahead and wrap up.

>> Okay. Go on down. And I only ask that you think about these things and

[6:57:16 PM]

understand that this contractor needs to be monitored and supervised and not let him do whatever he wants to do and just keep that in mind. Thank you.

>> Mayor Adler: Thank you.

>> Thank you, Sharon, for coming to speak before us today.

>> Mayor Adler: Items 22 and 38 have been pulled. Item number 24, Adam Greenfield. On deck is Christopher Calapatitas. Go ahead.

>> Good morning, mayor and council, my name is Adam Greenfield, a district 3 resident and a supporter of the rethink 35 campaign. I'm here today to speak in support of agenda item 24. Council should approve this contract so we can fully understand the cap and stitch proposal for I-35. However, the city of Austin should in parallel study other alternatives for I-35, starting with a key recommendation from

[6:58:17 PM]

txdot's own I-35 corridor advisory committee. In 2011 the committee concluded that it's inappropriate for an interstate highway to go through the center of town and recommended that long-distance traffic instead use SH130. The Texas A&M has studied this more recently. A solution like this would relieve Austin of the need for an interstate highway through downtown and would open up possibilities for transitioning today's I-35 from a dangerous and unpopular facility to a more urban roadway appropriate for the community's need at a fraction of the cost of expanding I-35. And, of course, txdot recently admitted to council that expansion won't even improve congestion. Indeed, many Austinites are asking why we need an interstate facility through downtown when in at least 15 other cities in Texas, I-35 goes around the city center, not through it. Do we really need an interstate highway for local trips like

[6:59:18 PM]

buying groceries or taking kids to school, especially when I-35's impacts are so severe? So, I urge council to direct staff to study the alternatives to running a major interstate highway through the center of Austin and I also want to thank you for your amazing work around I-35 and for your attention on this critical issue. Thank you so much.

>> Mayor Adler: Thank you. Christopher. On deck is Japalo.

>> Hello. Hi. It's really an honor to be before you today. I'm also here in support of what Adam was just talking about, and I want to tell you why I support it with a story. So last weekend I decided to go to an event. It was actually Greg Casar's congress launch event on East 4th Street. I live on West 6th Street. I decided to take a walk to the event. It was actually a really nice walk. I saw downtown bus link, people

[7:00:18 PM]

going to restaurants, cafes, bars. Everything I want to see in a city. And this council has actually been a reason why Austin's getting to that point. But that all kind of ended when I got to I-35, which is just this death trap. I go there and I'm like should I turn around, should I get an Uber? Could I fly across? I don't know. I did what any other person would do in Austin. I looked to my right, to my left and ran across and I hope I don't get hit by a car. Unfortunately I didn't. I did it again on the other frontage road on the other side. And this is our downtown and I wanted to bring it to your attention that it really is unfortunate in the middle of our downtown pedestrians have to put themselves in danger to cross. So just letting all of you know that I really support -- if there is a way to reroute traffic around downtown Austin, if there is a way to turn I-35 into a safe boulevard, I would

[7:01:21 PM]

really support that as a person in Austin. Thank you.

>> Mayor Adler: Thank you. Yes, councilmember Renteria.

>> Renteria: Sir.

>> Mayor Adler: Sir.

>> Renteria: Are you talking about 4th Street?

>> I'm talking about the I-35 frontage road that intersects with 4th Street.

>> Renteria: Okay. And just to let you know that we already have plans for a light there on both sides, for pedestrians and bicyclists to go through there. But I just wanted to let you know yes, we recognize

that is a very dangerous intersection, where the bike lane is at. So far the only solution that we could -- we thought of was putting a light in there. And it's in the process. We already funded that, so I just wanted to let you know.

>> All right. Thank you.

>> Mayor Adler: Thank you.

[7:02:23 PM]

Mr. Connelly? No? What about Chris Harris? These are all people on 35, which has been postponed. Mitchell, do you want to speak on the postponement to the 27th?

[ Off mic ]

>> Mayor Adler: But you have to speak on the postponement, you can't speak --

>> That is my intention.

>> Mayor Adler: Okay.

>> Hi. I'm sorry about the sunglasses. I lost my glasses somewhere. So now I'm just wearing sunglasses indoors. Thank you for postponing item 35. During the intervening time, I ask that you direct the city to engage with community members of the reimagine task force to evaluate issues and discuss a range of options to improve court functioning for everyone, that staff collaborate with the reimagine task force community members on recommendations related to court safety and

[7:03:26 PM]

security, that we ensure that all police officers working for the city of Austin have the same training requirements and are subject to the same levels of oversight and accountability -- that seems kind of basic -- and we ensure especially that officers working in the municipal court with Austins poorest people most guilty of failure to pay class C fines conduct their work from deescalation training grounded in iCAP, the decision model developed by per and the starting point for training in our police academy. I wanted to make those points because when this came up previously and you all sent it to the public safety commission, I believe that the purpose of doing so was to ensure that there was adequate community input into this proposal and it basically was rushed through the commission and sent straight back to you. You're all aware of that. I would ask that as we take advantage of this break, and a

[7:04:26 PM]

lot of time will be on Christmas break and Thanksgiving break, so I hope that this isn't another round of that and that in fact during this intervening time there is adequate collaboration and assurances that when this comes before you again -- if it comes before you again -- the issues that have been raised will be addressed. Thank you.

>> Mayor Adler: Thank you. I think that's consistent, Ms. Mitchell --

[ buzzer sounding ]

>> Mayor Adler: With the conversation we had on the dais on work session about asking this to come back to us again at a different time. Let's go on then to the next item. Alicia torres. Also speaking on this item. Okay. Thank you. What about Mary Arnold on item 47?

>> Mayor.

>> Mayor Adler: Yes.

>> Tovo: While Ms. Arnold comes up, I just wanted to ask

[7:05:28 PM]

if our Austin transportation department could provide us -- could provide councilmember Renteria and my office with an update on that pedestrian hybrid beacon. I think we shared the cost of that and I'd be interested to know what the timeline is for the installation as well.

>> Mayor Adler: Okay.

>> Tovo: Not in this meeting, but outside this meeting, if we could get some followup from the transportation department about the timeline for installing that pedestrian beacon, that would be helpful.

>> We'll get that to you, councilmember.

>> Mayor Adler: Ms. Arnold.

>> Mayor Adler and members of the council, I'm here mainly to just ask questions -- pardon me, answer questions. We were here in September and you appointed two new board members, one who was continuing and a new board member. And unfortunately, our new board member was not able to fulfill the role that was required and

[7:06:28 PM]

informed us that he would not be able to serve on the board. So the save historic district looked again, and we are recommending that Overton III succeed himself on the board. So, that's all I have to say and I hope you will approve his appointment.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: That's re-mange on consent thus -- remaining on consent thus far. We appreciate his willingness to continue to serve. On item 52, is Mr. Greg Anderson here? No? What about Jackie Brooks? Oh, come on down. Jackie Brooks is on deck.

>> Mayor, was this item pulled for discussion or is it still on consent?

>> Mayor Adler: Item number 52

[7:07:33 PM]

is pulled for discussion.

>> Okay. And we speak now? Thank you for bringing this item, councilmembers. I had dinner last night and talked to a server, Greg Anderson, housing advocate. I talked to a server and asked her what was housing like and she stopped what she was doing and she bowed her head. And she said prayer. She said that it's so difficult for her and her friends right now to find housing in the city that they can afford that they're not sure what they're going to do. They're bunking up, doing creative things, moving further out, moving to other cities. It's really, really difficult. And so this item is a step in the right direction. We definitely need to get more height. 60 feet is an arbitrary number nobody can get behind. It makes zero sense. There's not a construction type that makes sense. We're talking to retail down there. For a thousand reasons it makes sense to go taller. I took the time over the last three weeks to reach out to ten different developers who had

[7:08:35 PM]

built developments around Austin in the past seven years and asked what was the biggest thing, biggest hindrance to you building more of these developments, more units, more affordable at their dime and each one answered compatibility. Every one of them. I was expecting to get some similar answers I was expecting to get different answers, similar to number one, number three, permitting process, the city manager side of things that I know we're going to continue to try to work on, but I would really, really hope that as you guys take up this big conversation on the 30th that we could look at pat believe as it costs us -- compatibility as it costs us more housing units that are off the books. If single-family neighborhoods are off limits. We understand that only the top 5 to 10 percent of people can live in those neighborhoods because of the restrictions we keep there, can we at least open up the corridors and allow thousands and thousands of more units on transit right next to downtown on so many of these corridors that

[7:09:35 PM]

today we are preserving parking lots and liquor stores and gas stations because of compatibility.

[Buzzer]. Thank you.

>> Mayor Adler: Thank you. Jackie Brooks. Rick Pervodiac is on deck.

>> I'm Jackie Brooks, a resident of Windsor Park. I currently have the privilege of serving the Windsor Park neighborhood as a part of the Windsor Park neighborhood contact team. I want to talk about agenda item number two to enhance the VMU program and the effort to work on affordability. I want to share my concern with the outcome I've seen as a result of the current outcome. There is a glitch in this tool that allows a developer to bypass 90% of a

[7:10:35 PM]

community shopping center, evict thriving community owned and small business tenants and replace it with gated off residential style building and call it VMU. So here's my ask. Please add a review of the design and commercial use requirements under both the existing VMU and any new VMU with the goal of preventing developers from finding and leveraging loopholes to circumvent the requirements. Why is commercial relevant to this affordability conversation? Because VMU is not just about housing. Access to neighborhood services and connectivity is key to its success. The addition of housing is welcome, however, it can't be housing at any cost. The Windsor Village shopping center is perfectly positioned to move us towards a complete community as defined in the Imagine Austin plan but instead we're getting a gated community. How? The Windsor Park neighborhood participated in the planning process alongside of the city to practically set the location up for success, but the proposed project is a huge miss. We are now aware that the VMU tool is being used in a way that strays far from the intent. What's happening at Windsor

[7:11:37 PM]

village is exhibit A and you can change that. The response to our urgent plea is not only an opportunity to reinforce trust built into the neighborhood planning process but also to pause, measure and recalibrate to get it right. Acknowledging the stakeholders an intent of the vision and tactically envisioning the follow through process. My professional and personal experience have taught us that shaping for the future is better rather than worse. We need accountability for the outcome of the tools and I really appreciate your consideration. Thank you.

>> Mayor Adler: Thank you.

>> Mayor Adler, council members and city manager, I'm going to speak to pretty much the same thing that Jackie just did. I thought we had three minutes to we're going to cut this down, but again Windsor park went through the neighborhood planning process, we did all of the right things. We added mu to the properties that we thought

[7:12:38 PM]

where it was appropriate. Vmu was not an option at the time we did our neighborhood plan, but immediately after it was. We adopted -- we did not give mu to Windsor village, it was a commercial center. We wanted it to remain that. But vmu gave us the option of also putting housing on this property. So what happens is trans world development bought vined December village and plans for a 500 unit apartment complex. When neighbors became aware the contact team began looking into the project submissions and reviews as they became available I'm. The four text in this group were baffled that trans western submitted a project so oblivious to vmu and the requirements we later learned that the ordinance required pre-application conference had been waived so they didn't really know. They are possibly violating phasing requirements because they're talking about a next phase of 300 more

[7:13:40 PM]

apartments. They are not accomplishing about 100,000 square feet of commercial space and leaving one building. They're adding two spaces that add up to 2700 square feet in the vmu building. And then they're building a 3700 square foot building that is not a vmu on separate property. So please consider reviewing the vmu ordinance to require the inclusion of adequate commercial space. Failure to provide a place for business uses while adding hundreds of new residents who will need those services and jobs is not good planning. They say it takes a village, but what if they take your village? Thank you.

>> Mayor Adler: Thank you. Hector martel? Angelica Montez so deck.

>> Mayor Adler, council members, city manager, thank you for hearing us today. My name is Hector martel, I'm an architect in Windsor park, city council district

[7:14:41 PM]

4, also to comment on the vmu additional density bonuses. Based on the public data from the city's open data portal, Windsor park ranks number two with eight percent of all vmu land and district 4 accounts for over a third of all of vmu land in the city. So I urge you carefully to consider feedback from district 4. Vmu zoning as intended San asset to the city. It allows for the construction of housing above commercial services. The affordability bonuses are a critical tool in the overall housing market as we have heard today. They are great examples of vmu's now all across much of Austin. Resolution 52 would

create more pathways to more vmu buildings, but current vmu ordinance is flawed. Currently according to city staff there is no stipulation to how much commercial is needed to satisfy the letter of the code. So we're spending time kind of identifying the percentage of affordability that's required, but there is no equivalent percentage of commercial required in the code. In Windsor park our

[7:15:42 PM]

commercial center has been shut irrelevant for months now. The developer is proposing to remove 50,000 square feet of commercial spaces in the first phase and replace that with only 2700 feet of commercial space. The neighborhood wants a true vmu development with ground floor commercial space. While you're considering the additional bonuses please clarify the ordinance to more clearly articulate the commercial requirement. The intent of vmu is to clearly provide walkable, mixed use developments, but if Windsor park is an example it will be a gated apartment building if built as proposed. Please revise this resolution to allow city staff to interpret vmu with the intent of vmu and amend section 4.3.3 standards subsection B, mix of uses, to read, the predominant use on the ground floor must be different from the predominant use on an upper floor. Windsor park was hopeful that vmu zoning would convert Windsor village into a true mixed use town center development.

[Buzzer]. We were happily support the vmu too if we can have that

[7:16:44 PM]

component. Thank you.

>> Pool: Mayor, I have a question for legal. These are really good points that the community is bringing to us, but I wanted to make sure I understood if there's an existing case and we make a change to an ordinance, does the change to the ordinance affect an existing case or does it continue under the ordinances that were in effect when the case was filed?

>> Council member, normally cases do continue under the regulations that they were already under when they started, but can you just -- I don't know what all the changes are in this particular case, so by the time the case -- discussing the case I will know if there's any different.

>> Kitchen: Could I speak to that? This -- the request that's being made relates to design standards? That's not the scope of this

[7:17:46 PM]

fee resolution. It keeps with the existing V and it's just speaking to the height. There is another -- I don't know if these speakers are aware of this, but there's another proposed approach to look at V that's making its way through the planning commission right now. That one may be broader, but this one is not. This one is only -- is not speaking to the design standards that the folks are asking about. So this one would not impact one way or the other. In fact, it was posted very narrowly and I don't think we could make the changes that are being requested within the posting. And that's not the intent of this one. There are other avenues that the planning commission is talking about V right now.

>> Mayor Adler: Councilmember Casar.

>> Casar: Thank you, mayor and thank you, council members pool and kitchen and to the neighbors for coming out. I and also the mayor pro tem are really supportive of the changes the neighbors have been asking for in this case, but obviously there's

[7:18:46 PM]

a bigger issue at hand. And I think what some of the neighbors alluded to is part of the path if we are able to successfully pass this resolution and an associated ordinance even if it doesn't change a site plan that's been filed, that may create options for the neighbors to present to this particular applicant to see whether or not anything can shift, and if it can't, then it may be in time for a second phase to make things better. Whether or not it would change the regulation is one thing. My sense is no as councilmember kitchen and pool laid out, but it could provide a tool for negotiation in the future, or with the vmu item moving through planning commission it's something that the council could review. We appreciate you bringing this forward. Obviously about your neighborhood, but then also the way that it impacts other places.

>> Tovo: Mayor, I'll add my voice of support to that as well. I represent a small sliver of Windsor park as well and

[7:19:46 PM]

also join my colleagues who represent more of Windsor park in that support for the neighbors and their requests. So I hope we can figure out how to leverage this conversation even if it's to provide the neighbors with some support in their negotiations.

>> Also, do you want to concur with what councilmember kitchen said. The posting today would not allow us to amend it in that respect, but there may be subsequent vehicles. All right? Let's continue on. I think we had Hector martel and Angelica Montez. Our last speaker on 52.

[7:20:47 PM]

>> Hello, my name is Kyle and I'm speaking on behalf of Angelica Montez. I'm a first year student here at UT Austin and I'm part of an organization called the UT habitat for humanity. In this organization we really advocate for affordable housing and we feel that item 52 is -- it is a step in the right direction. However there -- this is our chance to really do more to allow for more affordable housing and housing options in general in Austin. The gap between the number of people moving into our city such as from the university and immigration and the amount of housing units that are being built in the city need to build faster in order to accommodate for more people or else the housing prices will just keep going up.

[7:21:50 PM]

The housing costs are going up for the housing we're building for our clients and for our Clunes absolutely ourselves. We have trouble finding housing and we feel that although the additional height is an important factor to help establish units in the city, if you like at this point the item can do more in allowing for more housing across the city in Zones where where vmu housing would actually help benefit the housing crisis that is currently going on. We feel this is going to be a burden in the long run and that we are able to address it now. This is our opportunity to increase the number of we want to increase the number of vmu's across the city and advocate for more future in which we're able to implement this -- [buzzer].

[7:22:52 PM]

Implement the housing that's already in the safe and walkable environments and transit friendly environments to our new community members.

>> As you know there is a meeting about housing availability and housing supply and I urge you to get involved in those ideas as well. Thank you if being here. Councilmember pool.

>> Pool: And I would also like to encourage the university of Texas to be an active participant in these difficult conversation. As the students rightly point out they're there to attend the university and there's a shortage of university provided housing.

>> Mayor Adler: Okay. We'll move to item 63, max Whipple. By the way, our rules would

[7:23:53 PM]

also point out that -- I would also point out that the rules do not allow us to substitute a speaker. So make sure the nix time that the person speaking is someone who signed up. Max Whipple. No? Those

are all the speakers I had signed up here in person. Is anybody here in person signed up to speak on the morning's docket.

>> Mayor, Alicia torres is here for item 35.

>> Hello, my name is Alicia torres, I am a number of the reimagine Austin and also a member of the public safety task force. I am here to say that item 35 should not just have been pulled out of the agenda, it should not have even come up at all.

>> Mayor Adler: So would

[7:24:53 PM]

you excuse me, this is being postponed to January 27th so you could speak to the postponement whether you think it should be postponed to the 27th or not.

>> It should not have been postponed. It should not have been discussed. I will invite the council and the rest of the Austin outreach community to revisit the recommendations of the reimagine public safety task force that said no increasement on policing. That meant in physical form inside or outside the courts. Soiled again at large community and especially the remaining council members, please uplift the true desires of the reimagine public safety task force and those actually prioritize safety, not increasing policing in any form inside or outside the courts. Thank you.

>> Mayor Adler: Thank you. Anyone else signed up to speak? Did we have a call? Then we'll go ahead and ask you to call the folks that are called in.

[7:25:54 PM]

>> Okay. The first speaker is Amanda Williams.

>> Good morning, council members and mayor. Thanks for the time to hear testimony on item 2 today. My name is Amanda Williams. I am a the city of district 4 and I'm also the executive director of the willow fund. In light of the proposed special for d4 I'm calling this morning to uplift council member Greg Cesar's work on access in Austin and to take the short time to recognize how incredible it has been to have him as a champion on this issue at the local level. I know I don't need to tell this council how devastating the attacks on abortion access has been on our communities in recent years. As you know the landscape has only worsened after the abortion ban in September, which is now the most extreme abortion restriction in the nation. To put it plainly our rights are being held hostage and we know we have a long fight

[7:26:54 PM]

ahead of us and this is a fight that councilmember Casar has never backed off from. From his efforts to our planned parenthood effort to Austin becoming the low just kel support for austinites needing abortion care, those groundbreaking victories come from cities in the south and beyond who are looking for new and innovative ways to show up for local communities in this widespread attacks on our constitutional right to portion. This work has never been more important than it is today in the wake of sb8 and we're so grateful to have had councilmember Casar fight for us and the clients that we serve in Austin. I am so proud to have worked with councilmember Casar to make Austin a better place and we will not forget the work that you and your team have done here for women's rights and beyond. We wish you the best of luck on your journey?

[7:28:03 PM]

>> Kelsey hues.

>> I'm here to speak today in support of agenda item 24. I'm happy that this alternative study is being proposed and I urge you to consider an alternative study to route I-35 around Houston using existing state highway 130. That road would be appropriate for getting around town safely. I-35 promotes a lot of emotions out of me and the greatest is fear. Although I-35 is generally the fastest for me to break inner city trips, but I avoid it. Due to the enormous flyovers, high speeds, large amount of trucks that would crush my Honda civic if I was in a crash, exiting an merging in short ranges and I know someone in a crash on I-35 and severely injured their back. Even in I'm in an Uber or Lyft I will ask the driver not to take I-35 because I do not feel safe on it. My feelings are shared by my

[7:29:04 PM]

co-workers who do not allow their teenaged children to drive on I-35. My parents in their 70s who do not drive in their 70s and countless others who are forced to drive on it because there's no better option. I want Austin to be a city

[indiscernible]. We wouldn't put the highway there today if we were starting over. I urge you to imagine a better option for me and other young people in option and study rerouting I-35 around our city. We need to get this right as it could be a huge mistake. Thank you for your time.

>> Sean Haney.

>> Thank you, good morning. I'm Sean Haney, I'm a

[7:30:06 PM]

resident of district 9 and I'm speaking in support of agenda item 24. I live right beside I-35 and I've been following the capital express project very closely. And I'm excited to see the feasibility studies finally taking shape. However, before this process depose any further, I'd really like it if we could expand this feasibility study to study the necessity of having an interstate cut right through the city center as well as the potential of redesignating existing ex-urban highways such as 183, 360 or more preferably one 30, designating one of those existing highways as I-35. This would route the main interstate traffic outside of the city core while letting the existing I-35 main lanes to be converted into more of a business route for local traffic. Removing the interstate from the city could would make it a lot easier for us to

[7:31:09 PM]

explore some alternatives for that route much like the downtown corridor. By design in the state would be limited access highways with very few exits that move traffic as efficiently and quickly as possible. The capital express proposal that I've seen on the other hand seems to be more of an unlimited access highway. There's a whole mass of exits, managed lanes, merges, flyovers and the spaghetti junction of ramps. This is a massive once in a lifetime project for Austin and I ask that any discussion of redesigning this roadway shouldn't go forward unless the designation shop is studied and considered. Thank you for your time.

>> Cat Pratt.

[7:32:17 PM]

Sorry, mayor, my system froze. Elyse Epstein.

[Background noise].

>> Hi, can you hear me?

>> Yes, go ahead.

>> Okay, great. I know y'all are postponing item 35, which is great. My name is Elyse Epstein, I'm an organizer for black lives and a resident of district 5. I wanted to remind y'all that an earlier speaker in person said to reflect over the next couple of month before the next hearing about this. That the proposal for the Marshall programs is it does not represent reimagining public safety and it would be really important to listen to what the reimagining task force did when they reimagined the city budget that would divest from the policing and

[7:33:17 PM]

the [indiscernible] System which has been

[indiscernible] And institutionalizing white supremacy. Violence is a cycle. Service and care arrest cycle. The reimagining public safety committee serves the city residents in honoring your requests, investing hours and days to find better ways to care for the people of Austin. If we ignore their requests for choosing violence, take take into consideration again all that they recommended. Let's step away from policing and [background noise]. And we don't need to be giving ticket and criminalizing

[indiscernible]. Thank you for taking time to consider this and I hope you take the time for it over the next few months. Thank you.

>> Crystal Ericsson Collins.

>> Hi. This is crystal Ericsson Collins, thank you. I was intending to speak on

[7:34:19 PM]

item 35 and now that it's been postponed, I'd like to just uplift the comments that Ms. Mitchell made that it's not going to get delayed or avoided. This needs to be resoundingly negated. This should not happen, thank you.

>> Jessica Robertson.

>> Hi. My name is Jessica Robertson. I'm a resident of district 4. I'm with undoing white supremacy Austin and I'm also happy to be of service to our neighborhood association as the vice-president of the north Austin civic association. At this time I understand that item 35 is being postponed, although that is confusing to me as I think the postponement suggests some confusion on the parts of residents of Austin even

[7:35:19 PM]

though I was under the impression that there was an overwhelming rejection of the idea that more police officers are needed in the city of Austin. And I also think it flies in the face of the reimagining public safety task force, them having been excluded from this and be something that we specifically requested. So one way or the other, I hope that this is voted down and I'm also here to speak on item 89 and 90 regarding the brownie Grady rezoning. I just wanted to say on that that I want to be a proponent of more housing, of affordable housing, things to be -- housing to be accessible to people in our neighborhood without having to relocate. Opportunities for people to own their homes as opposed to being renters. But I'm worried that the burden of affordable housing

[7:36:21 PM]

and density is too high in district 4 and specifically the area noted, which is one that's been overlooked, the brownie Grady area has been overlooked generally and it's very disingenuous that the unhelpful infrastructure changes that have been promised along with the rezoning and the future development come part and parcel with commercial space and with increased density.

[Buzzer]. >>

>> Mayor Adler: Thank you. And remember we call the zoning speakers this afternoon for people who want to speak on zoning cases, people that have signed up can do that at 2:00. Next speaker on this morning's items.

[7:37:22 PM]

>> Amelia garzas.

>> Good morning, I will be brief. My name is Amelia garzas. I'm a resident of district 6 and also part of the Texas defense project. I want to thank you so much for postponing the creation after city marshal's program. There are still so many unanswered questions regarding the need and function of the city's marshal's program so I just really hope that we sincerely spend the next few weeks having real community conversations and explore what truly makes our city and courts safer for all council members and staff. It is also critical that just moving forward any following items posed as reimagining public safety should be vetted by the public safety task force. Lastly since the item has been postponed I want to mention that the funds earmarked for 35 to be spent on actual reimagining public safety task force recommendations and meeting the needs of community before they ever have to enter a court in the first

[7:38:22 PM]

place. So with that, thank you again for the postponement and your time.

>> David king.

>> Yes, thank you. My name is David king and I'm speaking in support of item 52, vertical vertical. Thanks to councilmember kitchen for sponsoring and council members pool, alter and tovo for co-sponsor this important resolution. Please consider the following recommendations: Annual median family income requirements should be set at or below 50% per rental and ownership to facilitate equitable to income restricted housing to low income families of Austin. A recent university of Texas study shows that the annual median income for black and roughly that of white families in Austin. Another study shows that the market is adequately serving families earning between 80

[7:39:25 PM]

and 120% of the area median family income. A minimum of 15% of ownership for 99 years should be required. Affordable housing nix requirements should apply to the entire project not just the bonus area. Income restricted housing units should be on-site and no vmued. They should not be granted and residential compatibility should not be waived. Vmu 1 and vmu 2 zoning should complement existing vmu zoning and existing vmu requirements should be carried forward. Any expansion to the vmu overlay should follow and comply with the public rezoning process that requires public notice to affected residents and public hearings by land use commissions and city council. The stakeholder process should be equitable and transparent and comply with state open meetings laws. Neighborhoods, communities, residents and small local businesses situated on or

[7:40:25 PM]

existing to adjacent or proposed vmu corridors should be specifically included in the process. Thank you for considering my comments and for your service.

>> Monica Guzman. Monica Guzman. Frances Acuna.

>> Thank you hear me?

>> Yes, go ahead, please.

>> Hello? My name is Frances Acuna and I'm speaking as a resident of survey 744 and I'm speaking in regards to item

[7:41:26 PM]

52 to point out that the continued amendment amendments to the code seem to be geared towards displacing low income residents in the eastern crescent zip codes. Only allowing 10% of residential units to be affordable in the mixed use development or any development is not enough. Limiting the 10% of units to 60 to 80 percent median family income is not compatibility with the residency of affordable housing. Most of your constituents in the eastern crescent zip codes earn between 25 to 40% mfi. Residents in the eastern crescent are forced to choose between paying for their housing in the 60 to 80% mfi and meeting the basic needs. Then we wonder why are there so many people with chronic

[7:42:26 PM]

illnesses. In 2018 or 2019, I don't remember, I was asked -- I asked a speaker that the city brought from another state what low income residents can do to prevent displacement and I was told that unfortunately some people must be displaced. This new development makes me feel like residents who fall below the 50% mfi are those who it's okay to displace. I urge you to take a look at the income based zip codes not based on the whole city of Austin. Thank you very much.

>> Jessica Johnson.

>> Good morning, mayor and council members. I'm Jessica Johnson, a member of the reimagining public safety task force and the deputy director of Texas fair defense project. While I support postponing

[7:43:27 PM]

agenda item 35, I do share the concerns brought up alicia torres. That the task force put forth a set of strong recommendations but for some reason we've vetted suggestions that do not resonate with the community without any community input. I want to echo Kathie Mitchell's sentiments emphasizing that when this item is taken up at the very least needs to be meaningful conversation between the municipal court and community members. This conversation about security at the courthouse simply cannot be had without considering the safety of both court staff and the people who are involved in the criminal legal system. We should not be implementing the same solutions to issues at the courthouse, issues which I'm hoping will be more thoroughly and thoughtfully identified before this comes up again. Finally, I just want to reiterate that the best solutions for community come directly from the community like those laid out in the task force recommendations. Soliciting community input after a proposal has already been solidified is not enough. Rather it shows that

[7:44:28 PM]

attempts to involve community are merely informative rather than a general attempt to garner meaningful input. We have to be better in being intentional about truly reimagining public safety.

>> Monica Guzman.

>> Yes, good morning, mayor and council. I'm Monica Guzman, quality director at Gave, Go Austin, Vamos Austin, speaking on item 52. Like some council members I too have not had a chance to thoroughly review drafts two and three. Though the concepts sound promising, when it comes to affordable housing it's understood the fair housing contact does not allow for varying mfi based on communities where development is proposed or plan. Deepening rental university affordability in graft 3 is nice to see although there is concern about unintended consequences. People qualifying for affordable housing are not always truly those in need and retail is not necessarily compatibility with community retail,

[7:45:30 PM]

thinking boutique versus mom and pop. With regard to the public process, specifically community engagement, when seeking input or conducting public hearings, they need to be plain speak versus technical jargon as well as being language accessible and digitally inclusive as mayor pro tem pointed out at the November 4 council meeting, the average person is having to learn while navigating the system. We urge you to ensure community engagement meets the people where they are at. Thank you.

>> Carmen Llanes Pulido.

>> I want to thank the co-sponsors of this item for sparking some creative conversations about better value with capture and affordability and Gooding some benefit in return for the millions of dollars in increased revenue for developers and property owners that is provided when this council grants additional development potential with each zoning change. I want to thank councilmember kitchen's

[7:46:30 PM]

office for providing additional answers to gava's questions on this matter. It's become practice in the business models of many of our developers in town to spot zone. They buy at sf prices and go for zoning changes that can quadruple or continue it up Pell the value of their land. We grant additional land basically development potential for people for the price of administrative hurdles and we also get very little or nothing in return. Therefore it is a really important conversation, potentially a great idea to add vmu to the designation and I am concerned primarily about two elements. One is the language in the draft resolution that I've seen saying that tracts with existing V zoning designation will have access to vmu 2 density bonus option administratively at the required percentage outline and I don't know if I'm reading this light but does it propose an

[7:47:31 PM]

administrative process by which a property owner can have a zoning change without notifying adjacent property owners. It does involve council but if this is administratively accessible to tracts with the V designation now, I'm not sure how that plays with the notification and purchase rights. My other concern is that vmu two just like any density bonus has the potential to negatively impact and cause harm to communities, like Ms. Acuna said earlier, 60 to 80% mfi is still not at each of those most in risk at displacement and often comes with a huge influx of luxury units and high income owners to a community.

[Buzzer]. Contrary to the statement made by a speaker, most homeowners are not in the top five to 10%

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>> Thank you, speaker, your time has expired.

[Overlapping speakers].

>> Mayor Adler: Hold on a

[7:48:31 PM]

second. Councilmember tovo.

>> Tovo: Ms. Llanes Pulido, would you please finish your statement.

>> Sure, thank you. Just a couple of seconds more. The buyers and investors waiting with cash on hand waiting to come into Austin, but when they're on zillow or we're getting texts from real estate investors that is who is in the top five to 10 percent income bracket. But the constituents, if service industries, caretakers, most of us are just hanging on and the homeowners and home renters, 20 to 30% of the single-family homes in most of gave neighborhoods are renter occupied. None of those folks are in the top 10%. So while we understand that you have concerns about violating fair housing rules with respect to limiting mfi to a zip code specific area, I'm urging you to consider the potential harm that could be created if this is not strategically applied only in very high opportunity areas with higher land values, meaning

[7:49:38 PM]

the way you apply this may not be appropriate and not for all neighborhoods.

>> Tovo: Thank you. And it sounded like you had several respecific questions. We'll reach out or if you don't mind kind of sending those on, that would be really helpful.

>> Will do. Thank you.

>> Zenobia Joseph.

>> Thank you, mayor, council members. Mayor, I have a technical request before you start my name. Item 9 didn't have any backup material when I signed up, so can you ask the clerk to change my position to neutral? I had it against, but I was only against it because there was nothing to read.

>> Mayor Adler: The clerk is acknowledging that. It will be changed.

>> Okay. Thank you very much.

[7:50:40 PM]

My comments -- that was cultural arts grants, for anyone who is listening. As it relates specifically to item 7, I know it's postponed. That's the diversity and ethnic chamber alliance item. I specifically have a request, however. I would like for staff to actually include the language from the Texas public information act as it relates to the governmental body and specifically it says on 552.003 in the definition that the part section or portion of an O commission, committee, institution or agency that spends or that is support understand whole or in part by public funds actually is a governmental body. I bring that to your attention because this has been a long-standing issue. The greater Austin black man chamber. Since 2016 I remember putting in an open records request to ask about the

[7:51:40 PM]

return for investment and Pam Hawkins didn't reply within 30 days. I want all the chambers to recognize that when they take public funds they are subject to the public information act. I would like you to recognize that there are at least two opportunities in there today as it relates to economic prosperity for the chambers to weigh in as they actually provide some of the outreachists that they're doing in the community. One is the regional economic diversity development plan. So I'm looking at advancing racial equity and support for underserved communities through recreation opportunities closed today and they can support submit formal comment and there is the analytic for assessing equity on the impacts of surface transportation. Bring that to your attention because Johnson slated to be

[7:52:40 PM]

chair. I have problems with that because of project connect, but others may have other comments.

[Buzzer]. And lastly, I want to mention our I-35, the caps and stitches, I would just like to ask specifically who is going to pay for the caps and stitches. It is 2.8 --

>> Thank you, speaker, your time has expired.

>> Dayscy Ludwig.

>> Hello, I'd like to me on item 35 and join the chorus of residents who are speaking in favor of the postponement specifically for reasons of more reflection for staying committed to the reimagine public safety mission and most importantly involving

[7:53:40 PM]

and listening to your community, community solutions from the community, for the community. Thank you for your time.

>> That concludes all the speakers, mayor.

>> Mayor Adler: Thank you. Colleagues, that gets us to the consent agenda. Council, what is the number to fill in on the blank on item number 34?

>> \$75,000.

>> Mayor Adler: On the consent agenda would reflect that \$75,000. Also, colleagues, there's a version 3 in backup on item 51 which is setting the salary for the interim clerk at 12% increase and that is the version on the consent agenda. The consent agenda is items 1 through 54 and item number

[7:54:45 PM]

91. The items that have been pulled are items 9, 22, 38 and 52. Is there a motion to approve the consent agenda? Councilmember pool makes the motion. Councilmember Ellis seconds it. Any discussion or points to be made on the consent agenda? Councilmember Fuentes and then councilmember Kelly.

>> Fuentes: Thank you, mayor. I just wanted freeway some brief comments on item 51 and say that I'm in full support of appointing Mena iOS as the interim city clerk. She has spent the last 14 years with the city of Austin, nine of which has been spent as the deputy city clerk. She oversees the operation of the most vital components of our city's democratic processes, including 70 boards and commissions as

[7:55:46 PM]

well as city council and has made all of the adjustments to make council accessible to our community throughout the pandemic. I appreciate all you do, Myrna and I believe that you will be the first Latina clerk for a large Texas city. I want to extend my congratulations.

>> Mayor Adler: Thank you. Councilmember Kelly.

>> Kelly: Thank you, congratulations, Myrna, I want to follow along in that gratitude that councilmember Fuentes expressed. We're very glad to have you here. On item 91 I just want to say it's tough on taxpayer funded lobbying I've reviewed the contracts and documents related to this item. And for those who don't know taxpayer funded lobbying diverts money from local need and advocates money to be used to tax dollars to be used for or against an item. I don't believe that paying lobbyists should be part of the local taxpayer burden so

[7:56:46 PM]

I can't support that. Please let the record reflect I'll be voting no on items 40, 42 and 91. Thank you.

>> Mayor Adler: Any other comment? A couple of items on this agenda I think are worth noting. I think that the item number 24, the I-35 engineering, is an important thing in our city. We have a lot of community looking forward to getting that capped and hopefully being able to utilize that space and we continue to urge txdot to make that part of the program for I-35. We continue on today's agenda with vaccination outreach with item number 43. Right now in our city while hospitalizations are low, the transmission numbers of

[7:57:47 PM]

the virus went up yesterday relative to the day before and has gotten us into an area that the CDC considers our transmission to be substantial. We've gone from a moderate place over the last week or so to substantial. So we can't rest on the knowledge that the hospitalizations are low. This is one of the early indicators looking at transmission levels. And we know that our greatest susceptibility with transmission levels are vaccination levels. So again, if you haven't been vaccinated we urge people to do that. Children over five, now is the time to go ahead and get vaccinated. Another thing that's important to note is that it appears as if certainly for people that are older or susceptible that the vaccinations wane in their

[7:58:48 PM]

ability to help people. So if you are eligible for a booster, have not gotten your booster, please go ahead and get your booster. And I also point out that even though you've gotten vaccinated, which probably is going to protect you from ending up in a serious condition or in the hospital or dying, a significant part of the transmission of the virus in our community is involving people who have been vaccinated because if you're vaccinated you can still get the virus and you can still pass it on. It was estimated that 25% of the infections in our community are being passed on by people who are vaccinated, protected themselves, but unfortunately it then finds people who are not vaccinated and then creates serious issues. So we have to be mindful we are not out of the pandemic

[7:59:49 PM]

yet. We have on our agenda items 44 and 45, which are funding for people experiencing homelessness. Caritas, thank you for stepping up. Family elder care, thank you for stepping up to rapid re-housing efforts in our city that I think are important. And on item 91, I understand, councilmember Kelly, we just disagree on that. I think and having been up at the legislature, when the people collectively get together, which is what government is, it's the people, the people have a right to make sure that they're heard and it's real important in the legislative process that the people have equal footing with

corporations and businesses, all of whom are allowed to hire lobbyists to present things that might be contrary to the interests of

[8:00:52 PM]

the people. And while we hope that the legislature, which also has the people's interest at heart, would act in ways. Sometimes the people in our community want the legislature to hear our perspective, our members thoughts on things. Without having ability to do that, we can't cover that. Elected officials cannot be that voice for the people over the course and duration of a legislative session. And we're close because we're in town but there are a lot of cities and communities and governmental entities across the state. And if those people don't have the same ability to be able to have their voices heard in that way, they're at a real disadvantage. So on this issue, councilmember Kelly, we agree on a lot of things. On this one we disagree and

[8:01:53 PM]

I'm happy that our city -- that our people continue to advocate. Councilmember tovo.

>> Tovo: Yeah, I wanted to make a couple of quick comments as well. First of all I have a rapid fire question on number 30 so if we could just pull it from consent and if I could take it up right after the consent agenda passes it really should just be about 60 second.

>> Mayor Adler: I think item number 30 has that been withdrawn and replaced with item number 96?

>> Tovo: Then 96, thank you.

>> Mayor Adler: It's a public hearing so it doesn't need to be pulled. It will come up later.

>> Tovo: Yeah. Number 30 is the ordinance to annex. Let me regroup. It's the one that relates to -- that has a comment within the backup that talks about fee waivers.

>> Mayor Adler: Yeah. I think it shouldn't have been on consent and that's

[8:02:54 PM]

why it got pulled, but it's items number 71 and 96. 71 is the zoning case and then 96 is the associated action.

>> Tovo: Great. Then I will ask those questions at the appropriate time. Thank you. And then I did want to just also add my thanks to the staff, especially to our homeless strategy officer and to our community partners in caritas and family elderly for the items reflected in 44 and 45. The city of Austin has invested

in rapid re-housing in the past and certainly has seen success with those programs with the individuals who previously had been experiencing homelessness who were housed and had services and were provided with housing in the past. With our historic investment from the American rescue plan funds we're able to do more, so thank you again to those partners, but also to our homeless strategy officer for making sure that these funds can be invested as quickly as possible

[8:03:55 PM]

because we know so many in our community are in need today. So I'm glad to see those moving forward.

>> Mayor Adler: Thank you. Councilmember alter?

>> Alter: Thank you. I want to highlight two items. 18 first, which is a wildfire related item. So this is an item that will aid in mitigating the threat and effects of wildfire throughout the city. These are new contracts with new funding from Austin water and the parks and recreation department that are going to provide vegetation, treatment services, create shaded fuel breaks on various Austin wildfire conservation property, bcp, water quality protection plans that are adjacent to urban improvements. A shaded field break for those who don't know is an area where a closed woodland canopy is retained or promoted while lower growing vegetation and dead material are selectively removed to

[8:04:58 PM]

affect the amount of vegetation that could remove during a wildfire. A well prepared shaded fuel break will discourage grass growth and canopy of the woodland and help with wildfire suppression. This will benefit the public by reducing wildfire risk to communities and residents while also protecting natural resources. I hope that we can continue to prioritize wildfire mitigation through all departments that own or manage property throughout the city. Each improvement makes us safer and there's a lot of work left to be done. And then finally I wanted to highlight number 53, I'm delighted to sponsor this item which authorizes fee waivers for the Austin disaster relief effort to allow them to move to a new and improved location. As many of you know, the Austin disaster relief effort provided help during winter storm uri and undoubtedly saved lives. Their crucial support was a prime example of how the city can partner with local

[8:05:58 PM]

non-profits and save community to step into the gap during times of need. I would like to thank my co-sponsors and colleagues who will no doubt support this item and I look forward to the partnership with the city in the years ahead. I want to thank them for their contributions.

>> Mayor Adler: Thank you. Anyone else? Councilmember Casar.

>> Casar:

>> Mayor, thank you. Again I want to thank the people who were so kind to have testified on item 2. I'll save longer comments or reflections for my last council meeting, but I want to take the opportunity to thank all of the city employees who have had the chance to work with over the years, thank my colleagues present and past and of course community members on this journey that we've been on together. And something that I was just reflecting on last night as this item came up is just what I heard from so many district 4 residents the first time that I ran for office which is just this feeling that nothing

[8:06:58 PM]

ever changes. And I think that that's one of the biggest barriers to things changing is people feeling powerless while watching things not actually happen and I think we have been proof because of our work together as a dais and as a community that things can and do change. And when I look back to seven years ago when we had city employees making as little as 7.25 without health care and we're more than able to double that and those with the survivors justice project, though told us about the decades long backlog that we were able to clear the investments in affordable housing that were always so important, but so scarce and now we've put over \$500 million towards housing and anti-displacement because of our community's priority on that. That has all changed and I've just been so honored and humble to have been one part of that, but to be one part of that alongside you all and alongside a community that's demanding more and that is the kind of momentum that I think will be so important for whoever fills the seat to carry forward because obviously on

[8:07:58 PM]

issues and survivor justice we still have a long way to go and the lawsuits will settle on issues of affordability, it's never been harder to afford the city, but I trust so much that things can continue to change and that misconception that nothing ever changes we can disprove that year after year. I have been so honor and humble to be a part of this and sticking around for a lot longer, but I wanted to say thank you.

>> Mayor Adler: You've certainly been central to a lot of that change. I'm going to hold off commenting until you're actually leaving.

>> Casar: It's like one of those awkward good-byes when you're walking to the car in the parking lot.

>> Mayor Adler: Not at all. That's good. We have at least several more meetings with you. All the -- there's been a motion moved an seconded on the consent agenda with the comments and items pulled.

[8:08:58 PM]

Those in favor, please raise your hand. Those opposed? Mayor pro tem, are you with us and voting on this, yes or no?

>> Mayor, I'm here.

>> Mayor Adler: Okay.

>> And are you voting yes together with the rest of the dais --

>> I'm voting yes with the rest of the dais.

>> Mayor Adler: Sounds good. Unanimous, the item passes. Let's take care of a couple of things here real fast, on items 57, 58, 59, 60, and 61, in a second I'm going to do the Austin housing finance corporation, those people should get ready, with respect to 57, 58, 59, 60, and 61, is there a motion to the effect that city of Austin using the power of eminent domain described in the agenda for the current meeting for the public uses that are described there in? Councilmember Kelly makes that motion, councilmember tovo

[8:09:59 PM]

seconds, any discussion. Those in favor please raise your hand. Those opposed? Mayor pro tem, are you voting yes as well?

>> I'm here voting yes.

>> Mayor Adler: Sounds good. It's unanimous on the dais. I'm going to recess the Austin city council meeting here at 11:59. And I am going to convene the Austin housing finance corporation meeting here on Thursday, November 18th, 2021, the time is 11:59. We have the board of directors all present. So I think we can move forward with our agenda. Do you want to take us through the consent agenda?

>> Absolutely. Mayor, please note that we have late backup as mentioned earlier, that is for item two, there's a withdrawal memo. We are withdrawing item two and replacing it with number 8, agenda item number 8.

[8:10:59 PM]

Agenda item number 1 is authorizing staff to move forward with the formation of a new subsidiary nonprofit corporation, hfc, manor nonprofit corporation. Item number two has been withdrawn and replaced with item number 8. Item number 3 is authorizing staff to move forward with a loan agreement with Guadalupe neighborhood development corporation for \$2.133 million loan for a senior housing

development, la vista delopez, item number 4, authorizing us to move forward with a loan agreement with gndc for \$8.4 million loan for 51 homeowner units, one to four bedroom units. Item number 5 is a loan agreement with habitat for humanity, for \$4.67 million loan, for 126 subdivision, consisting of two and three bedroom homes.

[8:12:02 PM]

And that is to be known as Hutto lake, item number 6 is authorizing staff to move forward with a loan agreement with summer tree development. This is for a 74-unit homeownership development with 28 units below 80% median family income. Item number 7 is a loan agreement with west gate momark, and this is for 58 homeownership units below 80% median family income. And item number 8, which is late on the addendum is a loan agreement with rgtp real estate, and this is for \$2.85 million. This is for 34 units, acquisition and rehabilitation of a project that will be 100% discern for people experiencing homelessness. I offer all of these items on consent, and I am happy to make any questions.

>> Mr. Mayor. Thank you.

[8:13:03 PM]

The consent agenda is iteming number one through eight. Item number 2 has been withdrawn and replaced with item number 8. In backup, there's a memo that speaks to that. Is there a motion to approve the consent agenda? Director Renteria makes the motion. Director Ellis seconds that motion. Is there any discussion?

>> Yes, councilmember Renteria and then councilmember Casar.

>> Renteria: I want to make a comment and I want to -- they wanted to donate that to and keep it as an affordable unit, and they donated to it Guadalupe neighborhood corporation, which is, you know, it's unheard of in the city of

[8:14:03 PM]

where people actually, you know, their property to a nonprofit, and I just want to say thank you, because I know in your heart you want as many of the residents that grew up in Guadalupe neighborhood to be able to afford to live in their neighborhood, so I just want to say thank you to the family.

>> Mayor Adler: Thank you, councilmember Casar?

>> Casar: Yes, thank you, mayor. I do want to thank the team for working on red field 34, which is on our agenda for today. It is 34 more permanent supportive housing units in district 4, and combined with what we were able to do with the country inn and suites and on Rutland, it's just great to be able to bring so much permanent support of housing to district 4. I think it clearly makes such a big difference

[8:15:03 PM]

over time. We had a press vent event earlier, and I thought it would be useful to show them here today and the folks at ctm have them, but in our first two years on council, and I don't know if y'all can pull those up, on our first two years as a 10-1 council, we were able to approve 35 units of permanent supportive housing and with the approval of so many here in the last two years, and with Redfield 34 today, we cross 800 in the last two years, and I think that just goes to show real dedicated work in the community and housing providers of our city staff, and bringing in Diana gray's homeless strategy and of course of this council having set this as a top priority, and so I know that it is hard every day to see folks sleeping on the street. Nobody should be sleeping under a bridge, but this shift goes to show that we I think as an entire council, and as an entire dais are doing something very differently.

[8:16:04 PM]

35 units in the first two years, and over 800 voted on and approved in the last two years I think is just a testament to this work, and it takes a little time for these to get on the ground. This one will actually be serving people extremely soon, because it's a remodel. This is what it's going to take to drastically reduce homeless in the city.

>> Would you post that chart to the message board, please, so that the public has access to it.

>> Casar: Will do. Also wanted to also thank the Lopez family, and the council for work on affordability and also allows this senior housing to be able to exist at this location, so again, thank you, to everybody who has worked on such a great project.

>> Thank you. Councilmember tovo?

>> Tovo: Yeah, I think I hope we have an opportunity to talk about that chart at some point, because I'm concerned that it does not really reflect the full range of housing investments that

[8:17:04 PM]

we've meated through all of our different program, and so while I'm super excite and have helped lead and support the drive to increased investments, I also want to be sure that we're very clearly reflecting

the way in which we have been able to escalate our investment, but that permanent support of housing, investing in our community organizations that provide housing, investing our bond dollars has been part of -- part of the program for a long while, and I really feel that that chart is -- that chart without more context and without the fuller range of housing investments alongside it, sort of suggests that we were - it is -- it is a very small section of the full picture and I'm not sure that it really fully is -- I'm not sure that it really helps enhance the dialogue.

[8:18:06 PM]

>> Councilmember Fuentes.

>> Thank you. I wanted to say thank you, councilmember Casar, for bringing forward the chart, because I often find that, you know, people -- the average austinite don't know what the city of Austin is doing to actively address and to be able to say we have added 800 units of permanent supportive housing is incredible, and that's the type of stories we need to be sharing with our community and really taking the time to say this is where our taxpayer dollars are going toward, this is how we're actively addressing affordability, so having this example today is super beneficial, and I want to appreciate your leadership on that.

>> Thank you, and I of course it does not tell the full story in the way that a full paper would. But permanent supportive housing, that is housing with services being voted for and being put on the ground has always been so hard to do, and I didn't want to list years when I wasn't on council, our first few years it took

[8:19:06 PM]

planning and investment to be able to get us to this point, and I know that will only grow because of the American rescue plan investments even beyond that 800, so thank you both, and of course, there is a larger story associated with it, and I think it's important, you know, this data straight from the housing department to show the very significant change in the last two years.

>> All right, moved and seconded. The consent agenda on Austin housing finance corporation, those in favor, please raise your hand. Those opposed. Mayor pro tem, you are voting yes on this with the rest of the dais? Got it. Unanimous by the directors, the consent agenda item passes. With that, I adjourn the meeting of the Austin housing finance corporation. Thank you, guys.

>> Thank you.

>> Mayor Adler: All right. Real quickly, audit and finance, two items, appointments, councilmember alter, do

[8:20:07 PM]

you want to move passage of 55 and 56?

>> Alter: Yes, I move passage of items 55 and 56. These are appointments to serve on various pension boards that we have, one nominates Michael granoff to the board of trustees, and the other nominates dick Levene to the city of Austin's retirement assistant board of trustees place four. We had a wonderful group of applicants that really, really qualified group, and both of these nominees are highly qualified and respected in their fields, and will serve us well in their respective board role, and I'm excited they are willing to serve, and want to thank all those who applied.

>> That's been moved. Is there a second for those items, councilmember pool seconds those, any discussion? Those in favor of these two items, please raise your hand.

[8:21:08 PM]

Those opposed. Patient, are you voting aye with the rest of the dais on these two items? Got it. It's unanimously we approve those two items. Just before we go to public comments, we have four items that are set for public hearing. We have called all the speakers, I think, that have shown up or signed up to speak on these, is that, correct?

>> Yes, mayor.

>> Mayor Adler: Thank you. Anyone want to move passage of item, 63, 64, 65, and 66? Councilmember Ellis makes the motion to pass those four items. Is there a second to that? Councilmember Kelly seconds that. Any discussion on any of those four items? Let's take a vote. Those in favor please raise your hand. Those opposed? Mayor pro tem? Yes. So unanimously, those four items pass. .Let's go ahead and turn

[8:22:13 PM]

now to public comments. I think we have three or four people that are signed up to do that. After we come back from lunch, colleagues, we have some pulled items to -- to address, 9, 22, 38, and 52. And then we'll get to zoning speakers at 2, zoning cases. We have, I think, five that have identified as possible discussion items. Eight that we have speakers speaks on. Hopefully we can get done this afternoon, there's going to be a required break between 6 and 7. Let's see if we can get done before that. .Clerk, why don't you go ahead and call public comments.

>> The first speaker is Clinton Rary.

[8:23:22 PM]

>>

>> Thank you all for having me here today. I know I have very limited time, so I'll be brief. And you all have done great things. The world right now is kind of in a mess with everything going on with covid. One thing I have to say is whenever a government claims that the people's interest at heart, you need to think again, the entire history of mankind there has never been a political elite concerned about the well-being of regular people. What makes us think that this -- that it is different now? In the age of enlightenment has brought forth anything, the certainty this, never take anything government tells you at face value. Always question anything government does or does not do. Always look for the ulterior motive, and always ask who benefits.

[8:24:23 PM]

Whenever political elite pushes agenda this hard, you can most always be assured your benefit is not what they had at heart. As far as I'm concerned, I will not be vaccinated with anything that has not been tested, and has shown no benefit that the benefit outweighs the disease itself, long-term side effects which to this day I do not know. I will not be reduced to a mere Guinea pig getting vaccinated with an experimental drug and surely not get vaccinated because the government tells me to, and promise in return that I'll be grant freedom. No one grants me freedom, for I am a free person. I was in the military. I'm heavily vaccinated, and I believe vaccines, but transparency is key, and that is not what we have, it's not about being Democrat, or republic, black or white, transgender, cis gender,

[8:25:23 PM]

it's a drug, because vaccines don't need boosters. Does not work. Yes. So December 21st, the article said that we had 516 deaths of covid deaths here in Austin. The Travis county medical examiner disagrees. He said only 48 cases from covid people died. So where are these inflated numbers coming from? Why are we inflating the numbers? Here is from this Monday. The fda is requesting to seal all documents from pfizer so there's no transparency so we can see what the efficacy and the health safety of these vaccines are. The Minnesota governor got caught in an e-mail correlating with the commissioner of health in his state, stating we need to have creative thinking on -- to justify these lock downs.

[8:26:24 PM]

Are we going to forget all of the lies, the history of big pharma poisoning us? Blood tests are finding that the spike protein is causing inflammation, and that is why we have so many people with side effect,

there's hundreds of thousands of lawsuits going on in the supreme court district 6. Doctors in California, sending letters to the CDC and the fda stating that 50% --

>> Mayor Adler: Thank you very much for participating with us today.

>> So my free speech is getting silenced.

>> Mayor Adler: Everybody has a certain amount of time, and you get the same amount of time --

>> How much time is that?

>> Three minutes.

>> Three minutes has been our tradition here for years, but thank you for being with us today. Next speaker?

>> Ethan Smith?

[8:27:38 PM]

>> Good afternoon. First I wanted to say thanks for your show of unity in the face of the synagogue arson. My parents were married in that synagogue. I was going to talk about why is UT still only 5% black. But first I want to talk about some things that have happened since last time I spoke here. We passed two joint resolutions at UT student government. They passed unanimously. One was to encourage UT to build more housing on campus, and the other was about ensuring that there would be affordability in those unit, because if UT builds more on campus, but they're unaffordable units, that doesn't really help. I met with Dr. Allen Cole who is present hart sell's Austin cedar. Czar. He's going to deal me into the group working on stuff. I've been meeting with student leaders. I imagine I will be at a

[8:28:40 PM]

president student advisory committee rather soon. I've been meeting with the college student commission here at city of Austin, and I imagine they're going to pass a resolution that has the same exact text as the UT student government text tomorrow afternoon. Okay. Why is UT only 5% black when our state's about 13% black? The first way I would answer this question is to say university of Florida is 5% black, Florida is 16% black. University of Georgia is 8% black, yet Georgia is 32% black. What I'm basically implying here is we've never really fully desegregated these public higher Ed flag ship universities, and we can invest in hbcus, isn't that kind of like a separate but equal framework. Don't we have a moral responsibility, right? These are intense concentrations of capital and brain power, these institutions. So I talked with the deputy vice president of student affairs, Kara

[8:29:45 PM]

Longoria about this, you know, they look at these students that are accept and do not enroll. They ask why are these students not enrolling? So what do you think the top thing? Affordability. So board of regents, we did the Texas advance commitment, if your family makes less than \$60,000 a year, tuition is going to be free, but these students still don't come here, what's their number one cost going to be if tuition is paid for? I see some nods. It's housing, right? It's housing. And what we've been doing in west campus doesn't work. We shouldn't call it the university neighborhood district. We should call it the uptown neighborhood district or ordinance, because we're displacing, you know, complexes that serve students and building 300-foot buildings and saying, well, we're going to have -- and why is it median family income, why isn't it household income? That's family of four, what relevance does that have from a student from

[8:30:46 PM]

across the state?

[ Buzzer sounding ] Thank you.

>> Mayor Adler: Thank you. Next speaker.

>> (Indiscernible).

>> Paul robins?

>> Council, I'm an environmental activist and consumer advocate. I want to regale you with a bit of history. In the late 1980s, Austin went into an economic depression due to a massive default on real estate debt, and low oil prices that crippled the Texas oil industry. There were a lot of angry voters and they elected several fiscal conservatives out to punish city government. For most of these was councilmember Robert Barnes stone.

[8:31:46 PM]

He crusaded against various city programs, but his biggest target was Austin's energy efficiency programs. These programs created as an alternative to nuclear and Cole plants were meant to save energy at less cost while helping the environment and creating local jobs. This did not matter to him and he railed inses sently about socialized air conditioning unquote for three years. Barnstone then ran for mayor and lost by only a small margin. Had he won, clean energy programs would have been cripple and demoralized. One reason he lost is because our side proved to voters that we were saving the money. I will never forget that harrowing period, which is one reason I am trying so hard to stop the waste of as much as \$1.8 million a year in Texas gas service green washed conservation funds.

[8:32:48 PM]

The gas company will give away as much as \$325 of rate payer money to replace an existing gas clothes dryer with another gas clothes dryer that will save \$1.31 a year. That is a 248 year pay-back. All of you to some degree have expressed environmental sentiments, so let me give you this stark warning. These programs are a mess, and if environmentalists don't clean them up, there's a substantial chance that someone else will along with a lot of collateral damage. If some new fiscal conservative began railing against a program with a 248-year pay-back, I can't offer defense, because there is none. The worst part of this mess is that the city regulatory staff do not care. I have tried for years to

[8:33:50 PM]

document evidence and it does not matter. If Austin energy's legitimate award-winning clean energy programs get attacked, which have been responsible for some of the lowest residential bills in ERCOT, regulatory staff still gets their salaries, still gets their pensions, I am appealing directly to you, council.

[ Buzzer sounding ] Fix this mess before somebody else does. Thank you.

>> Mayor Adler: Thank you.

>> That concludes all the speakers.

>> Renteria: All right. Thank you. Anyone else here? Thank you. Colleagues, it is 12:25, let's take a lunch break 'til 1:30. At 1:30 we'll come back here and see if we can take care of some stuff before we call speakers

[8:34:50 PM]

at 2:00 for zoning consent. Looking to me like the pulled items that we still have the rest of our day is items 9, 22, 38, and 52. Those are the pulled items. And then we have the zoning. And associated with -- associated with 71 on zoning will be the public hearing on item number 96. They will be called up --

>> Chair, mayor pro tem, Harper Madison here.

>> Mayor Adler: Yes.

>> Y'all probably noticed, I'm harrtal. Horizontal. I'm here. I have an injury, so thank you for your patience.

>> Thank you. The first thing we're going to take up when we come back on zoning -- when we get to zoning is the postponement discussion question. We'll take one speaker on each side on that

postponement discussion question. We'll take that up first so we can see whether or not it gets postponed. If it gets postponed, then we won't hear from other speakers on that one issue.

[8:35:52 PM]

And we'll pursue with others. I'm sorry, go ahead. The postponement discussion is item 73 and 74. Okay. All right, with that, then, at 12:25, we're going to be in recess until 1:30.

>> Mayor Adler: All right. I think we have a quorum present, so I'm going to reconvene the Austin city council meeting here. The time is 1:41. Let's go ahead and start with the items that have been pulled.

[8:36:54 PM]

There's a direction that I've handed out on item number 52 that I understand is okay with the author, and also okay I think with councilmember Ellis that was asking for a postponement earlier. So I want to read that, with that addition to that direction, maybe something that would happen quickly. So, we have people that are working their way back. Let's do items 38 and -- that was pulled, 22 and 38. Let's start there. Councilmember Kelly, you pulled item number 22, do you want to start with that?

>> Kelly: Yes, both of these items are similar to one another. They both have to do with the contract with the interment. And we heard from a speaker earlier today who had photos of some pretty interesting possibly possible violations of the contract. I wanted to ask staff a few followup questions, if they're

[8:37:55 PM]

available?

>> Mayor Adler: And they're here.

>> Kelly: Okay. So my first question, who provides oversight of those contracts in order to ensure compliance?

>> Councilmembers, this is Kimberly Mcneely from the parks and recreation department. Are you able to hear me?

>> Kelly: Yes.

>> The answer to the question is that our cemetery management, our team provides that oversight, specifically our cemetery program manager, whose name is Tanya Davis. And in order to ensure that the contractor is performing their duties and responsibilities, we actually have a check sheet with each

interment. We're able to go through and mark off a particular part of -- to review the actual work that's been done and check off each item that is required for that particular entity to be in compliance with the terms of the

[8:38:56 PM]

contract. If council would like to see a copy of that check sheet, we certainly could send that over.

>> Kelly: I would appreciate seeing a copy. And then my next question is I'd like to know how any violations might be able to be reported in case the oversight is not present or the check sheet is not completed. Is there a way for the public to reach out about that?

>> Absolutely. The public can always have the opportunity to email our cemetery team. They can email me, which some community members have taken that upon themselves to do. And, of course, in every contract from is an opportunity for the contractor to cure the violation and then for us to work through how to make sure those violations are not continued and that we have -- we are receiving the services as they are outlined in the contract.

>> Kelly: Okay. Have there ever been any violations that have been reported? That the city has had to act on? I'm just curious as to what our recourse is as a city for

[8:39:57 PM]

potential violations and how that might work in concert with the contract.

>> Sure. I'm going to ask Tanja Davis, our cemetery manager, to answer that question, because she's more intimately involved in the contract management.

>> Hello. I'm Tanja, cemetery manager. And yes, once we fill out that sheet, if there's any violations, we are in direct contact with the contract manager, which is Mr. Bagwell. And we have not had any reports that we've had to move up to pard contract, but we do an evaluation every quarter on the actual contract. So we have not had any major violations where we've had to take it outside of our division.

>> Kelly: Okay. That's all my questions. Thank you.

>> Mayor Adler: Okay. Is there a motion, then, to approve this item 22?

[8:40:58 PM]

Councilmember pool makes the motion, second. Councilmember Ellis seconds. Discussion? Those in favor, please raise your hand. Those opposed? It is unanimous on the dais with -- who are we missing,

councilmember Fuentes. Councilmember Fuentes we're missing. The others voting aye. It passes. What about item number 38, did you pull that, councilmember Kelly?

>> Kelly: Just the same line of questioning. We can make a motion to vote.

>> Mayor Adler: Okay. Is there a motion to approve item number 38? Councilmember pool makes the motion seconded by councilmember Ellis. Discussion? Mayor pro tem, are you voting? All right. Those in favor, please raise your hand. I think it's everybody on the dais, again with councilmember Fuentes off, the others voting

[8:42:00 PM]

aye. All right. Next pulled item I think here would be --

>> Item 9.

>> Mayor Adler: Item number 9 pulled by councilmember alter.

>> Alter: Thank you. So I have just circulated a direction to go with item 9. I pulled item 9 not because I had any particular concerns about this item and the investments that we'll be making in our core and cultural heritage contractors through a mechanism that the arts commission has put forward, which takes into consideration other funding that these organizations have received, but because I wanted to make sure that we had a path forward to achieve the recommendations that the arts commission had suggested would be the best steps we could take to address the needs of the arts community in the short run during covid. And in looking at the rca and understanding the different

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pieces looking back at the arts commission's recommendations, there's a gap of \$500,000 beyond this arpa funding. And so I have direction that I would like to put forward which would allow us to take a vote in December that would allow us to fulfill what has been requested by the arts commission to meet the needs in the community. So I'm going to read the direction. It's been circulated to all of you. There's one that I'm missing that I'm going to read into my version, which will be the version that gets posted. So on August 19th, 2021, the arts commission recommended the use of a one-time \$500,000 infusion from reserves to increase the funding for the Austin arts and cultural nonprofit relief grant in order to serve an initial 25 grant applicants. Whereas the stabilization reserves have been used to support the fund in fiscal year '22, the city manager is directed to prepare an item on

[8:44:02 PM]

the December 9th agenda to amend the cultural arts fund to appropriate \$500,000 for the nonprofit relief grant to serve 25 additional applicants. These funds should come from the budget stabilization reserves funded portion of the cultural arts fund. The city manager is further directed to prepare a budget amendment to reimburse the cultural arts fund with \$500,000 from the budget stabilization reserve fund by March 31st, 2022. The city manager is directed to act with expediency to ensure arts and culture nonprofit relief grant recipients receive funds as quickly as possible, ideally by December 31st, 2021.

>> Mayor Adler: There's a motion to add --

>> Alter: I think it's direction, because of the language. And it's going to be coming back as an item to us in December and we'll vote on it.

>> Mayor Adler: There's a motion to add this direction to this item. Is there a second to this motion? Councilmember pool makes it. Can you help me understand it

[8:45:03 PM]

better? I'm confused now. I'm trying to go back to -- my recollection was, is that -- and you correct me, because I'm trying to recreate in my head here -- we had a certain level of funding that we had done in the past. We weren't able to do it this year. And the question was did we kind of advance the money to be able to fill the gaps. And we decided during the budget session that we would kind of do half way. We would go half way to fill the gap, but not the full way until we saw what was happening in the funding to see if we could make it through the year bringing everybody back up to where they were, or whether there was less that people would get but still more than what was originally offered. Does this impact any of that? How does this relate to that?

>> Alter: So, the item itself is dealing with arpa money. And it is going to the contractors who traditionally get money from that.

[8:46:04 PM]

And it's saying we're trying to do as best by those contractors as we can, but we want to take into consideration who got money and who didn't get hundred, because -- and how much money they got and how big the organization is. And that was what the arts commission put forward and said was the best use of our funds from the arpa. So that's coming from the \$6 million that we set aside for the arts in arpa. There is another pot of money which is our H.O.T. Money, in the cultural arts funding. In the budget, city manager put in \$4.8 million from the budget stabilization reserve fund to go along with the anticipated H.O.P. Money that would then by some process get out to folks. That process has not been fully determined. So that money is still there. What I'm essentially trying to do is take \$500,000 from

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reserves and put it in to pay for the nonprofit arts relief grants to get every organization funded, given that they are also taking \$420,000 of arpa and adding it to that, which I think is probably coming to us in December, or already came to us, I'm not sure. But I can't do that directly because of our financial policy which doesn't let us tap into the reserves willy-nilly. It wants us to do it at particular times of the year, but we still want to get the money out by the end of December.

>> Mayor Adler: Is this a way to advance the money we've already talked about giving out, or --

>> Alter: This is an additional \$500,000 but it is money that we talked about during budget that we said go to the arts commission. We identified that there was probably \$500,000 that we were comfortable spending on arts, but we said go to the arts commission and get their recommendation of how they would spend it, but we didn't make a budget amendment for that money, so that money just was put into

[8:48:09 PM]

reserves.

>> Mayor Adler: I'm trying to figure out --

>> Alter: It's confusing. I'm happy to answer any questions.

>> Mayor Adler: I'm trying to understand. Did we already earmark this \$500,000 to go to this purpose, or are we taking money out of the general assembly that had yet to be allocated?

>> Alter: The answer is both, because we talked very clearly at budget that there was probably another \$500,000 that we could use from the amount that we put aside because we found the other \$4 million that we put into reserves. And we said why don't we do that in arts. And everyone seemed to agree to it but then we didn't have a plan for it so we said, go to the arts commission. It was not registered as a budget amendment so it didn't get moved over to the cultural arts fund. But I think at the time, it seemed to be the will of the council that we wanted to use that for arts. We just wanted to get the advice

[8:49:10 PM]

of the arts commission on how to spend it.

>> Mayor Adler: Okay. Thank you.

>> Alter: So that is -- it is not the most straightforward solution but I am trying to be very mindful of our budget office desire to follow certain practices with respect to our reserve funds, which is chair of audit and finance, I think are important. And this was a mechanism that we figured out that we could do. The decision on how to use the H.O.P. Funds will still have to be made, and how to use that pot of money that was set aside for that. But that is a separate conversation that we're not trying to jump-start. But we have an opportunity with the nonprofit art grant relief stuff that -- to be able to fund every organization that was eligible and qualified to get their \$20,000 through that between this \$500,000 and the

[8:50:12 PM]

\$420,000 that's coming from arpa plus the portion from arpa that covers the fees for that. We also had put in a million dollars in our budget that we passed that was additional beyond the arpa, so that gets every one of the nonprofit organizations that applied that was qualified, gets them that money to help them through this period, which has been challenging for them.

>> Mayor Adler: Okay. Further discussion on this item?

>> Alter: All these items have to come back for other votes, so.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: Thank you. I guess my question is related to the H.O.P. Funding and how the funding, I guess, if staff could share with us how our H.O.T. Funding has been looking like these last few months. Part of the conversations we had during the budget deliberations, there were concerns about moving money from the reserves to help fill our cultural arts funding,

[8:51:12 PM]

given that we are still in uncertain times when it comes to our H.O.T. Funding. So I'm curious if staff could share more about what the outlook is like right now.

>> Good afternoon, economic development department, director. We are still in the midst of posting our receipts through October, but preliminary they are looking good, but I cannot articulate the specific number until all the cash receipts have been posted, and we're working on that.

>> Fuentes: So, thank you, director holt-raab. With this item direction, can you share with us your thoughts on what councilmember alter is bringing forward and how that would impact -- it seems to be in alignment with what the commission is recommending.

>> It is in alignment with the will of the arts commission, and

[8:52:13 PM]

as articulated before, this will completely fund 218 nonprofit arts organizations, as well as providing funding for arpa to our current cultural contractors as specified in the rca. There's certain requirements that if you receive funding you may not get as much, but the arts community, as you know, took a big hit and they are definitely in need. And we are prepared to expedite payment to these organizations so that they will receive payment before the end of the year.

>> Fuentes: Okay. Thank you.

>> Mayor

>> Mayor Adler: My understanding is, director, that staff is okay with this, other than the irregularity of doing a budget amendment out of time or that this is consistent with what was your overall strategy with respect to funding arts organizations.

[8:53:14 PM]

>> Yes. We've been in conversation with interim budget officer Carey Lange and we are in agreement with this process.

>> Mayor Adler: Thank you. Any further discussion? All right. Councilmember alter moves passage of this item together with the direction. Is there a second to that? Councilmember Fuentes seconds that.

>> Alter: Councilmember pool already seconded before, but they can both second.

>> Mayor Adler: Okay. List them both as seconding it. List councilmember Fuentes as seconding T let's take a vote. Those in favor please raise your hand --

>> Tovo: Mayor, I had -- I can make the point after we vote.

>> Mayor Adler: Raise your hand in favor. It is the unanimous dais. It passes. Councilmember tovo.

>> Tovo: I just want to highlight that there are some other needs that we

[8:54:14 PM]

discussed during the American rescue plan and investment, talking about our investment strategy. There are some other areas that we were not able to fund as vigorously as we need to. This is certainly one that we had identified. Another one, though, is the work that we're doing toward food access and resiliency. So especially in light of the conversations we've had over the last couple of weeks about the need to really be better prepared for the next disaster, I wanted to say that the money we include from

the arpa funds is a great start, however if we want to get out those kinds of preparedness materials to a wider range of just manner a handful of -- [background noise].

-- We'll have to identify some additional funding. So manager, as you're looking at additional fund that we didn't anticipate in the budget stabilization reserve or in other pockets, I think that is -- I would regard that as one of our very highest priorities.

[8:55:15 PM]

>> Mayor Adler: Okay. That item passed. That gets us then I think to item number 52. Councilmember kitchen. Why don't you go first and then I'll introduce this.

>> Kitchen: Okay. Colleagues, item number 52 is, as you know, the purpose of it is to provide an additional option for affordability building off a successful program that we have now, our vmu program. So it's very narrowly focused. And it's focused on allowing an option to -- for 90 feet on V for -- in exchange for affordability. It does not set that affordability level. The intent is that it would be at least 10% and

[8:56:21 PM]

expectation is it would be higher than 10%, but we're asking staff to come back with what that percentage would be. But the intent is that it would be higher than 10%. So v1 would be maintained at 10% and then v2 would be at some level higher than that. So that's the focus. Really it's in response to other cases I had in my district and other cases where we had limitation on the ability to attach V to 90 feet along major transit corridors. So it gives us the option of doing that. It is not going to solve all issues around affordability and it's not intended to. It's intended to be one piece of the range of options that we'll be talking about and have already begun talking about. So that's the focus of it. The other thing I wanted to mention is that the reason for going -- one of the

[8:57:21 PM]

reasons for going ahead and moving forward is so this item can catch up with an item that's under discussion right now with the planning commission. The planning commission initiated a process of looking at v1, the existing vmu, that will be coming to commission in September. To passing this now will let this option of an additional height for a vmu 2 also be considered by planning commission at the same time so it will catch up this idea with the ideas they have already been discussing so they can all come back to us in January of next year. And mayor, I need to note there is a mistake in our version that it is coming back January 1st. The intent is January 31st. So the incident tent was to

[8:58:22 PM]

have it catch up with that item with PC in December and then come back to us.

>> Mayor Adler: Any objection to moving January 1st to January 31st? Hearing and seeing none, that change is made. Councilmember Ellis, you had earlier discussed a desire for postponement. Do you want me to discuss that first or would you like to discuss it first?

>> Ellis: I know the sponsors and co-sponsors worked very hard on this and I appreciate the creativity of doing a vmu 2. I did want a little more time because we are in two weeks going to be discussing some housing conversations among us so I thought maybe it was more effective to do them together but it isn't seem like that was the will of the dais at that point in time. So I certainly appreciate the direction that you've passed out as well because callation was something I had been thinking about. I know people had been working hard on this. It didn't seem like there was necessarily too much for

[8:59:23 PM]

postponement. I appreciate everyone trying to work through these items.

>> Mayor Adler: Okay, thank you. Councilmember kitchen?

>> Kitchen: Can I speak to that real quickly.

>> Mayor Adler: Okay.

>> Kitchen: Yes. I want to reassure councilmember Ellis that this will all be coming back to us for further conversation because this is only initiating the process so there's a conversation with the public and us again that has to come back to us before we actually adopt any change.

>> Mayor Adler: And I appreciate everybody's work on this. I'm going to move passage of the direction that's been handed out on the dais. If there's a second to that then I'll address it. Is there a second to that direction? Councilmember Ellis seconds it. And I appreciate, councilmember kitchen, your willingness to take this direction. It does not change anything in your resolution. Your resolution still moves forward. Obviously we want to maximize the amount of affordability that we can

[9:00:26 PM]

get. We don't know what the percentage is going to be in vmu 2. We certainly know it's going to be higher and how high that needs to be is part of the analysis. And that I understood and I was with you all the way on that when you made the further amendment to change the vmu 1 to change the percentage

that go 10 -- I would rather it be 10% or 15 percent if we're going to make a change, except I don't have any basis for the 10% or 15%. We know some people are bringing us projects at 10%, but I don't know if at 15 we would get the same projects and I don't know how many projects we're not getting because they can't meet 10%. We just don't know. So you will be going through, manager, a calibration process on the vmu 2 process, but also do it on vmu 1, we talked about

[9:01:28 PM]

calibrating lots of different things and I want to make sure we're doing this opportunity do that both. It's something I would ask for in q&a regardless. It doesn't change anything, but just asks for additional data for us and I think that would be good for us and the community to have. Councilmember kitchen and then councilmember tovo.

>> Tovo: So I understand the intent of this and city manager I'm understanding the intent of this is not to slow down this process because this process is designed to catch up with the planning commission in December. So we've talked to staff about that, talked to folks at the planning commission also. So I just want to make sure that that's the understanding. I see you saying yes, right, city manager?

>> Yes, that's correct.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Mayor, thank you. I need to ask for some clarification from you about one of your last points, but I would suggest an edit to

[9:02:28 PM]

this that I think is more in keeping with the intent of what I understand to be the intent of the original resolution and the conversation that follows. So I would suggest that after vmu 1 we change the language to say to achieve the maximum number of affordable units, but no less than 10 percent. I think what -- I would feel more comfortable with actually defining what we mean by affordability here and since we're talking about achieving what I believe we're talking about is achieving the maximum number of affordable units and I would not want us to see -- I would not want to be starting a process that results in less than 10% since that's what the program currently has. So that's my suggestion added to yours -- to your amendment.

>> Mayor Adler: The concern I have with doing that is whatever percentage we set, if with means that we're only getting 10% or 15% or 20% of the affordable units that we could get in

[9:03:30 PM]

the city, if we set the percentage at a different place, I want to make sure that we're maximizing the number of affordable units we get in the city. And I don't know what that percentage is and probably each time there's a calibration effort that goes, it's going to tell us. We had talked at one point and I hope we get to the place where we're calibrating on a yearly basis or some regular basis again to make sure that we're getting just absolutely the maximum number of units we can possibly get. I know that I look at Rainey street, for example, and I wish we had more affordable housing units there. And I'm not sure we calibrated that quite right. I just want to make sure that we do. I'm just asking for data at this point. And if during the calibration process the staff comes back and says in this part of town you should run it at 25% around these circumstances it should be somewhere else. I would want that data and

[9:04:31 PM]

information.

>> Tovo: Okay, so --

>> Mayor Adler: That doesn't change councilmember kitchen's motion at all.

>> Tovo: So the data, though, that you're requesting is about achieving the maximum number of affordable units? Can we agree on that language at least?

>> Yes, yes.

>> Tovo: Okay. And then I think the other question is then what you would like to see is analysis of -- it sounds to me then like you were interested in information and that's one thing, but are you also suggesting that in looking at this program in your mind it might be at lower percentage than 10%. Because that to me would be a step backward and not a step forward. And I know vmu is one of the most successful, if not the most successful other than U.N.O. And actually building affordable units on-site.

[9:05:31 PM]

I don't want to see us walking back our percentage on this and as a co-sponsor of this I'm really interested in seeing us extend the benefits of the program, not walk them back.

>> Mayor Adler: I think we're all on the same page. We want to this get as much as we can. The reason I had level as opposed to number is because there are two different variables there. There's the total number of units. Is it five percent, 10 percent, 15%, 40 percent of the project. And then there's the depth of affordability. Is it under 80%, 60%, 40%? And those are trade-offs. If I want to set it at under 40% I'm not going to get the same number of units than if the requirement is at 80%. I'll get more units,

but I won't get the depth of affordability that I would get if I said let's maximize the number of 40% units. So this data I'm asking for doesn't set a parameter, it just says come back to us

[9:06:33 PM]

with the analysis about levels. And I agree vmu is one of the most effective things that we do and I want to make sure that it's maximizing the level of affordability that we can get. I don't know if we'd get five times as much affordable units in the city if we went to nine percent as opposed to 10 percent, but if we could get five or 10 times as many affordable units if we did that, I would like for us to at least be able to discuss that, but we can't discuss any of that if we don't have the information for that, and that's all I'm asking for here. Councilmember Kelly I think was next.

>> Kelly: So are we strictly talking about your your -- your direction now?

>> Mayor Adler: Yes.

>> Kelly: After that I would like to discuss a possible motion sheet I would like to bring forward.

>> Mayor Adler: I'll make sure we do that. Councilmember Ellis.

>> Ellis: Thank you. I agree with what you're saying because I would hope that staff knows it's clear

[9:07:35 PM]

that we obviously want the highest level that will work for these projects, but we want to be clear that when we go through zoning cases and stereotypes people may not build as much or any affordable units if we don't get the calibration right. I think that's where council's intent is pretty clear, but I also want to have the data come back very straightforward so that we can make that policy decision together, what that number is. I think we all want it to be as high as it can be without people building the housing that is needed.

>> Mayor Adler: Councilmember pool.

>> Pool: I'm looking at -- is version 3 the one that we're talking about?

>> Yes.

>> Pool: If you look at page 3 of 4 at the top of the became it has 10% of the residential units -- the top of the page it has 10% of the residential units. For occupancy of households at no more than 80% of the mfi and then I think don't

[9:08:35 PM]

you, councilmember kitchen, have another -- yes, down a little bit further down under b1 it also says 10% for mfi at 60%. So I think, mayor, to your point about the levels of affordability, we do have that baked in here already. And -- but we are saying that no matter what, we want to have at least 10% in both of those categories. And maybe the maker of the motion can -- and that item can speak to that. She has her hand up.

>> Mayor Adler: Well, we'll go to her in a second. I'm not changing anything about --

>> Pool: I think what I'm saying is we have what you're looking for already in the text of the item.

>> Mayor Adler: But the direction or the concern --

>> Pool: We've identified the levels of mfi in the text of the item of the resolution and the percentage is tied to it.

>> Mayor Adler: Right.

>> Pool: You're saying that part of the calibration

[9:09:36 PM]

needs to be, well, what should it be in setting the appropriate percentage of vmu 2, and we are trying to be parallel with the vmu 1 according to my reading on page 3, small letter l and further down item number 1.

>> Mayor Adler: And to be clear this does not change what staff is being directed to come back to us with. Staff is being directed to come back to us with an ordinance that does exactly what councilmember kitchen's motion does.

>> Pool: Right. We just don't want to confuse anything.

>> Mayor Adler: Apart from that I just want a calibration study to be done on these issues so that we have that information and data. I mean, if we can get 10 times as many affordable units at 60% if we did nine percent as opposed to ten percent, but it will -- 10 percent, but it will result in our city getting 10 times as many units, I would like to know that. Or if we can't tell I'd like to know that. All I'm doing is just asking for information. Which I would do regardless of this direction, but I

[9:10:37 PM]

think the direction just makes -- announces to the public that that's information that will be sought.

>> And I agree with you that this kind of work would be done by our staff anyway so it could be that your direction is simply restating what analysis would take place anyway.

>> Mayor Adler: Thank you. Councilmember kitchen?

>> Kitchen: I just want to clarify that your direction is not initiating an ordinance change, correct.

>> Mayor Adler: Correct.

>> Kitchen: And it is not changing what we are initiating -- because you're speaking to vmu 1, not vmu 2, correct?

>> Mayor Adler: Correct.

>> Kitchen: In the data that you want? >>

>> Mayor Adler:..

>> Kitchen: And you're not initiating an ordinance change to vmu 1, right?

>> Mayor Adler: Correct, nor am I asking for a change to the ordinance in vmu change that you are initiating.

>> Kitchen: Right. Okay. So I just want to clarify again because you say as

[9:11:38 PM]

part of and I want to make sure that the staff doesn't read this as saying they have to do this analysis and bring you back the data before we proceed with this initiation of the ordinance change.

>> Mayor Adler: I had assumed when they calculate the percentage to be determined that they're going to have to do some kind of calibration process.

>> Kitchen: Yeah, I just don't know if what you're asking broadens the scope so much that it would take them longer. That's what I don't know.

>> Mayor Adler: Okay. Yes, staff.

>> Good afternoon, Rosie truelove, director of the housing an planning department. I think if we did have to run the calibration as merit is requesting it would probably extend our timeline. So what I would propose maybe is that we maintain the path that has been laid out in the resolution with the revised respond back by date and look at a longer timeline to achieve what the mayor is asking for.

>> Kitchen: Mayor, that

[9:12:38 PM]

would work for me.

>> Mayor Adler: Let's take a look at this then because then I may want to split the vmu 2 change that we've been looking at plus this other change, so let me see whether -- and we can talk about the other change to vmu 1 on November 30th, but move forward with the change to vmu 2 as you had originally proposed. Can we do that? That might give us more time to figure out how to do this?

>> Yeah. I think you should remember that there's already been a code change initiated that's at PC right now on vmu 1 and that will be coming back to us in a way also. So they've already started that process. And the planning commission initiated that code amendment. So I was just aligning with that, but it doesn't have to be in here. We can revert to the original language if there's a concern for you right now and we'll just deal with vmu 1 when that comes to us from the planning commission.

>> Mayor Adler: Or we can

[9:13:40 PM]

move forward again with the additional two weeks to be able to ask questions about this and it could be on January 30th--

>> Kitchen: I don't want to postpone this.

>> Mayor Adler: I'm saying move forward with your original resolution with respect to vmu 2 --

>> Kitchen: I got you.

>> Mayor Adler: Let's not make the changes with respect to vmu 1. Let's talk about those on November 30th because we could decide as a group let's go forward with that. It's just new enough. I'm with you 100% on the vmu 2, I just have a question about the calibration of vmu 1.

>> Kitchen: Gotcha. The thing is the planning commission has been working very hard on what they're doing with vmu 1. I don't think we should intercede until they bring us what they're going to bring us on vmu 1. So I think you could ask for data now like you're asking for and then that data with the timeline that Rosie is talking to us, that might come to us later in January so you would have it to review if you wanted to at the same time we're

[9:14:41 PM]

reviewing what the planning commission is bringing us.

>> Mayor Adler: And that would work with me too. So if we could just do then your original motion without the vmu one changes let's not slow down the planning commission's work but stuff as you're doing the calibration can you have that data back? At some point we'll get the recommendation from the planning commission, those will be the same questions I'll be asking then. So if we could be getting

that data in the meantime so that we're able to actually act the very first time we get this from planning commission, that will be helpful. Does that work?

>> Alter: Mayor, can you provide some clarity on what you mean by the vmu 1 piece? Because we're creating vmu 2 and vmu 1 is there as like don't go lower than vmu 1. I'm not sure what we changed on vmu 1. This being the third version.

>> Kitchen: Do you want me to explain what it is.

>> Mayor Adler: Go from 10 to five to 60 --

[9:15:42 PM]

>> Kitchen: The 60 is already there. It's the 10 to five --

>> Mayor Adler: The 10 it on five.

>> Kitchen: Let me explain and I apologize for the confusion on it. If you look at version three, page -- if you look at version three, page three, where there's a crossout of five percent to 10, we did that because we're picking up what's coming to us from the planning commission but what it says in code right now with regard to vmu 1 is the five percent. And you see right under it the crossed out part, in addition five percent for the nine years, that's an existing code. So if you -- if we just change that 10 back to five at the top of page 3, then that's all we need to change in this version 3 to take it back to existing code for vmu 1.

>> Mayor Adler: We would also have to put in theist I section.

>> Kitchen: You don't have to put it in.

[9:16:42 PM]

As long as we're -- I see what you meanment you're right, you're right. We would have to take the crossout out of that.

>> Mayor Adler: And to be clear, I hope to be able to support at least this and more as it comes back from the planning commission. I just want us to have data where we make those kind of changes, that's all. All right. So what I think councilmember kitchen is okay with at this point is let's make the changes in this that relate to vmu 2, let's keep the language as to vmu 1 the same as existing code. Let's talk about this on November 30th. Staff, manager, if you could do that math analysis so, Rosie, when it comes back to the planning commission in January, hopefully you can have data for us to look at. Are people okay with making that change? Councilmember alter?

>> Alter: Okay. So this is just changing it

[9:17:43 PM]

with respect to the ownership piece?

>> Kitchen: Right, it's only ownership.

>> Mayor Adler: And that's because 60% is the existing code language.

>> Kitchen: Right.

>> Mayor Adler: So what we see down in the blue. What is existing code with respect to what is in blue on v1?

>> Kitchen: With respect to rental?

>> Mayor Adler: Yes.

>> Kitchen: It's 60 to 80, I think. I don't remember exactly what it says, but the V now is set at 60 for rental.

>> Mayor Adler: So what is the 80% that's crossed out?

>> Kitchen: So when V was established the neighborhoods could choose to set it at 60 or 80 and they set it at 60 so that's why we captured what's on V tracts right now, which is 60.

>> Mayor Adler: That's what code says right now. Code says 60 to 80 --

>> Kitchen: I think so.

>> Mayor Adler: So what I was hoping was, without

[9:18:43 PM]

having to -- because we don't have it in front of us, is we're going to make changes with respect to vmu 2 that add percentage to be determined to vmu 2, but as concerns vmu 1 we're going to keep existing language as it appears in the code now.

>> Kitchen: Right.

>> Mayor Adler: I don't know what pieces need to be moved for that, councilmember alter, but whatever it is pertains to vmu 1 is what we'll be doing, subject to us having discussion on this on November 30th and subject to the planning commission bringing something back. Councilmember alter.

>> Alter: All of that, but when they do the analysis for vmu 2 it's clear that you could do better ovum one, how much do you think it would surface that.

>> Mayor Adler: Yes, we know it's coming now and we want to be maximizing affordability in the city.

[9:19:44 PM]

>> Alter: I think we're in agreement.

>> Mayor Adler: My sense is we're in agreement on the dais on this. Councilmember tovo.

>> Tovo: I think where I'm getting confused is that rental currently within the existing vmu rental is currently at 10%.

>> Kitchen: We're not talking about that, but the ownership part of it. At the top where it talks about ownership --

>> Tovo: Gotcha.

>> Kitchen: It's still 10. Right now it says five at 80 and five at 100. So we're reverting back to the language as it is now, which is five at 80 and five at 100.

>> Tovo: Okay, I'm just looking down at the -- but we are going to retain the changes to 60 in v1, correct?

>> Mayor Adler: No, whatever existing --

>> Tovo: Well, the existing code already does allow for it to be 60.

>> Mayor Adler: You if the existing code says

[9:20:46 PM]

60 percent we'll use that. If the existing code says 80%. If it says 60 to 80% we'll use that. We're not going to make changes to existing code. Whatever it is that exists in code we're not going to change it. We're not going to hear with this except as to vmu 2 and those are the changes that have been added by councilmember kitchen.

>> Tovo: Okay. I don't completely understand -- mayor, I think I understand your rationale for keeping it at existing code. I would say with regard to the 60 or 80 with rental, the existing code already allows for groups to go down to 60%. And so I think we've already done the calibration to suggest that that's viable, right? So some neighborhoods are at 60, some neighborhood opted in at 80, but the existing code allowed for either one and the rationale and the basis for setting those percentages allowed for it to go to 60. So I would say that in that case with regard to the 60, I think --

[9:21:46 PM]

>> Mayor Adler: But doesn't it also allow to go for 80 and in some neighborhoods they've elected to go to 80?

>> Tovo: Yeah, but what I was saying was it's not -- I think you were saying we needed a fuller conversation about calibration with regard to v1. My point is that kind of work and thought happened before 60 and 80 were set, right?

>> Mayor Adler: But I thought you said some neighborhoods have chosen to go to 80.

>> Tovo: Yes, they have, but they --

>> Mayor Adler: I don't want to preclude by the change here somebody going to 80 as can currently allowed under our ordinances.

>> Tovo: Okay. I guess I'm just disagreeing. I'm saying that since the original question posed to neighborhoods was 60 or 80 and there was a viable basis for that lower number, and many neighborhoods opted into that lower number and some that opted into a higher number have actually said they wished they had opted into a lower number,

[9:22:46 PM]

but don't have ability to do that because it wasn't set, I think at this point I feel really comfortable making that policy change. I don't think we need that direction to make that policy change and come back to us with that option at 60 -- not that option, that requirement at 60, not any longer at 80. And the work that -- I don't feel like we need more study on that point because the study already happened prior to the vmu process. So I think there's a real rational basis for saying at this point let's use the planning commission's conversation, let's use the substantial history that we already have with vmu in this community and the fact that many neighborhoods pick 60 and it's gone well at 60. Let's just make it 60 for everybody.

>> Mayor Adler: I hear that. I'm just uncomfortable doing that. There was no notice for that. What we were noticed on, what was posted with the public comment on was the changes to vmu 2.

[9:23:46 PM]

So I appreciate councilmember kitchen allowing us to hold off on any changes to the code related to the vmu agreement.

>> Kitchen: That means that language would say 60 to 80 is what it would say to reflect the current code.

>> Mayor Adler: But that is not to say, councilmember tovo, that I won't support going to 60%. I just want us to have some time in moment to discuss that and ultimately to see if there's more work to be

donement so without objection we'll consider the base motion to be the changes to vmu 2. Any further discussion or amendments?

>> Kitchen: Yeah, just for clarity for law, I hope this is not incredibly confusing, but we're only talking about to page 3 here. You got it?

>> Mayor Adler: Councilmember Kelly.

>> Kelly: I would like to bring forth a motion sheet with two possible amendments to the resolution. In the top part here the

[9:24:46 PM]

first motion, I think it would be helpful for us to clarify where the types of developments have been developed, which would provide the to public and developers more clearance on structures on how to approach future developments. I like the idea of a map so we can visually see where the developments might go with the future growth of the city. And I want to help create clarification between the differences between vmu 1 and vmu 2 for both staff and those building in Austin in the future. And then the bottom part where I have the change of the date to March 1st, 2022 instead of January, is because I no during the holiday season that our commissions don't meet as often or people may have other commitments and that would allow time for additional input. Would you like for me to read it into the record? Or is this -- could I have it?

>> Mayor Adler: Why don't you go ahead and read it because the public have -- have you given it to the clerk?

>> Kelly: This has been sent to Casey in the agenda office but I don't know if it's been sent out read.

>> Mayor Adler: Why don't you read it into the record.

[9:25:48 PM]

>> I move that lines 83 through 88 on page 4 be amended to read the city manager shall calibrate an affordable unit percentage level for vmu 2 for consideration during the code amendment process. The calibration shall include considerations of cost differences between vmu 1, vmu 2 and mf6. Cost considerations to include the costs to build affordable housing units, differences in building costs and the effective costs of compatibility and other code requirements. Staff shall add a happen of locations where vmu 2 can be considered based on asmp corridor levels thee, four and five, as well as a transit priority street network except as specified in this resolution. And then I move that lines 101 and 102 on page 4 are amended to read the city manager shall bring these code amendments for council consideration by March 1st, 2022.

>> Mayor Adler: Okay.

[9:26:48 PM]

Is there a second to this amendment? Councilmember Ellis seconds it. We're going to give councilmember Kelly the first chance to argue for her amendment.

>> Kelly: I just really feel that this would help us clarify where these types of developments will have to be built. The resolution this morning was amended and brought back forward E I don't think it allowed really for a lot of community conversation to happen around it. And I've heard from constituents throughout the day who felt like they didn't have a lot of time to add in or give back feedback on how this could further the developments in our community and so by bringing forward this motion sheet I'm hopeful that we could include some of those suggestions.

>> Mayor?

>> Mayor Adler: Yes, councilmember kitchen and then councilmember pool.

>> Kitchen: I can speak to these two separately. I cannot accept either one of them and I'll explain why. The second one doesn't match the timeline. What we're trying to do,

[9:27:50 PM]

bringing this code amendment back by March 2022, about bringing vmu 2 back at that time misses the window of catching up this conversation with the conversation about vmu 1 that is already happening at planning commission. It makes no sense to separate them that way and so all we're talking about here is adding the option for height to 90 feet and it has to come back to us. It will go through the discussion process at the planning commission. So I just can't accept the change to March. That's too late. We need to get, working on this. The second one I'm trying to understand exactly, first off, I'm not quite sure -- to me it sounds like you're asking for information, which is more aligned with what the mayor is doing, asking for information, I would not put this into --

[9:28:51 PM]

it's really going beyond the scope. I'm trying to understand what you're doing here. You're suggesting that -- you're putting a lot of parameters on calibrating, on setting 10% versus some higher percentage. I think if you'd like to do some kind of direction we can talk about that. But I don't think that's appropriate in the document. It's also something that staff will go through their process and consider what's appropriate for them in the process. I don't want to add this other -- these other details and I would rather you be thinking in terms of direction for data along the lines of what the mayor did. So I can't accept it either.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I can't support what you're offering here, councilmember Kelly. It looks to me like a really massive assignment to staff actually that would take

[9:29:54 PM]

considerable effort. If staff weren't already working on a lot of other things they might have the time and resources to put towards this. I'm not sure how this forwards the efforts that we're attempting to make with affordability. In fact, it strikes me that in fact this may be intended to slow down our offering of affordable housing units and that deeply concerns me. So I cannot support this at all, not even as direction.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I think the points in this amendment are well taken. I see both the benefit of streamlining vmu to process with planning commission with the vmu 1 that's already happening. I don't have enough knowledge about if the vmu 1 conversations already had a head start, how they will be able to work through vmu 2 in a much quicker manner before we get back from our

[9:30:55 PM]

December break, but I think the idea of looking at the potential mapping I think could be hugely impactful for people to understand and what to expect and what types of implications might be able to come from this. And I think the calibration, we're all in agreement that it was a good idea. And so I am not sure why there's conflict on it for this particular statement but I think all these points are well taken.

>> Mayor Adler: Councilmember Casar.

>> Casar: I'm all for maps. We have them all over the office and they're always very helpful. But I think this given this this would be a zoning in process, I think it will be specific to really specific tracts. Somebody for example just built a vmu building then I think highlighting it on a map that it could be vmu 2 to me -- it may not tell the full story because somebody is not going to go ask for vmu 2 where if someone just builds a vmu building. And then looking at the

[9:31:57 PM]

corridor levels I think that's generally where we would expect, but there are cases where it doesn't map right on. For example, the Windsor park village folks that just came forward to us it happens to be on a village 2 street and that's something that the neighborhood worked on. They thought it was the right

place for vmu, but it wouldn't actually fall within the street levels. So again, I think this is something we can work on and talk about as we go through the process, but I'm worried that this kind of map may not actually teach us what I think folks may want to learn from it.

>> Mayor Adler: Councilmember alter and then councilmember Kelly.

>> Alter: So I'm not going to support this as an amendment to this item, there's nothing that precludes us from doing further calibration of bonus programs that could be citywide in some manner. I'm a co-sponsor on this

[9:33:00 PM]

item and why we landed was to try to make this usable with the least amount of rigmarole so that it could be put in motion sooner. We've had a lot of folks coming in for mf-6 zoning offering to do certain amounts of affordability levels. It's just complicated under the systems we have for approaching zoning, so this would be providing a mechanism that could be deployed even without potentially a whole zoning process which makes it easier to get it up on the ground. It is not designed to solve every problem in the code. It is a piece of it that we thought we would have general agreement would be a step in the right direction. I think we're going to have a really complicated set of conversations if our goal is to do everything perfectly and do every piece trying to

[9:34:00 PM]

maximize every little bit we're not going to be able to move forward. And I would rather be able to see us take off the bite size pieces that we could get and get something done instead of not moving forward.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: It looked like councilmember tovo had something she wanted to say. Is it okay if she goes first?

>> Mayor Adler: If you want to pass on it, I will come back to you.

>> Kelly: Yes.

>> Mayor Adler: I'm going to talk then. My sense is that there are real good things for us to consider. I think by going back to where we had gone back to, it's very simple and it's just saying hey, with respect to vmu 2 let's create that because we're already missing opportunities we can always go back and fix things later, but we're presently fixing opportunities. So for the same reason I pulled down my direction when councilmember kitchen allowed for that to happen, my suggestion would be because I think that a lot of these things happen during the calibration

[9:35:01 PM]

process anyhow, but I think that's a really good question to talk about on the 30th, how we calibrate and that kind of thing. I think that might be -- I think that the things that you have here would be more appropriate for us to discuss as part of the conversation on the 30th, but now that it's been -- now that we've really focused down on what councilmember kitchen is bringing, I'm okay with moving forward with that as it is. It's really simple. It says let's do this before we lose more than we know we've lost because we have people coming in here with the sf-6 unable to actually really give us the affordability in a way that we could enforce without doing third-party agreements that create all sorts of problems for us. But I do want to come back to these laws at our discussion on November 30th. That's what I would recommend.

>> Kelly: Real quick, I want to say that I appreciate my colleagues for hearing my concerns and my statement. We all know the code is

[9:36:03 PM]

complicated. It's two years older than I am. I do appreciate us talking about this in a forum where we can come together and create solutions. Thanks.

>> Mayor Adler: Are you okay with just bringing this back on the 30th?

>> Kelly: I'm sorry, what was that?

>> Mayor Adler: Are you okay with us --

>> Kelly: Yeah, I think it's dead.

>> Mayor Adler: So it's just down to the base motion. Any discussion on that? Councilmember tovo.

>> Tovo: Yeah, I had some comments on it on the motion that's now -- the amendment that's now been withdrawn, but I'm going to turn them into a more general comment. I think that's a lot we can accomplish with county code amendments and some of the changes that we have broad consensus on across the dais and I'm looking forward to getting those moving. I think this is one of them and I'm excited that councilmember kitchen has brought this forward. I think it creates both an immediate need and one again around those -- around which there's broad consensus. I think there's broad consensus around some of the changes with regard to ads as we've discussed

[9:37:05 PM]

with the item that was put on the message board by councilmember alter and you, mayor, that we've talked lots of times about adding residential to commercial. I would say that I hope we will begin with those places of agreement. What concerns me, councilmember Kelly, about some of the language in

yours is that it's tying -- it's again tying some -- what will be regarded as some pretty substantial changes to back to some items -- that mired us with regard to the land development code code. Once we start tying things to transit priority corridors and designations made outside of zoning changes I think we will end up in that same cycle where we are at loggerheads with many members of the community and including the numbers who live in some of those communities that would be changed by these. So I would just really caution us. Let's see how much work we can get done around the

[9:38:06 PM]

points of consensus and I'm glad that we're back to that with regard to this particular provision, this particular resolution.

>> Mayor Adler: Councilmember tovo, I think that's a really good point. I think as intended by most of us and I think most of us have weighed in on the message board. What we'll be trying to find on the 30th are those things that we can get agreement to and we'll try to come up with a good process for us to be able to make sure that that's where we're spending our -- the bulk of our time on when we're together. All right, councilmember kitchen's motion as amended is in front of us now. It's been moved and seconded. Let's take a vote. Those in favor please raise your hand. Those opposed? Mayor pro tem, are you with us voting? And let the record reflect on this one that it passes 10-0 with mayor pro tem off

[9:39:08 PM]

the dais.

>> Kelly: Councilmember Renteria is gone as well.

>> Mayor Adler: And councilmember Renteria. Thank you. So 9-0. All right. Those are all our items except for zoning and the one public hearing. Associated with that. So we want to get to speakers, but before we get to speakers, we're going to first handle the postponement discussion on items 73 and 74, is that correct?

>> Yes, mayor. Jerry rusthoven with the planning department. We do have postponement requests on 73 and 74. 74 for the property at 200 academy. The neighborhood has requested a postponement to January 27th. The applicant disagrees with that and is agreeable to a postponement to December 2nd instead.

>> Mayor Adler: Okay. As is our practice with respect to postponements on zoning cases, we'll have one person speak in favor of it, one person speak against it and we'll hear from two people. I think we've identified

[9:40:08 PM]

someone from the neighborhood to speak and then the applicant to speak. And then we'll take a vote on whether or not to postpone. If it's postponed, then those speakers that are lined up don't need to be with us. If it's not postponed, then obviously you will all be given a chance to speak. Who do we call first? I guess the neighborhood since they initiated the request for postponement. Do we have a speaker? Why don't you come on up. It sounds as if there's an agreement at this point to do a postponement.

>> Yes.

>> Mayor Adler: It sounds as if the real issue is it in December or is it? January.

>> Yes. We want -- we would like more time to inform the naked. I'm Brian Beaty and I've been involved in the Austin music scene since 1979 and I've played in any number of

[9:41:08 PM]

legendary Austin music clubs that no longer exist. I'm a record producer, a singer/song writer and I do side man work. I've produced a number of records at Arlen studios, the recording studio at 200 academy, and I've played at the Austin opera house and its last iteration. I care deeply about Austin music, Austin history and Austin music history, but I oppose being the opera house back to our neighborhood. So I'm requesting a postponement on items 73 and 74 at 200 academy drive to the January 27th meeting. It's our first request for a postponement in these cases. We think the cases and proposed uses are problematic and threaten to create completely chaos in this small, compact area of our neighborhood with very unique topography. I live directly across academy drive from the only exit and entrance to the

[9:42:10 PM]

proposed venue. The elements of the proposed development are incompatible with both residential and commercial properties in the area, are out of scale with what we believe is suitable for the unusual location of the tract, especially because of its lack of ingress and egress to any main thoroughfares and the constant mini festival size crowds that the opera house might draw. There is an effect on property owners and we want more time to understand whether the tia properly addressed the volume of traffic to be expected with a venue of this size and to solicit input from the neighborhood to ensure that all the interested parties have an opportunity to understand the development proposal so we can bring forward any concerns and return to the applicant and council with solutions and counterproposals that can make the development workable at the site. And just the holiday season right now, it's -- [buzzer] It would be very difficult to do that work before the

[9:43:11 PM]

second. It would be impossible for us. The 27th is really what we'd prefer. Thank you.

>> Mayor Adler: Thank you. Councilmember tovo until.

>> Tovo: Mr. Beatty. I just want to zero in on the reasons. As the mayor said, there's agreement, is that accurate, there's agreement on a postponement, just a disagreement about how much time?

>> Yeah, we need.

>> Tovo: Could you try to zero in on the reasons why you need that additional time? I understand the second is certainly -- would only give you really a couple of days by the time you factor out Thanksgiving, but there's also the meeting in December. So can you help us understand better the kind of work that you would anticipate being able to do if it's postponed until January?

>> A lot of it is the process of understanding we don't think the tia properly addressed the amount of traffic. So we want to understand that a lot better ourselves. And also a number of people

[9:44:13 PM]

in the neighborhood, although most people know and a surprising number of people don't know about it, and we're still trying to contact some people but because of the holiday season there are a number of people who just don't know about it yet. So we could -- it's possible that we could do it on the 9th, but that would be -- that still would be just the tail end of the holiday thing. And we're making good progress making people aware of, but we still feel like it kind of rushed at this point considering how many questions there are to us.

>> Tovo: And Mr. Beatty, I assume and I see some of our other neighbors here today too. I assume if you are granted this postponement you will be working together and working with the applicant and trying to find a place of agreement?

>> Yes. We want to continue to work with them. We've been meeting with them multiple times and it hasn't -- what we've done --

[9:45:13 PM]

our only objection is to the venue and the applicant -- there's all sorts of compromises that we feel like we want to make with a are in of residential, -- number of residential that would go there. We would love to have plenty more residential, we think, but the applicant has never made any move on the only thing we object to, which is the venue itself and the size of the venue.

>> Tovo: But I just want to make sure we're not getting into the merits of the casement you and your neighbors are committed to working during that time with the applicant.

>> We're working very hard and want to continue working.

>> Tovo: Super. Thanks so much for being here.

>> Thank you.

>> Mayor Adler: Thank you. We'll hear from the applicant.

>> Hi. I didn't really have anything prepared because we didn't get this request until yesterday at 11:30 A.M. I am Richard Weiss and have been an architect and musician in Austin specializing in music venues and housing preservation for almost 30 years. Last time I came before you was for a zoning case in the

[9:46:14 PM]

Hyde park nccd for the baker school. This time is to bring back the historic Austin opera house with a residential buffer to the fairview park nccd. I'm here to speak on why we do not want to delay this case an additional 10 weeks per the neighborhood request. We didn't agree to this request except we understand that they get one. When we first met with the neighborhood group in April of 2019 I was 48 and had short hair. I am currently 51. The neighborhood group says they need more time. We asked them to meet with the entire neighborhood group on several occasions and they kept directing us to one small group. Our request has remained the same and it's straight forward. No change to initial base zoning, just the removal of an nccd overlay that restrictive covenants any new development and the addition of a mixed use overlay to allow more housing where it is needed the most in Austin. What can be accomplished in the next 10 weeks that was not feasible in the previous 136 weeks since we first met? Additionally, every concern the neighborhood has raised here today, traffic, venue

[9:47:15 PM]

size, noise and scale, are all required to be addressed at site plan with a new tia, planning commission approved conditional use permit, updated sound ordinance, citywide compatibility. Zoning is not the end of this conversation, it's the beginning. We've had an opportunity to meet with many council offices to discuss the benefits of removing 200 academy from the nccd and I hope in the next two weeks we can continue to meet and reach consensus that the base zoning that exists on this site offers the entitlements and the protections that will be a win for Travis heights, live music, housing with zero displacement and the city at large. We formally request that this case be heard at the next council meeting on December 2nd.

[Buzzer]. Right on time!

>> Mayor Adler: Good job. All right, colleagues. Councilmember Ellis. Thank you, sir.

>> Ellis: Your timing shows you truly are a musician.

[Laughter]. I really appreciate that. And I appreciate the neighbors coming and

[9:48:16 PM]

speaking with us today. I think in discussion of whether there should be a two week postponement or a 10 week postponement, I don't know if there's harm in bringing it back sooner rather than later. We can always at that point in time decide how the conversations are going and progressing and decide if there needs to be more time we can allow for that as well. So I'm more comfortable with doing a December 2nd postponement.

>> Mayor Adler: Okay. Further discussion? Councilmember tovo and then councilmember kitchen.

>> Tovo: I'm happy to hear my colleagues first and then I'm prepared to make a motion.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I respect the rationale or the reasoning that the neighbors are bringing forward. It makes sense to me about the amount of time that they really would like to see. And although I respect the concerns of the developer, I think in this case it's important to allow that additional time. So I'm going to support the

[9:49:25 PM]

neighbors' request for postponement I believe it was until January.

>> Mayor Adler: Further discussion on the dais?

>> Tovo: Mayor? If I may.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah. This is a case in district 9. I'm real familiar with it. I understand bodies the applicant's -- both the applicant's requests as well as the neighborhood, as well as some of the neighboring property owners. I believe it would be in our best interest to really allow for some more focused conversation. I don't believe that December 2nd is a reasonable -- is going to allow for that kind of conversation. So my motion is that we postpone until January 27th. I would have otherwise wanted it to come back sooner but we don't have any January meetings that are sooner. So were we to postpone until December 2nd it really gives them, I don't know, something like six business days to take over what is a Thanksgiving holiday. I just don't think it's feasible. So as we look at setting our meetings up for more

[9:50:25 PM]

efficiency and setting up our community members for more success in these kinds of issues, I really think that -- I really think December is too soon and that all of us would be better served by having it happen in December 27th, having spoken with neighbors, but also with representatives of some of those businesses that are -- that have significant concerns right now. I believe there's a real willingness to look at where the points of agreement are and what those issues are still to resolve. So that allows them and affords them the time to to do so.

>> Mayor Adler: There's a motion. Is there a second to the motion to postpone until the last week in January? Councilmember Kelly seconds that. You know, the difficulty here is that December 2nd is too short a postponement to be usable usable and

[9:51:25 PM]

January 22nd is longer than we normally give in this k9 of situation. Does the 9th work? Does December 9th work?

>> Tovo: I think it's a better option than the second. I don't know that -- I think we'll be in a similar position on the ninth having a similar conversation is my grave assumption. I think if there's not support for the 27th we can -- again, that would be my next preference, but I believe we're going to have a repeat of the same conversation. There's just not quite enough time. You nailed it. January 27th is probably more time, but the other one is just simply too short.

>> Mayor Adler: Discussion, colleagues?

>> I could support the 9th, and if those conversations are still ongoing, we can decide at that point what the best move is.

>> Mayor Adler: Councilmember Casar?

>> Casar: I would support the 9th. I think the 2nd, if we're going to postpone something, it's so few business days. But over two months may also

[9:52:27 PM]

lend itself to us being in the same place because it gets dragged out too long.

>> Mayor Adler: Councilmember Renteria?

>> Renteria: I believe the same way as my colleague, Greg and Alison. We're trying to support our music industry here in Austin and if we keep delaying, I really feel like we're just turning our back on our musicians. So I'm uncomfortable waiting that long, ten weeks.

>> Mayor Adler: Councilmember kitchen, I think you had your hand raised?

>> Kitchen: Yeah, I was just going to say I hear the dilemma but I -- you know, I'd like to -- I think councilmember tovo, this is in her district and she has a good read on what is really necessary to work through this case and the time that's needed for it.

[9:53:29 PM]

So if she'd like to move forward with her original motion, I will vote for that.

>> Mayor Adler: Councilmember pool?

>> Pool: Yeah, I'm in the same place because I think if we get to the 9th it won't be enough time and we will have this discussion again. And then we will delay it until January 27th. And I think we may as well just say January 27 and all parties, make sure to complete your conversations and your negotiations so that we can move expeditiously to a decision on the case, hopefully even on all three readings at that point. But we'll see. Yes, I'm in support of the motion as made.

>> Mayor Adler: Anybody else want to say anything before we take a vote? We're pretty evenly divided. It's pretty straightforward. Does the applicant or the neighborhood want to respond one last time on this?

[9:54:32 PM]

I'll give both a chance to respond and we'll take a vote on the two days.

>> Thank you. My name is Chris and I appreciate you giving me a moment. One of the things I thought we were supposed to do here today is to review the process and not talk about the merits, about the case and whether you're in favor or not, but just to talk about what we've done to date, just so you can see, kind of, the process that we've taken. So as Richard said, you know, we first presented to the neighborhood 2 1/2 years ago and we have been in contact and presenting and compromising and changing for the last 2 1/2 years. You know, we met with the Austin transportation department in 2019, spent a year and a half completing our tia. That was completed over six months ago.

[9:55:32 PM]

You know, that's the last part that we needed before we went before planning commission. And so we actually gave a copy of our T.I.A. To the neighborhood to review. They came back and said could we have a couple more sessions to postpone. And so we actually granted it and consented and said, okay, we'll work with you. We'll go ahead and do that. And part of that understanding was that once we

started forward, we would continue forward. So, you know, we've met with the neighborhood quite a few times. You know, and the issue is since we finished the planning commission meeting, the neighborhood has not contacted us one time. And so that's been over a month. And the issue is, is that we have come and we've compromised and on both sides, because originally at 2.5 years ago the neighborhood told us no, we're not interested in any develop.

[9:56:34 PM]

Development. But at this point we're down to hey, let's discuss the venue size and let's --

[ buzzer sounding ]

>> The issues of traffic. So that's where we are. We've come a long ways, but we need your help at this point to try to make further progress. And whether we get two weeks, or three or four months, I don't think anything is going to change and that's evident by the fact that no one has contacted us.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Does the neighborhood want to give us a last thought?

>> We have been in contact. Our main problem -- our issue has been getting everyone in the neighborhood to understand what's happening, because from the beginning our issue has been the fact there's going to be a venue there. I'm not sure how much y'all are aware, but it's been there three times historically, in '74, '77, and through the '80s. I don't want to talk about -- once again, I hate dipping into

[9:57:34 PM]

the merits of the case, but we -- as far as us being in contact with them for years, there's not anything that we've objected to that's ever been addressed at all by the applicant. So, our objection has been that it's a club and that it's too large. And nothing has changed. So we are in contact with them, but we want to continue to talk about possibly the venue being smaller, which they've never given an inch on. And we found that we've been -- what we feel like is giving towards what -- this would give back to the community for housing. But no one seems to be listening to the fact that we feel the neighborhood is endangered by putting a giant club. And it's happened a number of times. So we don't feel like we've ever gotten anything resembling a compromise from the developers.

[9:58:36 PM]

That's why we want more time to talk. And we would like -- and we've met before, but every time that we have we've never been able to get them to shrink this proposed size down. And that's what's always been the thing that was dangerous to the neighborhood. I don't know if you've read about the history of the club in the neighborhood, but it's always been a problem. And there was even more access at that point to main thoroughfares. So our issue is that --

[ buzzer sounding ]

>> Even though we've talked, we don't feel like -- we do want to talk more. But we wish we would get some sense of compromise from them, because we haven't so far.

>> Mayor Adler: Okay. Thank you. Colleagues, my sense of this is there's a hard decision based on size. I'm not sure that's going to change. And we're going to have a difficult choice to make. I think the 2nd is too short a

[9:59:36 PM]

period of time giving the Thanksgiving holiday. If someone wants to propose an amendment to the motion to make it December 9th, we could vote in the absence of getting six votes for that, we'll then vote on the January 27th issue.

>> Tovo: Or we could vote on January 27th.

>> Mayor Adler: We could do that, too.

>> Tovo: It has a valid petition. I think given these parties the ability to talk with one another is important and would be our most time-efficient strategy.

>> Mayor Adler: I understand. Councilmember Ellis?

>> Ellis: Does it have a valid petition? Jerry? Even though it's an overlay removal, not a rezone?

>> Well, that's an issue that we're going to be discussing, but we have received a petition yesterday. We haven't verified it yet.

[10:00:37 PM]

It will be part of the assessment with the law department.

>> Mayor Adler: Okay. We have a motion on the table to make it January 27th. Is there a motion to amend that motion? It would be in order now. Councilmember Ellis.

>> Ellis: I'll make a substitute motion for the 9th.

>> Mayor Adler: Okay. Not a substitute motion, just a motion to amend it to be the 9th.

>> Ellis: Keeping track.

>> Mayor Adler: Any further discussion on that? Let's take a vote. Those in favor of the motion to go to the 9th, please raise your hand. It is Ellis, Casar, me, and councilmember Renteria. I can't see mayor pro tem. It does not have six votes, it will not pass. That gets us back to the original motion, which is to postpone until January 27th, I think. Those in favor of the motion to postpone, please raise your

[10:01:37 PM]

hand. Those opposed? Councilmember Ellis voting no, the others voting aye. Mayor pro tem, are you with us? Okay. That motion passes. We're postponed until January 27th.

>> Mayor, if you'd like -- sorry.

>> Mayor Adler: Now what I want you to do is let the people on the phone know, the other cases that are on the consent agenda to be postponed, so that they know that those cases are going to be postponed.

>> Will do, mayor. Item 70 has a non-contested postponement, I-35. Item 72 has a non-contested postponement, 3527 Jefferson street. Item number 81, which is the Chrysler house, has an uncontested upon, and item 84 has an uncontested postponement, and item 88, which is 1725 Toomey also has a non-contested

[10:02:38 PM]

postponement.

>> Mayor Adler: The item numbers?

>> Items number 70, 72, 81, 84, and 88.

>> Mayor Adler: Okay. So, in case you're on the phone speaking to 70, 72, 81, 84, 88, or 73, 74, those items are all postponed. So you need to come back when those items are going to be discussed on the merits. Let's go ahead and call SP speakers. All right. I have four people signed up to speak on item number 70, but that item has been postponed. I have people signed up to speak

[10:03:38 PM]

on 73 and 74. That item has been postponed. Item number 75, is Maria Bowen here? Why don't you come on down. And parker hank is on deck.

>> My name is Maria Bowen, I've lived on Rogers lane for over 18 years. I pose the zoning code change -- oppose it. There's concerns stemming from the substandard conditions of our road and the existing mobility problems. Rogers lane cannot support dense housing without putting its current residents at risk of serious harm. This is not a hyperbole. We are a small country road that has been forgotten. Our neighborhood has to the seen any -- not seen improvements in decades. We will not settle for getting it later. The developer promises the infrastructure will come

[10:04:39 PM]

eventually. In the meantime, piecemeal infrastructure will come at the cost of our safety. That would be a very high price to pay. There are stretches of our roads that are in complete darkness, not a single street light, not even one. Fire hydrants so few and far apart my neighbor lost a structure to a fire two years ago. There are no traffic lights at the intersection of the major road with 969, where my neighbor broke four of her ribs and totaled her car in an accident because traffic is ridiculous during morning commute. Denser housing will bring more motorists that will put our children at risk when they have to stand in the fork of the road at the very top of a steep and blind hill with poor lighting because it's the only spot the school bus can maneuver a stop. Since we don't have curbs with marked numbers for each home, emergency vehicles will have a harder time finding homes in a denser neighborhood, delaying life-saving services, especially when addresses for existing

[10:05:40 PM]

homes are not in numerical order. The roads are so narrow and deteriorated that they will surely result in collisions and near misses, especially without a single speed limit sign and an increased number of motorists because we have no access to public transportation. People drive on fm969 like it's a highway. Unless it's morning or evening commute when it becomes a parking lot with a sea of cars as far as the eye can see. Sadly, fm969 is the only main road to access services and goods for all the neighborhoods east of 183.

[ Buzzer sounding ]

>> Please keep sf2 and on affordability, they're going to go for \$400,000. I can't afford to live -- I can't afford a \$400,000 home. I can't afford to live in my neighborhood for how long?

>> Mayor Adler: Thank you for being with us today.

>> Thank you.

>> Mayor Adler: Is parker here? Why don't you come on down. These two speakers are on 75.

[10:06:43 PM]

Next, we'll go to 85. Go ahead.

>> My family and I live on Rogers. We're opposed to the rezoning. 5417 is a single one-acre property, it's typical of most land touching the lane, rezoning will set a precedent for future property transactions on our street. Just as someone might pay a premium for a house on a golf course, we deliberately purchased an older home because we liked the spacious atmosphere, modest homes and quiet street. If every time a house sells on Rogers it gets torn down and rezoned sf6 and replaced with as many houses as possible, it will detract from the reason we purchased here. The diverse residents all chose to live here because they value the quiet atmosphere. Central to that is the quiet road that we all live on. The lightly traveled road is where we visit with neighborhoods. It's rare to go for a walk

[10:07:43 PM]

without a neighbor pulling over to ask you how your garden is growing. If you tried out the seeds they gave you. We have no sidewalks, but since the road doesn't allow for through traffic, everyone drives slow. The precedent of sf6 set now for this property would mean almost any other property on the street would be a candidate for future rezoning and the 30 plus acres held by other developers could follow suit and bring over ten times the current number of houses in our neighborhood. For our lane, this is unrealistic. I have no issue building a neighborhood under its current zoning. But sf6 sets an unsustainable precedent of development for our street that will erode the neighborhood character and present practical traffic issues. Our area is not near bus stops or walkable destinations. It doesn't make sense to prioritize dense development, especially when it ruins the atmosphere that drew us here. There is no lack of middle income housing in the area.

[10:08:44 PM]

I would not consider the price tag on the developer's other houses to be middle income. Rogers lane is our community's hike and bike trail and I ask you to please balance the values of the current residents with the need for additional housing in Austin.

[ Buzzer sounding ]

>> Mayor Adler: Thanks for being with us today.

>> Thank you.

>> Mayor Adler: Is Diana Dean here?

[ Off mic ]

>> Mayor Adler: Okay. Colleagues, we're on item 85 and 86. Is Melanie here? Do you want to come on down and speak? On deck is Nadia Barba. So, the first speaker that we had was Diana Dean. Come on down, Diana Dean? No? Is not here.

[10:09:46 PM]

I'm sorry.

[ Off mic ]

>> Mayor Adler: Melanie Dixon? Come on down. I was calling out the name of the next speaker after you so they could get ready. Go ahead.

>> Mayor Adler, mayor pro tem Madison and councilmembers, my name is Melanie Dixon and I co-chair the emlkc contact team. And I chair the Martin Luther King neighborhood association. I'm here today to speak on item 85, the Regene Road development. I am excited to say the Regene Road development has yielded much conversation between the community and the developer themselves. This conversation with the contact team as advocates for the community and the developer agent. In our conversation the

[10:10:47 PM]

community presented options that would yield greater benefits for current residents and those persons expected to live here in our wonderful city of Austin. The benefit package included affordable housing, which we asked for true affordable housing, those persons, i.e., as would include our educators, that would include our creatives, that would include those that are minority business owners, who may not meet that qualification of that 60 to 80 mfi. Those persons such as our educators, such as our creatives, our service workers and our businesses owned and operated, which include our black and brown business owners. We know that this developer will yield millions of revenue and profits and the benefits by the developer for the community does

[10:11:50 PM]

not compensate or is equal to the amount of revenue that it will create. It is minor in comparison to the magnitude of the project. So as I stand here before you, I am torn between the support it's

[ buzzer sounding ]

>> --

[ buzzer sounding ]

>> Of this project. However, I support this project in good faith that the developer will come through with benefits that will help the community for future generations to come. Thank you.

>> Mayor Adler: Thank you.

>> Mayor.

>> Mayor Adler: Yes.

>> Tovo: Can I just ask the speaker, could you sum up a couple of the benefits that you'd like to see?

>> We have asked the developer to provide us with creative space, as from what we last spoke, there was like a million square feet of spacing for this huge project. And we were given -- suggested

[10:12:51 PM]

200, perhaps less of square feet for community space. You know, compared to 1 million square feet of space, that's really pretty nothing. We were -- let's see.

>> Tovo: I think it's only scheduled today for first reading. Maybe if you haven't done so already -- I'm going to go through my email and make sure I didn't overlook something -- if you could kind of just summarize that for us.

>> We will --

>> Tovo: Some of those requests.

>> We were asking for community space for creatives. We were asking for daycare centers for the community. We were also asking for true affordable housing that would yield greater than the 60%. We were also asking for the safety for many of our workers for this, which was agreed upon, which was a plus.

[10:13:52 PM]

So, yay for us on that one. As well as giving back to the community in terms of space and time for longer periods of time.

>> Tovo: Great. Thank you so much. Thanks for summarizing this for us.

>> Thank you.

>> Mayor, I know you can't see me, but I'd also like to pipe in.

>> Mayor Adler: Yes.

>> Harper-madison: Because this is a district one item, I just wanted to make sure that the questions that are being asked, that the summarization comes across to the d1 office. And then I also just wanted to make certain that Ms. Dixon has the question coming out of the d1 office that ultimately is --

[10:14:53 PM]

I also would like to know very much what are the community's questions, concerns, and then ultimately how can we -- especially because we still have room to go here -- ultimately how can we all get the best benefit for the community. So, just wanted to put that out there as well. Thank you.

>> Mayor Adler: Thank you. Okay. Next speaker is Nadia bravat. On deck is Janis Bookout.

>> Hello, my name is Nadia, east mlk co-chair and officer and in pecan springs neighborhood association, piggybacking on much of what Melanie just said in the exchange, our area is getting incredibly swamped with

[10:15:53 PM]

zoning cases and changes, as I think you know. This came up extremely fast from planning commission to here today. And I would recommend that we, in the future, try to get a minimum of three to four weeks. We've had ten days to prepare for this amongst our other cases. We're not doing just this one case, because we're actively advising neighbors on other cases coming up for planning commission soon as well, and this is moving extraordinarily fast, which is why there was some gap in communication to all of you, definitely on my part. So, we have agreed to first reading today in good faith with the agent and we're appreciative of the better builder agreement and the community space of approximately 250 square feet for approximately 25 years for our community to use. But I just want to bring forward to you what you may not have heard. I'm not sure if you're planning how the communication works between your planning

[10:16:54 PM]

commissioners and yourselves, but there were seven different neighbors that came here last Tuesday and echoed a lot of frustration that the community benefits when we give huge up-zonings, that these developers get tons of dirge additional revenue for many years to come and the community doesn't always get an equal amount. So we're excited for some progress on this case, but we encourage developers and others here to hear that we would likemore investment in the community, including off of the exact property site --

[ buzzer sounding ]

>> And we encourage staff and council to try to make that happen as well. Thank you.

>> Mayor Adler: Thank you. Is Janis Bookout here? Why don't you come on down. And Angela Garza, you'll be up

[10:17:57 PM]

next.

>> Hi, good afternoon. Thank you for your time and for your service. And mayor pro tem harper-madison, I just emailed the full list of community benefits if you'd like to review that. I just want to start by saying it's easy to think of land as a commodity. That's the way that it's treated here in Austin. That's certainly the way that developers think of it. However, it is actually a common property, because it impacts our communities for decades to come the way that it's utilized. So I request that we think about it that way rather than as a commodity for this conversation. As you approach all the zoning cases and especially those in district 1, Rogers lane, yak jack coal, Springdale, and regiene, which is what I've been asked to speak here on, I would ask that you consider why our community members are asking you to use every tool in your toolbox to slow things down.

[10:18:57 PM]

I heard a developer frustrated earlier that things weren't moving fast enough. Why we're asking to slow things down is because the community hasn't been heard and honestly, sometimes it feels like developers own this town. They have so many tool and Wes and we have so few to fight them. What does that mean? Let's talk about under the umbrella of affordable housing and the history of Austin, we -- of the 60,000 units since the 1990s that have been built under that umbrella, only 3500 are currently designated as fool affordable, if you look at affordability from the zip code level. So, what I mean is that for example, you know, if 80 mfi -- if the mfi is 99,000, 80 mfi is \$40 an hour. 60 mfi is 30, 50 is 25, which is mit, what mit says the living wage in Austin, and 78721, where

[10:20:01 PM]

this development is proposed, the mfi is 47,000, which makes this development a driver for gentrification and displacement, which means that this community --

[ buzzer sounding ]

>> Has the right to ask for community benefits to offset that harm. Thank you so much for your consideration.

>> Mayor Adler: Thank you. Go ahead, Ms. Garza.

>> Hello, mayor, mayor pro tem, city leaders. It was a dog fight just to get the better builders on this project. I mean, it took us a month. I have so much respect for someone because I had no idea how much that takes. It was a dog fight but we finally got it. Overall, the project itself has a good concept. You have 10,000 square feet of commercial. We've never seen affordable commercial. The issue with that is we need to go deep enough. When you calculate the numbers in that area, it's like 45% is what is hitting that mfi to meet it. And the mayor said earlier that

[10:21:02 PM]

he wants to see he's getting maximum benefit out of the project. And it hits numbers of what's actually going on in that area. We went back and forth with actual community benefits, even planning commission was like, they couldn't figure it out, because it was so complex. And we came in in a consensus that we want to do this so bad and we worked our hearts out. I wish I could tell you the nights, days, weekends, calls and everything that we were doing here to try to come up with middle ground. You should have a sheet of benefits the community asked for. A lot of thought was put into that. And on the other end we kept hitting a wall with the developer and finally came up with some middle ground of a baby step progress, is what we got out of it. And we got one thing out of those two sheets, which is the space, which is only 250 square feet.

[10:22:02 PM]

At the end of the day, we tried to come up with another consensus, can we do a letter of intention, or in the future as the project progresses and makes money, we tried every angle to work on how can we get the maximum benefit. It wasn't like we were going against in a sense, it's like our team really, really looked at every single angle. So --

[ buzzer sounding ]

>> We need your help here, mayor, on how to balance all that.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Anybody else in person signed up on a case they want to speak on? Do we have people on the phone?

>> Yes, mayor. We've got Lynne Galbreath.

>> Hello.

>> Mayor Adler: We --

>> Speaking on 89.

>> Mayor Adler: Yes. 89 is a good case.

[10:23:02 PM]

And now we'll go back to the room to get Jessica Robertson, who I skipped over, when we're done with the speaker on the phone.

>> Okay.

>> Mayor Adler: You can proceed.

>> Okay. Thank you. My name is Lynne, and I'm speaking against the rezoning request under item 89 for the brownie mixed use. Austin's long-range planning, inclusive of our neighborhood plan, responsibly places intense residential and commercial use such as this in locations where conditions necessary to support it exist. Drainage, sidewalks, public transit, grocery stores and other community necessities. This site under this proposal lacks all of that. Some conditions do exist along all of our mixed use corridors

[10:24:03 PM]

of north Lamar and Anderson lane. The applicant could buy and readily build a mixed use project there that he wants to. Instead, he's made speculative purchase of cheaper land that is zoned for other purposes and waited a few years for the city of Austin to become more desperate for new housing. I think supporting this application will simply increase his profit margin substantially whether he sells the land next month or builds the expensive condos. There's no down side to this for the applicant or for city staff officials, but there is certainly a price. That price will be paid by the currently existing community of lower-income majority people of color and the reduction of their safety and quality of life. If that sounds familiar, it's because it's happened in other areas of the eastern crescent. I request that today you implement the values of

[10:25:05 PM]

responsible land use planning and social justice that the city of Austin claims to hold by denying the speculator's request for this change to our future land use map. Thank you.

>> Mayor Adler: All right. So I skipped someone here. Jessica Robertson, is Jessica Robertson here? All right. We're back to the phones.

>> Jessica Robertson.

>> Jessica Robertson again from d4, speaking against number 89 and 90. I'd like to bring attention to the important effects that are over-cited in policy and politics, easy to get hyper-focused on immediate short-term factors, and we're asking that we look at the

[10:26:05 PM]

bigger picture and the negative impact to the community. While Austin has programs and initiatives to unravel the continued segregation, displacement, and gentrification, rezoning approvals like this one pose a great threat to undermine the big picture efforts at hand. Yes, there's a housing crisis, but it's an affordability problem. The development will not address the housing crisis and it will not address the affordability issue in this area. This neighborhood is currently one of the only affordable neighborhoods remaining in Austin. The small neighborhood, low income. As culturally rich neighborhoods filled with long-time austinians, this development will add additional housing units but they will not be affordable, which will result in more people being displaced than by the development, than those being housed. In addition, many of the residents have spoken of traffic and safety concerns being a huge issue, given the location of the tract of land. There was a fatal accident on the corner of brownie and Grady just last summer, as there are

[10:27:06 PM]

no sidewalks or safe walking paths on brownie, Grady, or middle 5th. We ask that you consider the residents of that area over the monetary gain of the developers and vote to deny this rezoning. Thank you.

>> Monica Guzman.

>> Yes, before you start the clock on me, how many minutes do we have to speak?

>> Mayor Adler: Two minutes.

>> Thank you. Good afternoon, mayor and council, I am Monica, policy director at Go Austin, Vamos Austin. District 4 resident Preston's statement -- in regards to the proposed zoning change, I live on Grady drive and have for 20 years. I have witnessed the traffic issues on Grady. My mailbox has been smashed. Both my neighbors and those

[10:28:06 PM]

across the street have had their parked cars hit. Our street cannot handle more traffic that would be caused by a multilevel condo building with retail on the bottom. The streets in this area don't even have

drainage and except for Grady are one lane. The other street this building without exit on is the very northern tip of middle, which is the same size it was when I-30 ran over it in the '50s. It is a small, narrow street with no drainage. It can not handle more traffic. In the mornings, Grady backs up with cars waiting to turn, and, of course, if southbound 35 is backed up, so is middle fiskville. It cannot handle 60 to 140 new cars at that intersection. Any multiunit structure will flood our streets with more traffic. End quote. Gava supports the resolution, but the planning staff does not support the zoning for the commercial side. Years ago, residents put in many hours across many months for a

[10:29:07 PM]

neighborhood plan approved in 2010. Gentrification began encroaching on the rundberg community at least seven years ago, yet north Lamar neighborhood is one of the few remaining affordable communities. As mayor pro tem stated on November 4th, the average person does not get invited to land use conversations. They receive a notice leaving them racing against the clock, trying to navigate a complex system, learning along the way, hearing technical terms.

[ Buzzer sounding ]

>> Additionally, information is usually in English. One way to build in resources for the residents is to hold developers and city staff accountable, ensure documents are language-accessible and meetings are digitally inclusive.

>> Mayor Adler: Thank you very much.

>> My final --

>> Mayor Adler: Thank you very much for participating with us today. Next speaker.

>> Jade Lovera.

[10:30:11 PM]

>> Jade.

>> Hello. Good afternoon, I would like to start with gratitude to the council offices that have provided consistent communication, support, and further education on how things work. Much gratitude is also given to the councilmembers that stood up and voted no last meeting. Unfortunately we have not seen the same consideration for our district representative. As mayor pro tem stated in the last council meeting, she recognized the time and sacrifices that we have put in for the past seven months and other residents with similar cases in having to learn and navigate this complex world of zoning and land use in order to protect and have a voice in our community. We are the experts in our neighborhoods, so it was disheartening that councilmember Casar has only dedicated 20 minutes of his time to meet with us on

this issue, and that was just three days ago. And at the time of this meeting, councilmember Casar explained he was not aware of the applicant's position and could not provide

[10:31:11 PM]

an opinion or direction on the case. Our councilmember has only spent three days on this and shown clear desire to accommodate and consider the applicant's desire, but has not given consideration to us, the constituents of his district in this neighborhood. Just yesterday the district 4 office was discussing with the applicant how to fill grant zoning on the site, more than staff recommendation. Why are we being dismissed after all of the appropriate efforts? During this process I have seen systematic oppression of the normal citizen's voice, amongst other policies bypassed regularly, which can be addressed with thoughtful review. However, I refuse to accept this process is called fair and just. Inaction is the opposite. How is our district rep able to be a guiding light when the community's voice is left out? Perhaps this is the reality of politics, but that does not make it right. We have to believe each person in office maintains their integrity individually and stays

[10:32:13 PM]

true to their oath and what they know to be right or wrong.

[ Buzzer sounding ]

>> We have a valid petition on this case, according to city policy, valid petitions are still valid, although I empathize with the --

>> Thank you, speaker. Your time has expired.

>> Disregard for --

>> Mayor Adler: Thank you for participating.

>> At minimum, we ask for --

>> Mayor Adler: Next speaker.

>> Mona Knoll.

>> Hi. Thank you, mayor and councilmembers. I greatly appreciate you taking the time to hear our voices. We feel at a disadvantage being up against the well-connected developers. Many of our neighbors, myself included, spent years working with the city to come up with our neighborhood plan. This plan was our vision of what we want to see our neighborhood look like in 20 years. We are barely at the ten-year mark. Our neighborhood cannot support a dense project like the owner

[10:33:15 PM]

is requesting. We have not received any infrastructure updates since we were annexed into the city in the '70s. The zoning that is being asked for is no way in line with our vision. I see no need for changes to the zoning or to the land usage. As you know, our councilmember, Mr. Casar, is stepping down, so I courageously ask you to vote no for this applicant to amend the neighborhood plan and rezoning in its entirety. And thanks for your time.

>> Mayor Adler: Thank you.

>> Emily Payne.

>> Hello, my name is Emily Payne. I am speaking in favor of the landmark designation at 304 Belmont circle. It's a property that well represents the rubenet family, one of the most prominent jewish

[10:34:17 PM]

families in Austin. The house was also design by a prominent architecture firm, Mauer, and it's a great mid-century modern example and I just want to encourage you to support preservation and landmark designation of the house. Thank you.

>> Mayor Adler: Thank you.

>> Mayor, that concludes all the speakers.

>> Mayor Adler: Okay. Jerry, do you want to come back up here and take us through the consent agenda?

>> Sure, mayor, Jerry with housing and planning. Consent agenda for today for zoning is item number 70, which is case c1-2020-0143, postponement to December 9th. Item number 71, I think if it's okay we'll table that because we need to do the annexation item related with it. If I go ahead and put that one aside for a moment, item number 72 is case c14-2021-0137,

[10:35:22 PM]

a postponement request by the neighborhood to December 9th. You've already taken a vote to postpone items 73 and 74. Item number 75, case c14-2021-0127, the Rogers lane case. On this case, this would be for first reading only and the applicant has amended their request to sf5. It does have a valid petition. But for first reading it would need just six votes. Item number 76, case c14-2021-0154, ready for consent approval on all three readings. Item number 77, case c14-2021-0040, the lane zoning case, offer for consent on second and third reading, but the applicant submitted a letter of intent to maintain the creek behind the property. Item number 78, case c14-2021-001, withdrawn and

[10:36:22 PM]

replaced with item 98. Item 79, npa-2021-23, offered for consent approval on first reading. Item number 80, c14-2021-0133, offered for consent approval on first reading. Item number 81, case c14-h-64, postponement request to January 27th, 2022. Number 8, 82, c14-2021-0082 for consent approval on all three readings. Item number 83, case c14-2021-0143, consent on all three readings. Item number 84 is case c14-2021-0091, a postponement request by the applicant to December 2nd, 2021. Item number 86 -- 85 and 86 are the regiene cases. I'd like, if it's okay, to have a brief discussion about those

[10:37:23 PM]

items. So those will be pulled for discussion. Item number 87 is case c14-2020-0144, ready for consent approval on second and third reading.

>> Kitchen: Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I have some verbal direction on this one. Shall I wait until Jerry gets through it?

>> Mayor Adler: Why don't you wait.

>> Our next case would be item number 88, c14-2021-0009, a postponement request by the neighborhood to December 2nd. Item number 89, npa-2021-0026.01, I can offer it for consent approval on second reading. The related case is item number 90, c14-2021-0039. These are the Grady and brownie cases. They are ready for consent approval on second and third readings, however they do have a valid petition on the zoning case and at first reading it did not receive nine votes, so

[10:38:24 PM]

unless the votes change, what I think the best course of action would be to offer those cases for consent approval on second reading only.

>> Mayor Adler: Okay. All right. Go ahead.

>> I'm sorry, item number 97, c14-2021-0144, offered for consent approval on all three readings and item number 98, c14-2021-0081, offered for consent approval on second and third readings. That concludes the consent agenda.

>> Mayor Adler: Thank you. I'm looking at the consent agenda, colleagues, as zoning cases 70, through 90 and also 97 and 98. The items I'm showing as being pulled are 71 so that we can consider that with 96. I'm also showing pulled being 85 and 86. The others moving forward. Is that correct, Jerry?

>> Yes.

>> Mayor Adler: Except for 71.

[10:39:25 PM]

Is there a motion to approve the consent agenda? Councilmember pool makes the motion. Second? Councilmember Renteria seconds. Any comments on the consent agenda? Councilmember kitchen.

>> Kitchen: Yes. I have direction on item 87. And this is the south Lamar. There's an existing co on one of the tracts of land, and so we're not continuing that co. So instead, I've talked with the applicant about some direction to our staff. And also just a reminder to everyone, this one is impacted by the redevelopment ordinance, so the site plan has to come back to the council at some point. So here's the direction. The city manager will direct appropriate staff to work with the developer during the site plan review process with the goal of studying the need for ingress or egress on skyway circle, which is a small

[10:40:26 PM]

dead-end street, to avoid access in favor of ingress/egress on south Lamar and Dixon. The city manager is directed to report back to council as part of the site plan approval process under the redevelopment ordinance the options for avoiding traffic impact on skyway circle, except for pedestrian, bicycle, and emergency ingress/egress. The purpose, city manager, of this direction is just to see what options there might be. In talking with the developer and understanding the impacts of south Lamar and the corridor plan, we don't know what the options might be. And so that would have to be considered as part of the site plan process. And since that has to come back to council anyway as part of the redevelopment ordinance, this seemed the best way to understand what possibilities there might be not to impact that small dead-end street that has some multifamily housing on

[10:41:31 PM]

it to see what we can do to not impact that. So I'll send you this language.

>> That's fine.

>> Kitchen: Does that make sense?

>> Mayor Adler: Staff is okay with that language?

>> Yes, sir.

>> Mayor Adler: Okay. Any objection to adding that direction to that item? Hearing none, that is added and this item remains on consent. Off uv

[ off mic ]>> Mayor Adler: A couple people do. Mayor pro tem, then councilmember tovo, who might have had a question.

>> Harper-madison: Hi there. Thank you. I appreciate it. Apparently legal is requiring that y'all have to look at my ugly face today, so, sorry. Here you go. So, for items 85/86, regiene road, I have a motion that I'd like to present.

>> Mayor Adler: It has been pulled. Not quite yet. Those have been pulled. Just a moment.

>> Harper-madison: Thank you. Just making sure. Thank you.

>> Mayor Adler: Anybody else have anything else on the consent agenda? Councilmember tovo.

[10:42:32 PM]

>> Tovo: Yes, thank you, mayor. Thank you for recognizing me though I hadn't raised my hand.

>> Mayor Adler: Our staffs may have talked to each other.

>> Tovo: I have a question about items 89 and 90. Did -- when you read the consent agenda, Mr. Rusthoven, did you say PC recommendation?

>> Yes, for the first reading.

>> Tovo: But with the PC recommendation.

>> And second reading only.

>> Tovo: Thank you. That was my only question.

>> Mayor Adler: Okay. We have the consent agenda. The only items pulled are 71, 85 and 86. Councilmember alter.

>> Alter: Oc. For 75, which reading is that?

>> That is for first reading only.

>> Alter: Okay. And then for 89/90, second reading?

>> Yes.

>> Alter: Okay. So I wanted to clarify that for -- and 86 was pulled. Okay. So, 75 and 89, I'm comfortable

[10:43:35 PM]

supporting them on this reading today, but I want to make it clear that I'm still reviewing these two cases and I'm not committed to supporting these particular permutations on final reading. So we'll be looking more carefully at these cases moving forward.

>> Mayor Adler: Okay. Let's take a vote. Councilmember kitchen.

>> Kitchen: Just a question on 75. So you mentioned 75 was first reading only, right?

>> Yes, and the applicant has amended the request to sf5, the original request was for sf6.

>> Kitchen: What does that do to the zoning and platting commission --

>> They recommended sf6 with a cap of three units. And so this would be sf5 which by code would max out at ten units. My guess is that from discussions with the applicant, it would be around an eight-unit project, under sf5.

>> Kitchen: Well, I have the same concerns that councilmember alter has raised, because I was interested in supporting with that co. So since it's only on first, I'm

[10:44:36 PM]

willing to let it move forward, but I'm going to need to have a discussion about that.

>> Mayor Adler: Okay. Further discussion? Take a vote on the consent. Those in favor, please raise your hand. Those opposed? Mayor pro tem is voting aye so it's unanimous on the dais, the consent agenda. That gets us then to three items. Let's call up items 71 and item 96 together. Is there a motion to approve items 71 and 96?

>> If I could note, a request is to approve on first reading only.

>> Mayor Adler: Is there a motion to approve these two items on first reading only? Councilmember Fuentes makes the motion. Is there a second? Councilmember Ellis seconds that. Any discussion? Councilmember tovo.

>> Tovo: Yes, thanks. And I'll also say on several of the cases we just passed, I didn't want to interrupt at that point, but on 85, 86, and 89 and 90 I have some similar concerns that my colleagues raised.

[10:45:37 PM]

So I'm willing to support them on today's reading and did on the consent agenda, but I also want to see what that eventual case looks like coming back to us. Mr. Rusthoven --

>> Mayor Adler: 85 and 86 are pulled.

>> Tovo: On 96 there's a reference in the posting language to fee waivers. It's my understanding this is pretty standard language, but it says that the ordinance may include the exemption from or waiver of fees, alternative funding methods, etc. And especially because we once had a situation where we were an earlier version of this council passed some amendments with regard to pilot knob without understanding the extent of the fee waivers, I want to be clear about them.

>> No, councilmember, that language is included because of the lawsuit you spoke of. So we've been putting that in with every pilot knob case, but this is a request to add area to

[10:46:37 PM]

the pilot knob M.U.D., but there is no request for fee waivers as a part of this annexation and zoning case.

>> Tovo: Thanks for that clarification.

>> Mayor Adler: When you started speaking you heard made reference to 85 and 86. Those items have been pulled. They're not part of the consent agenda. Let's take a vote on the consent agenda. Those -- we already did. She was commenting afterwards. Thank you. That gets us to 71 and 96.

>> Tovo: And I'll --

>> Mayor Adler: So we have --

>> Tovo: I'll support councilmember Fuentes' motion.

>> Mayor Adler: Councilmember Fuentes made the motion on both. It is been seconded. Are we ready to vote on 71 and 96? Those in favor, please raise your hand. Those opposed? It's unanimous, all of us. So, 71, and 96 are taken care of. Our last two items are 85 and 86.

>> Mayor, these will be a very brief staff presentation. Number 85 is case number

[10:47:41 PM]

npa-2020-0015.03 and item number 86 is zoning case number c14-2020-0150, both for regiene road. The staff had two issues with this going into today. I believe we have resolved one of them. The applicant and the staff are in agreement to prohibit light manufacturing as a use on the property but we would allow the brewery use. So with that, I would like to suggest that as an amendment. And secondly, the thing we are not agreeing on is the height. The applicant -- the existing zoning on this property is LI, limited industrial, 60 feet of height. The applicant is proposing 275 feet of height. Ion exactly what portion of the site, but for a portion of the site, and 120 feet for the remainder. The staff recommendation is to approve 120 feet of height at this location. The reason that we're willing to

[10:48:41 PM]

go to 120 is because the property immediately to the north of this is the property known as zen garden, which the city council sold last year, the former motorola campus. We allowed up to 400 feet of height transitioning down to 120. The hope was that the -- the reason the staff supported the height was it's probably going to be a corporate campus-type site. We wanted to allow height for that type of use. On this property we are willing to go to, like I said, more than what's normally allowed in LI, 60, we would be willing to go to 120, but the applicant would still like to see 275.

>> Mayor Adler: So if I understand correctly, there's an agreement now, staff and applicant, with respect to the use, which is brewery, exclusion. So it's not light industrial except for brewery use.

>> We prohibit light

[10:49:42 PM]

manufacturing, except brewery.

>> Mayor Adler: And the setback was an issue, but because of that change -- agreement on 50, what the applicant was seeking?

>> We're fine with that.

>> Mayor Adler: The only thing in contention appears to be the 275 versus 120.

>> Correct.

>> Mayor Adler: I'm going to ask the applicant to come up, give the applicant an opportunity. You have five minutes. Thank you, Jerry. Oh, and mayor pro tem, before I go there, do you want to say something on this before we hear from the applicant? You're muted. You're muted. Mayor pro tem. We can't hear you. I don't think -- I don't see --

>> Harper-madison: I just said I don't want y'all to have to look at me any longer than you have to, so, I do have a motion that I would like to make on the

[10:50:43 PM]

item but I'm happy to hear the applicant first and then make my motion. It's up to you. Wherever you think it's most appropriate, chair.

>> Mayor Adler: Applicant, do you want to hear the motion first or speak first?

>> I'm happy to do it however you'd like. I can just do a quick presentation. I can go fast.

>> Mayor Adler: You have five minutes.

>> Thank you, council, Leah Bojo representing the applicant on this zoning case and future land use amendment. There we go. Just to orient you to the site, east of downtown, adjacent to 183, 16 acres, entirely vacant. Adjacent to the future green line corridor and also very near to the Walnut Creek trail system. We are currently in discussions with Cap Metro about a future station location and have been working with the parks department to ensure we have connections to the trail network over there. The project is intended to be a mixed use hub dedicated to Austin's creative community angles. Sorry, I'm not sure why I'm having trouble.

[10:51:43 PM]

There we go. So, the request before you, as Jerry said, to change it from industry to major planned development and to change the zoning from a mix of SF2 and LI to LPDA and there we go. You can see the zoning map. There's a small portion of SF-2 adjacent to 183. The majority of the site is already limited industrial. And you can see that the entire -- sorry about this -- future lapped use map -- land you use map is there. And the land category describes what we're looking to do. It is a multi-acre tract with a wide variety of uses, including residential, commercial and clean industrial. Here is an aerial of the site. I think maybe this remote

[10:52:44 PM]

needs batteries. You can see that there's a major AE transmission line that runs through the site and it is heavily treed mostly with invasive species but with a few heritage trees we will be designing around. The change is on the industrial portion of the site, there are some pretty heavy industrial uses permitted. We're removing those uses and adding the residential component as well as the brewery use that Jerry discussed earlier that we're in agreement on, also reducing the F.A.R., reducing the parking and increasing the height to 75 feet. This is what's currently allowed on the site, which would be some single-family uses and quite a bit of heavy industrial use. We're proposing a mix of apartments. We have voluntarily agreed to 10% at 60 on the affordable units. We have a mix of office, clean industrial, creative spaces, retail and brewery with 10,000 square feet committed to be affordable creative space. We are working on the connections to the Walnut Creek trail and capital

[10:53:44 PM]

metro to create that hub that I described. We are as Jerry said in agreement on everything at this point, except for the height. The reason that the height is important is because that commercial square

footage that's going to primary make up the height is really the economic engine or the base of the development and that's what is allowing the mix of uses and particularly the creative and maker spaces, which are sort of funded by that commercial square footage. And this is less height than what was approved to the height on the north. We've agreed to 120 on the eastern portion where it meets with zen garden, but particularly on the 183 frontage we would like that additional height to make the project work. These are those commitments I talked about, 10% at 60. We also agreed to tenant protections in leases at the front of the project instead of later on. We've agreed to the affordable commercial and

[10:54:45 PM]

signed a pledge with the better builders project. I want to take a minute to talk about the developers's vision and other projects that they've worked on. Central Austin management is a local developer who creates places for artists and creatives and then holds on to them and continues to manage and maintain them. Two well-known projects that they've worked on that I've discussed with many of you are Springdale general and canopy. I bring this up because we've been talking here in Austin for a long time about how to create space for creative people and makers and things like that. And this project is how you do that. This is a really great project that is totally in line with our planning principles and our stated goals as a city for creatives. It's a vacant lot that we're proposing to have residential with an affordable component, creative space with an affordable component. And then also a vibrant mix of other uses and transportation connections. With just that I think this is an excellent project and then with these additional commitments that we've made when working with the neighborhoods I think it's an extraordinary project.

[10:55:46 PM]

And so with that we would request that you approve on first reading the applicant's request, which at this point would include the 275 and everything else we're agreeable with staff on. Thank you.

>> Mayor Adler: Thank you. Mayor pro tem, did you want to make a motion?

[Buzzer].

>> Harper-madison: I did, thank you. I would like to move to approve the applicant's request with the staff's light industrial amendment. And then I subsequently have some commentary, so tell me whether or not this is the part for commentary or the better part for my motion.

>> Mayor Adler: Let me get a second to your motion. This was first reading only. Is that my understanding?

>> Harper-madison: Correct.

>> Mayor Adler: First reading only. The applicant's request with the limitation exclusion of light industrial as the staff explained. Seconded by councilmember Ellis. You can now discuss it.

[10:56:47 PM]

>> Harper-madison: Thank you. So what I'd like to say is what we have here is another great example of community collaboration. I want to give a hard-core shout-out to the east mlk contact team. They really put a ton of work, a ton of work, alongside the developer to help put together what I think is truly a great project. The community benefits will deliver a direct result of the contact team's tireless efforts, so thanks to them and thanks to the applicant for being a willing partner and also thanks to the worker's defense project for them being an active participant as well. And their assistance during the course of this conversation project, etcetera. So with that I would like to move that we approve the applicant's request on first reading.

[10:57:48 PM]

So --

>> Mayor Adler: We've heard the motion, applicant's first reading with the limitation exclusion to light industrial. Any further discussion? Then let's take a vote. Those in favor of the item please raise your hand. Those opposed? It passes unanimously on the dais. The record should reflect that items 92, 93 and 94 were not covered today and are withdrawn because they were completed at our work session on Tuesday. I think that's all the things on our agenda. So I wish everyone a happy Thanksgiving next week. And then we'll be back together. Remember there are meetings in a row, there's a meeting on the 30th that will be devoted to housing affordability and supply, that's a work session. Then you have the regular work session for the council meeting on Thursday.

[10:58:48 PM]

I will not be with you for that work session. And then the council meeting on Thursday and I'll be back for that. Manager?

>> Mayor, I'll just note that we don't have any planned presentations on that work session and so it's possible that we will not need it and we can use the whole day on Tuesday just for the affordability conversation and of course the pulled items if requested.

>> Mayor Adler: So Tuesday there is no work session other than affordability and supply.

>> We have the covid joint briefing.

>> Mayor Adler: What.

>> The covid joint briefing.

>> Mayor Adler: We have the covid joint briefing and the rest of the day is affordability and supply. Are you saying you might not need the work session on Wednesday?

>> Correct.

>> Mayor Adler: If people want to pull items on Wednesday, let the clerk's office know otherwise you would get Wednesday back. The only issue on Wednesday was the opportunity to talk to the clerk, which if we

[10:59:50 PM]

didn't meet on Wednesday we could do on Thursday. Councilmember pool.

>> Pool: Do you have -- I guess we don't really know, but how long of a conversation do you anticipate for the housing? It almost sounds like it could be like nine hours long. So I wanted to check and see.

>> Mayor Adler: I think we should have a hard stop at 5:00.

>> Pool: We start at nine with covid.

>> Mayor Adler: We start at nine with covid and the rest of the day for that. I'm hoping folks will go on message board posts and give other ideas and daylight them so that we can see, but a lot of it will just touch base. We'll try, as I think many of us will, will come with a series of ideas and throw them out and say is this something that we could work toward or not? We're trying to find those, as councilmember alter described in the post, and I think councilmember tovo described here earlier, we're trying to find those things that we can get

[11:00:51 PM]

consensus on.

>> Pool: And it's not a voting session, so it's all conversation.

>> Mayor Adler: All conversation.

>> Pool: I would just like to point out that our work sessions have, of course, under covid circumstances have been extraordinary so extraordinary and we've been having the joint meetings and everything, but having work sessions go as long as and sometimes longer than council meetings is not -- has not been the norm until recently. And I would just like to urge that we all consider the fact that it -- there's a lot of work that we did when we're not on the dais too. So. So if we could in fact keep our maybe scope until 3:00 in the afternoon instead of a hard stop at 5:00, which would increase the chances that we would be

off the dais by 5:00, might be a better approach for a good use of our work session days. I really would like to see us get back to having them be more efficient and shorter and more focused on

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answering questions and then moving forward to the voting session, which then is normally on Thursdays. If that makes sense.

>> Mayor Adler: It does, absolutely. And if you could think of specific things that you think we could do to help ensure that rather than having a long presentations approximate from staff if we could get more presentations earlier so that people could just ask questions if that's possible or memos, that might be one way to do it. If you could think of ways to owe I think everybody is with you in the goal --

>> Pool: I think one of the ways is we have our meetings with staff before we get on to the dais so that we actually ask the questions, tee them up and they are answered and if we have additional lingering questions we can bring them too, but we really have great opportunity to have really focused conversations with staff when we do the one on ones in the small group.

>> Mayor Adler: I think that's good, council, too. Councilmember alter and then councilmember Ellis.

>> Alter: Thank you. I had one logistic question

[11:02:52 PM]

and one more sort of process question. So on Tuesday with the covid briefing are they still wanting us to be online? Virtual for that?

>> Mayor Adler: The covid briefing we do -- I've been doing them here. I think you have the ability to be able to be online.

>> Alter: Whatever works. Okay. And then do we have a sense of how -- of the structure on the 30th so that we can be most prepared? Because it seems a little amorphous to be go bring your ideas and affordability is kind of broad and I know some people emphasize certain aspects of affordability and other people emphasize other aspects. And I think it would be more productive if we're prepared but I'm still not fully understanding the scope and what we are expecting if there are presentations from staff or if it's all just us talking. And I'm not wed to one way or the other, I just want to

[11:03:53 PM]

get a better sense of what you have in mind, mayor.

>> Mayor Adler: I think that's a really good question. We'll post something to the boardment we think that staff does want to make a presentation. I'm not sure we would lead with the staff presentation. We might lead with just a brief description of what council members post or wanted to bring about. That way when staff spoke they might also be able to speak to the kinds of things that council brute. There's been some suggestion that we might have -- give an opportunity like housing works or some other places to get 10 or 15 minutes to be able to address us, but we continue to work with staff on that. We'll post something and give folks a chance to be able to react to it and give some measure of outline before we get there.

>> Alter: And then for the December 9th meeting, the process is it only posts one week in advance.

>> Mayor Adler: There's only one posting.

>> Alter: I want to call folks' attention to the message board post that the

[11:04:54 PM]

mayor and I made yesterday with respect to adding residential into commercial areas. We've already had I think four other people chime in that they wanted to co-sponsor, which is great. And others are welcome to do that. I think our intention will be to put that on the 9th agenda and I guess we'll just figure out how to do all the extra co-sponsoring with the agenda office. We can still have certainly conversations, but because of the one week we wanted to kind of flag that for people and then I'll be posting that and you may get some confirmation requests, but it's still the intention that we have the conversation on that day, but given the timing with the agendas, if we do want to take it up on the ninth we will have to get that in, but I don't want any part of that process to preclude the idea that we're going to have that conversation that we've Teed up.

>> Mayor Adler: Okay, thank you for doing that.

[11:05:55 PM]

And that's as we discussed. Councilmember Ellis.

>> Ellis: Thank you. So I guess for the purposes of the two weeks from now we should still pull our items according to the normal deadline we would pull our items by? That makes sense to me. And then I would just request when we have a one week post and a meeting that following week it's extremely hard for us to get our questions answered between Friday evening and Tuesday morning. And so if there's any way to either post early college high school or daylight some of the things that might come to us, I don't know what that looks like in the agenda office, but it is really helpful for us to get at least a little bit more time to answer the bigger questions we might have about the items.

>> Yeah. We won't be able to post it earlier, but I'll see if we can daylight some of the more discussion related topics and we can raise that to council as much ahead time as possible so you have some awareness.

>> Ellis: That would be great because we all know the last meetings of our

[11:06:56 PM]

sessions end up with items we've postponed or things that need to get done before the end calendar year. I like to be aware that sometimes those agendas may end up pretty big pretty quickly.

>> Mayor Adler: Daylighting that I think would be helpful. I think there are a lot of ways you could do that absent actually posting. Councilmember kitchen.

>> Kitchen: Just a quick suggestion on how you're thinking about structuring the 30th. It might be helpful for staff to provide to us the link for the affordable housing related provisions that we passed on second reading of the ldc. I'm going to look them up myself, but others might be interested too. If staff could just help us find those, that would be helpful.

>> Mayor Adler: Okay. Check and see and if there's a link to that that would be helpful to get that out to us if there's a quick way.

[11:07:56 PM]

All right. Anything else? So with that then here at 4:13, the meeting is adjourned. Happy Thanksgiving.