

City Council Regular Meeting Transcript – 4/7/2022

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[10:02:50 AM]

>> Good morning. I'm the mayor pro tem, it's Thursday, April 7th, 2022. It is 10:02, as we convene this meeting. I'm joined by councilmembers kitchen, Ellis, tovo, pool, Kelly, and vela. Mayor Adler will be joining us virtually today. Councilmember Fuentes is here. I think she just stepped off a second. Councilmember harper-madison will not be joining us today. Before I read into the record corrections, I'd like to recognize the city manager for a moment.

>> Thank you. Good morning, mayor, council, community. If I could ask director Meszaros to join us, he is joined today by his lovely wife Tina. We are recognizing Greg Meszaros before he transitions out of his role as director of Austin water. He has spent nearly 40 years in

[10:03:52 AM]

the profession, 15 proudly leading our water utility, which during Greg's tenure, we saw 400,000 new residents come be served by Austin water during his tenure. You can get a sense of how much has changed during your leadership. Greg embodies so much of what we aspire to be -- a professional, a advocate for his employees and the utility. He has consistently demonstrated a deep awareness for the significance of services delivered by Austin water and the importance of maintaining our public trust. Whether it was addressing record drought, guiding our city through historic flooding, or determining how to cope with the emergencies of zebra mussels in our lake system, Greg has led with a true spirit of transparency and honesty, rightfully expected by our council and the public we serve. His decision to focus on family is one I respect and support.

[10:04:53 AM]

The past couple years have been so challenging for so many of us in these roles, and I am so grateful to Greg and his leadership during this time. We owe director Meszaros a debt of gratitude for his capable service to our community and I have a distinguished service award that I'd like to present to you now. For his 15 years of service to the residents of Austin, nearly 40 years of dedication to and advocating for the municipal water and the wastewater profession, and providing steadfast leadership as director of Austin water utility during a period of pivotal change, Greg Meszaros is deserving of public recognition. This certificate is presented in acknowledgment and appreciation thereof on the 7th day of April, 2022. Please join me in congratulating our director, Greg Meszaros.

[Applause]

[10:05:54 AM]

>> Alter: Mr. Meszaros, I wanted to recognize the mayor before you speak.

>> Mayor Adler: I appreciate that, mayor pro tem, but I just want to say from the council's perspective, certainly from mine, I've had the opportunity to work really closely with the director as we've dealt with these natural calamities over a period of time. There's a grace under pressure phrase that is so befitting our director in so many instances that greater forces than us have befallen on the city. And just really proud to be part of a city where we move forward so much on water conservation, where the department is so much stronger now than it has been in other recent times. And I just wanted to add my

[10:06:56 AM]

thank you with everyone else. And mayor pro tem, while I'm here, just to quickly say as an aside, thank goodness for vaccines and boosters. I tested negative before I went to sleep last night. Dr. Walkes had suggested I do a confirmation test about midday before I go back out. So I just wanted to let you know why I wasn't with you all this morning. Thank you.

>> Alter: Thank you, mayor. Councilmember kitchen.

>> Kitchen: Thank you. I wanted to -- I had the opportunity to chair the water oversight committee for a time, and just wanted to say thank you. I really appreciated the transparency and honesty with which you shared information with us, and your work with us always felt like we were partners. So I wanted to say thank you

[10:07:56 AM]

very much. And I also wanted to say I know your next chapter will be a good one, and wish you and your family the very best.

>> Thank you.

>> Alter: Councilmember Kelly and councilmember tovo.

>> Kelly: Director Meszaros, I want to say thank you so much for making it easy on me to learn about the ongoings at the water department. That was not an area of expertise I had. But the way you helped me understand them so I could make better decisions on council will stick with me forever. I appreciate your service to our community and I wish you all the best. Thank you.

>> Thank you.

>> Tovo: Director Meszaros, I wanted to add my thanks. The mayor talked about some of the really challenging circumstances that you have led through. You know, working at the city of Austin can be a challenging job for just about any public servant, and you have had an extraordinarily hard job.

[10:08:56 AM]

And as the mayor pointed out, you have led this utility through drought. When I came on, we were in a drought of historic record. You have led the city through all of these challenges with grace, and real leadership. And I know your employees -- to a person -- who I've talked to value your leadership and have talked about the kind of team you've built there. Thank you for all of your public service through the years.

>> Thank you, councilmember.

>> Alter: Councilmember pool.

>> Pool: I spoke in greater detail the other day, and so I'll just echo and amplify all of the very kind remarks around this dais and specifically the grace and the leadership and the integrity with which you served our community for such a long time. And as a newbie in 2015, as councilmember Kelly has attested

[10:09:57 AM]

to, I, too, appreciated the ease in which my learning was offered, was provided for by the work from your department. And I thank you. The city thanks you as well for your public service.

>> Thank you.

>> Pool: We'll miss you.

>> Thank you.

>> Alter: Councilmember Ellis and then Renteria.

>> Ellis: The strength of your team and leadership shows how dedicated tower public -- you are to public service. I know your department will continue to thrive absent your presence, but your fingerprints will be on this city forever.

>> Renteria: Director, I really want to thank you for the growth. Austin grew so fast. And you were able to keep us. And your commitment to the city of Austin is outstanding. I'm really impressed with your leadership. And I really hope the best for your retirement and your family.

[10:10:59 AM]

I'm going to be retiring at the end of this year.

[Laughing]

>> Renteria: I'm looking forward to spending more time with my family. I'm sure you're going to have a great time. Thank you for what you've done for Austin.

>> Thank you, councilmember.

>> Alter: Anyone else? Okay. Thank you, Mr. Meszaros for your service. You have a really strong team, very impressed with your commitment to diversity, particularly admired the strong team of women that you have in place, and appreciate as all my colleagues have said the way that you have -- us through some tremendous growth. I wish you the best. And I invite you, if you would like to share remarks to accept the award, that would be welcome.

>> I would like to say a few remarks. First, my journey here over the last 15 years has been

[10:11:59 AM]

incredible. The people I've met and worked with, the experiences I've had have enriched my life beyond measure. I'm grateful for the opportunity. Spencer, I'm grateful for you allowing me to be a part of your cmo team. That was an experience I'll never forget and thoroughly appreciated. I want to thank you for your persistent optimism and courage in the face of the stiffest challenges. It's an inspiration to us all. Thank you for that. I want to thank the mayor and the council. In all my 15 years with all the mayors and councils I've worked with, even if we've disagreed on a policy direction or consent item, it's been because of your belief in what's best for the community. That's all we can ask of our elected officials, that they work to better the future. That's been my experience without question over the last 15 years. Thank you for your leadership in that regard. I want to thank my friend and colleague Robert Goode for agreeing to come back and be the

[10:13:00 AM]

interim director. Robert is a professional in all measures and will be a perfect choice to shepherd the utility through this next phase. Thank you, Robert. To all my Austin water employees, I want to thank them. Just as you mentioned, they are incredible leaders. Every day they're persevering and driving for a better future. And that's going to continue with or without me. We just have a marvelous team and the best of Austin water is yet to come. Finally, I want to thank my wife, Tina. Tina is in the audience with me today. You can wave, Tina. And not only for her support, but my wife is a community volunteer. She volunteers throughout the hospital systems. The old Brackenridge, Dell children's hospital. If you've ever seen my wife bring comfort to a family in crisis you know where god put his gifts in our family. And so we're just blessed that she's able to do that for our community, and will continue to

[10:14:01 AM]

do that into the future. I hope to expand my volunteer work and the inspiration that she's given me. Thank you all for this incredible opportunity. And I'll be rooting for the best for the future. Thanks again.

[Applause]

>> Alter: Thank you. We'll now move on to changes and corrections. I'll read these into the record. For item 8, March 8th, 2022, presented to the airport advisory commission with no action taken. Item 31, postponed to April 21st, 2022. Item 51, when public hearings are taken up, a motion to postpone to April 21st, 2022

[10:15:03 AM]

will be made. Our consent agenda for today includes items 1-44 and then item 70 with the pulled items shown as follows. Item 22, pulled by councilmember Kelly. Item 32, pulled by councilmember tovo. Item 42, pulled for executive session by councilmember Kelly. Item 43 pulled by mayor Adler. Additionally, colleagues, I have not pulled item 38 but at 9:10 A.M. You should have received direction I authored on this item which without objection would be include when we vote on the consent agenda. And we have a lot of speakers, so you can review that. Items not on the consent agenda include eminent domain items 45-48, public hearings for items 49-51, and item 71 referred from the public safety committee. We will have executive session for two items, items 42 and 56. Our zoning agenda includes items 57-69.

[10:16:05 AM]

Back today we have music, which will be during the lunch hour right after public communication. And then today at 5:30 we will present three proclamations and I think one distinguished service award this afternoon as well. Does anyone want to pull anything else off before I call speakers? Okay, great.

[Off mic]

>> Tovo: Mayor pro tem, there may be another item. I'm looking at the q&a right now.

>> Alter: Okay. Great. Thank you. So this morning we have 28 speakers in chambers and 18 individuals speaking remotely. I've been advised that it will be one minute each unless anyone has objections to that. Later today we have ten individuals speaking during public communication and 23 individuals speaking during our zoning agenda. They will each have three minutes to speak. The five applicants speaking will each have five minutes.

[10:17:06 AM]

We do have a P.U.D. And there are several speakers from out of town on behalf of the applicant. And I would be inclined to let them share the information since it's a very significant P.U.D., but if anyone has objections to that, please let me know. The clerk will now call the speakers, please.

>> Paula Kaufman signed up to speak in person but is also on the line, so I'm not sure if she's here. I don't think so. We'll go to the next one.

>> Kitchen: Mayor pro tem?

>> Alter: Yes, councilmember kitchen.

>> Kitchen: Thank you for mentioning that when we get to item 51 that we'll make a motion to postpone, but just for the public speakers, item 51 -- I don't know if any of them will be speaking right now or not. But item 51 is the vmu2, so we expect to postpone that and that

[10:18:07 AM]

motion will come later as the mayor pro tem mentioned.

>> Alter: Thank you. I think what is germane today would be to speak on the postponement, because that would be the motion on the floor, albeit on consent. And that's for item 51 for vmu, not on consent, but given the way we are currently doing public communication, you will be speaking to that item and it would be speaking to whether or not we want to postpone the item related to vmu. So, we can proceed with our speakers, please. Thank you.

>> Item 42, Melba Whatley. Item 43, Michelle Edwards.

>> Hello. Thank you for having us here today. My name is Michelle Edwards and I'm an organizer with district 5 for black lives, a mother, and

[10:19:10 AM]

an environmental sociology professor at Texas state university. I'm speaking today in support of item 43. Hello. The environmental assessment process that has happened so far -- this is something that I study as part of my research. But the process that has happened so far regarding the proposed relocation of the fuel tank facility continues Austin's history of environmental racism in east Austin and the city's disregard for less wealthy communities. This reasonable resolution is key to getting the city manager to do the much-needed work of preparing an environmental assessment that actually meets the needs of the -- and the intent of the Nepa process, which would include public input, meaningful consideration of alternatives, an environmental justice analysis and a cumulative impacts analysis. Taking shortcuts in the Nepa process puts our community members, our neighbors at risk and puts our city at risk.

[10:20:11 AM]

There are alternatives, so please listen. Thank you.

[Applause]

>> Alter: Thank you.

>> Item 43, Jonathan Zelazo.

>> Good morning, everyone. My name is Jonathan Zelazo, a resident of the Colorado crossing community. I would like to echo her sentiments on being in favor of item 43. Mostly because it does seem like southeast Austin is the forgotten part of Austin. We're lacking on a lot of services. We're in a food desert. Amazon and FedEx continue to pound our roadways. I'm a daily bicycle commuter on Burleson, every day I tell friends, I almost got hit by another car, debris fell off a truck and almost hit me. Another 80-100 fuel trucks every day is not ideal.

[10:21:14 AM]

Also, we've seen a proven track record of these types of facilities causing chemicals and it does seem like there are alternatives that are not so close to residential neighborhoods. Thank you.

[Applause]

>> Item 43, alexia leclerk. Alexia leclerk? Item 43, Amy Cole.

>> Good morning. My name is Amy kale, a four-year resident of Colorado crossing subdivision. I am here speaking in favor of item 43. The jet fuel tanks' health and environmental impact will be

[10:22:16 AM]

catastrophic. Why would you take that kind of risk so close to a residential area? The impact to residents expands further than just potential health risks. Traffic will be greatly increased in an area not well-equipped to handle current volume. Our property values will plummet. Our homes are our biggest investment and most of us are unwilling or unable to relocate. Homeownership has been a long-term goal and has only recently been realized for many of our residents. This expansion threatens our health, environment, and very way of life. I ask you to please reconsider this decision and to relocate the tanks as far away from residential areas as possible. Please don't build progress in Austin on the backs of its residents. Thank you.

[Applause]

>> Kitchen: Could I ask a quick question? Ma'am? I just have a very quick question. I'm sorry, I missed the first part of what you said. Can you help me understand where you're living, exactly?

[10:23:17 AM]

>> I live in the Colorado crossing subdivision, which is going to be affected by the fuel tanks.

>> Kitchen: I heard that part, I just wasn't sure which part. Colorado crossing, thank you very much.

>> No problem.

>> Item 43, Janis Bookout. Janis Bookout? Item 43, Shane Johnson. Item 43, Jason asniz.

>> Good morning. My name is Jason, I live in Colorado crossing neighborhood.

[10:24:18 AM]

And I'm here for 43. I really think that building massive fuel tanks in our neighborhood is very dangerous to the citizens that live there. Countless studies have shown that it's extremely cancerous and the long-term effects are very dangerous. And I think to put that in our neighborhood would endanger the citizens and the homeowners there. We're already near the airport and we get a lot of traffic. We have the Amazon warehouse. We have FedEx, constant traffic from those trucks. And to increase that would be a very negative thing for the neighborhood. But basically, the main factor is the health issue for me. It

is cancerous. My family grew up in Baytown near the big Exxon oil refineries and there was countless numbers of cancerous

[10:25:19 AM]

issues in that neighborhood. And, you know, many of the people --

[buzzer sounding]

>> In the neighborhood cannot afford to move. This is their home. They planned to spend the rest of their lives there. I think it's unfair of them -- unfair to put them in such a dangerous situation in terms of the fuel. Thank you.

[Applause]

>> Item 43, no Elias. Noe Elias? Item 43, Lauren ice.

>> Good morning. My name is Lauren ice, environmental attorney. I live in district 1, not in the

[10:26:21 AM]

neighborhood. I wanted to talk to you today about the issue of harm and who gets to define what harm means. The question before the council this morning is not whether the community has been able to show you that these tank farms will cause harm, but whether the airport and the fuel farm has been able to show you that it won't.

[Applause]

>> And we've looked at -- I've reviewed all the documents that have been made publicly available with the environmental assessment and there is no data to support the conclusion that the ea tries to make. One example is the ea relies entirely on the fuel farm master plan to justify the need for this project. We learned in work session that that is an internal document that's not been made available publicly and incidentally, Nepa does not allow you to incorporate by reference documents that are not made available publicly. So that is a direct violation of Nepa. A second example is with regard to emissions calculations.

[Buzzer sounding]

>> I'll be brief. The ea provides emissions

[10:27:23 AM]

calculations, but it does not provide backup data. Councilmember Fuentes asked for this data. Instead we got a memo saying the methodology for calculating and modeling the data was consistent. But that data has not been provided. Those emissions calculations are something the EPA has released statements on saying they're not reliable for calculations. The airport has not shown these emissions are going to be safe. The data is not available and that's a violation of Nepa. I urge you to vote in favor of the resolution. Thank you.

[Applause]

>> Item 43, Cynthia Vazquez.

>> Mayor Adler: Clerk, if you can call who would be next as well, please.

>> On deck is Susan Lipman.

[10:28:26 AM]

>> Sorry, it took me a hot minute to get here. I'm a 787 chicana native. You said we couldn't stop the gentrification wave, but we're going to show up to slow it down every time. I was surrounded by Caesar Chavez as I grew up, into onion Greek plan taste in south Austin. I live off of Dixie road. And it kind of took me back in time. I'm like, geez. I moved from a beautiful community-led community. Like, it looked like us, it felt like us. And now I'm having to start all over again. I lived right across the street from pure casting on Santa Rosa and now I'm back all over again trying to save and preserve our community. It's exhausting!

[10:29:26 AM]

And I really do appreciate you, Vanessa, councilmember Fuentes.

[Buzzer sounding]

>> Because you've been showing up to all of our community meetings. You don't just rep diversity, you're working equitably, and I appreciate that. I ain't going to call anybody else out, but all the rest of y'all need to show up for 44. Thank you.

[Applause]

>> Mayor pro tem. Thanks for being here and thanks to the others. I want to point out that there are several cosponsors who are also supporting councilmember Fuentes' resolution and I'm one of them. And I'm a proud supporter of this resolution. And I appreciate, again, you being here.

[Cheering and applause]

>> Item 43, Susan Lipman. On deck, Susana Almanza.

[10:30:31 AM]

>> Alter: It doesn't look like Susan Lipman is here.

>> On deck is Michael abuchon.

>> Don't start the timer yet, she's pulling up the powerpoint. Good evening, I'm Susana Almanza with poder. I want to bring up a massive fire at Miami international airport that left a fuel farm in ruins and hampered travel. There was a failure in the system and I can't see the rest of the writing here, because the mayor is right on my powerpoint. Just a second. He's right on my text, so.

[Laughing]

>> Alter: We'll take a second.

>> Thank you. There was a failure within the system that possibly caused the seal to fail and probably some pressure issues within the pump that created the problem, stated

[10:31:32 AM]

chief bass. That set off an explosion in the jet fuel. It was an explosion that rocked the entire system. Once vaporized, jet fuel is extremely flammable and burns at much higher temperature than other fuels. What toxins are in jet fuel? Benzene, known collectively as btx, extremely toxic to humans and have become a major environmental problem. This is a fact. Another fact is the majority of the people who live in that community are people of color. And a large portion speak Spanish. And it's a fact that this proposed site is within 400 feet of communities of color. We cannot continue the racist policies that have been in place. For those who don't remember, poder took on the east Austin tank farm with the six big largest oil giants in the world and we were able to relocate

[10:32:33 AM]

them.

[Applause]

>> And we don't want to see the harm come again to this particular community, because you start off with one tank, two tanks, three tanks, four tanks -- that's what's proposed. As the airport grows, so will the tank farm. It's important we not continue this legacy of racism, that we address this issue, that we relocate the tank farm. I'm very thankful to Vanessa Fuentes, Kathie tovo, councilmember Renteria, did I

miss the other sponsor, and chito vela for signing on. I'm very disappointed. I hope that Madison comes aboard and you work to support this resolution and work against environmental racism. Thank you.

>> Ms. Almanza, I wanted to clarify when that episode was in Miami.

>> I believe it was either 2011 or 2014, but it was a jet fuel

[10:33:39 AM]

oil.

>> Alter: Thank you.

>> Mhmm.

>> Item 43, Michael buchon. On deck, Janis Bookout.

>> Mayor pro tem. As the next speaker comes up, I just wanted to point out to everyone and reiterate the cosponsors of item 43 are councilmembers vela, Renteria, and Kathie tovo. I appreciate your cosponsorship on item 43.

[Applause]

>> Good morning, members of city council, mayor Adler, mayor pro tem alter, my name is Michael, senior director of fuel supply chain management at southwest airlines, here speaking on behalf of the company that has been safely operating the current delivery system for the last 20 years as a lessee and tenant of the city. At the airport, Aus. I'm here alongside representatives from American, delta, southwest, united, and jet blue. I'm here because I am fortunate

[10:34:39 AM]

to call the city of Austin home. I want to thank all of the speakers who have come up today. It takes a lot of guts to get in front of the city council to talk. So, nothing but respect for my fellow austinites there. I'm fortunate to call Austin home, along with my husband, and our three boys, Henry, age four, max age 1 and our newest austinite, three-month-old Charlie. We live in district 10, mayor pro tem alter. We are residents of this great city. We have a deep appreciation for how we strive to preserve Austin's culture. With that in mind, we are in opposition to any action today that would further delay the construction of urgently needed jet fuel storm capacity.

[Buzzer sounding]

>> We're in opposition to language passed that suggests any required public process wasn't followed.

[10:35:39 AM]

Thank you.

[Yelling]

>> Put it at your house!

>> Alter: Folks, can we have some order? We want to be able to hear everyone. Thank you, sir.

>> Thank you.

>> Janis Bookout. On deck, Bertha delgado.

>> Good morning, everyone. Thank you for your work. Please keep in mind Samsung just released over 700,000 gallons of waste into a storm water pond. This can happen. It killed all the fish in the tributary. The most recent fuel tank explosion was in California in 2019 from a tank built after 2001. I want to address some pages from the recently submitted nine 91-page staff letter, two days ago, the largest amount of

[10:36:41 AM]

material provided to the community. On page 11, Ms. Taft says an assessment was done after design and permitting and environmental justice was evaluated. But there was no environmental justice process, which is a violation of Nepa and that's confirmed by the letter -- provided on the city website. Also, slide 11 of the January 2 the 9th meeting shows a wildly inaccurate representation of the flood plain.

[Buzzer sounding]

>> The letters of support are not sufficient. They made a plan and they justified the plan. They are not complying with Nepa. Thank you.

[Applause]

>> Bertha delgado. On deck, Doug Driscoll. Doug Driscoll? On deck, gavino Fernandez.

[10:37:48 AM]

>> Good morning, and thank you, mayor, council, for allowing me to speak with you this morning, my name is Doug Driscoll speaking today on behalf of the greater Austin chamber of commerce. I'm also chair of the chamber's air service task force and I'm an executive at Dell technologies. I'm speaking in opposition to item 43 related to the jet fuel facility expansion. The reason we oppose this is the passage

of item 43 would result in significant delays that will harm our ability to operate. It will negatively affect travelers in and out of our community, as well as the businesses who rely on business travel. There is a master plan that the airport has previously had approved and one that has been in development for years, that has satisfied all the necessary health, safety, and environmental reviews. The new fuel facility is critical to that expansion. The chamber -- it's not lost on

[10:38:48 AM]

the chamber as we grow, we have to support policies and initiatives that allow for robust public input such as today, as well as a focus on equity.

[Buzzer sounding]

>> We have advocated for better communications and outreach in the community. We appreciate the efforts all of the councilmembers, the city, and everybody else has done to ensure that process is robust and complete. Thank you.

>> Gavino Fernandez. On deck, Daniel frutante. Daniel fatante?

>> Yes. I'm Danny fatante of 350 Austin. I speak in support of Fuentes' proposal. Austin professionals developed their plan, talked to the business community, and checked with the Texas environmental

[10:39:48 AM]

regulations. They missed the Texas environmental regulations do not protect people. The U.S. Department of health and human services found long-term exposure to jet fuel fumes caused cancer, neurological problems, and skin tumors. Families, especially children, absorb jet fuel fumes through breathing, the digestive tract, and skin exposure. This community is not wealthy. It's not well-connected. But these people matter. Hard-working families deserve to be protected. If the professionals are upset about the money that was -- could be costing the delay, they should think seriously in the future before making plans to check on how it affects regular people.

[Buzzer sounding]

[10:40:51 AM]

>> Please support councilmember Fuentes.

[Applause]

>> Alberto gar. On deck, Margaret Hayes. Margaret Hayes? On deck, Anna Marciel. Ana Marci will? El? On deck, Blythe Randolph.

>> Good morning. My name is Blythe, a 5th generation Texan, UT Austin graduate and first-time homeowner in the Colorado crossing neighborhood, here as a concerned citizen. Just to let you know, our community is a community of color. We have working families, children, playgrounds, walking

[10:41:52 AM]

trails. It's something you don't see very often these days in Austin -- a prosperous, thriving community of black, brown, and other folks who worked hard, saved up, and bought their own property with their own hard work. And in our community, for a lot of us the homes that we own are the only retirement plan that we have. Now, I want to call your attention to something that we all know that cancers and all of the different medical conditions that have been discussed today impact communities of color disproportionately. I myself have lost three of my four grandparents to cancer. As you may know, 1600 homes are in the vicinity of this --

[buzzer sounding]

>> Facility. And I urge the city council to look into the company that did the original assessment, com. They have a checkered history of malfeasance, including hurricane

[10:42:54 AM]

Katrina. There is legal action mandated right now across the globe. And so again, this is an issue of environmental equity, racial equity and health equity and I urge you to consider that when you vote. I'm in favor of Fuentes' measure. Thank you.

[Applause]

>> Cynthia Valdez. On deck, Daniel Yunes. Speaking on multiple items, Daniel Yanez.

>> Thank you, councilmembers, for your service. I'm Daniel, you know who I am. Two steps forward, one step back. Austin is moving away from its racist legacy, y'all! The whole entire country is moving away from its racist legacy. Two steps forward, the equity office, the equity tool being

[10:43:56 AM]

vetted. Thank you, manager cronk, for the undoing racism trainings which obviously the airport people have not taken yet!

[Cheering and applause]

>> This is repeating a racist history! What's the matter with you guys? And I thank those councilmembers. And I thank you, Vanessa Fuentes for stepping up! I ask all of you to end racism in Austin, Texas! And educate the clueless white men that are still left amongst us who do not understand that we will not take systemic racism anymore! This whole proposal is vulnerable in many ways that you don't even know. Some of you know what I'm talking about. So, back off!

[Buzzer sounding]

>> Find another place! Redesign! Use the genius of the white mind to redesign and make justice happen in Austin, Texas. Thank you very much.

[Applause]

[10:44:58 AM]

>> Ana Perez. On deck, Rocio Villalobos. Rocio Villalobos.

>> Good morning, my name is Rocio Villalobos and I'm speaking in support of item 43. I'm here as a community member and as someone who grew up next to the oil tank farm located at airport and Springdale. My parents attended community organizing meetings to fight that tank farm in the '90s and now it's my duty to be here in their place and in their name.

[Cheering and applause]

>> The city has a long history of normalizing environmental racism and it continues to this day and in these council chambers. How can an environmental impact assessment that's measuring impact in areas like culture and environmental justice be determined without any public participation? I wonder in there would still be no significant impact if the

[10:45:58 AM]

community was a little bit wealthier, whiter, more fluent in English.

[Applause]

>> We already know what happens when a tank farm is placed near homes. The residents of McColleen are being told this time it's going to be different. This time they don't have anything to worry about, the fuel is different, this time there will be no leaks, no contamination, site will be monitored, there will be no deadly accidents -- until they are. Once again, communities of color will pay the price in the name of profit for the airport and the business community. Those of us who grew up near the tank farm remember and we won't let that history be erased, nor will we stay silent when it is about to be repeated. No tank farms near our homes, never again.

[Cheering and applause]

>> Marissa Perales. On deck, Lindsay porter.

[10:47:02 AM]

>> Good morning. My name is Marissa, I am a resident of district 3. And I'm here to speak in favor of item 43. So, today it's kind of hard to follow that comment. Thank you, Rocio. So, I'll focus my comments on the Nepa framework. I'm an environmental lawyer in my day job, so that's my context. If we were in court asking a judge to review the decision that was made here, the environmental assessment that was drafted on behalf of the city, the judge would be looking at a very limited record, evidence that existed before the decision was made, before the a was approved. Community meetings that occurred after the fact don't count. Any alternatives analyzed after the fact don't count.

[Applause]

>> Any validation memos or 90-page memos issues two days ago don't count.

[Laughing]

[Clapping]

>> And, of course, a court cannot consider what simply isn't there.

[10:48:02 AM]

So as councilmember Renteria pointed out, ej analysis, not there.

[Buzzer sounding]

>> Fuel farm master plan that was cited in addressing the needs statement, not there. Community input, community comments, not there. And the airport vision plan, that's what was cited in favor of the alternatives analysis, right, because there's no alternatives analysis in the ea, either. So if you look at that master plan or the vision plan, the only alternative that's included in there that is recommended is to expand the existing site with two tanks. You're the judge here today. You're the decision-maker and you lack sufficient evidence before you to say you've taken the requisite hard look at the consequences that would come to the community nearby. You do not have enough

[10:49:02 AM]

information to say the legal requirements have been satisfied. So I urge you to vote yes in favor of the resolution so that you can take the time to find an appropriate site. Thank you.

>> Thank you.

[Applause]

>> Lindsay porter. On deck, Calvin lite.

>> I think y'all called me before and I missed it. I'm Ana Perez. I'm going to go ahead since y'all already called me. I'm a native austinite and a resident of district 1 and a proud member of my union, afscme local 1624 and the democratic socialists of America. I'm here today to ask y'all to support the resolution to find an alternative location for the jet fuel tanks. This plan continues Austin's legacy of environmental racism. Working-class black, brown, and immigrant communities are always on the hook for progress and development, but I ask this council, development for whom?

[10:50:05 AM]

Community members were left out of this robust process of planning for airport expansion and hosting meetings once the environmental assessment, like Marissa just said, is already closed, is not community engagement. Residents should be included before decisions are made, not after. The response from council at work sessions has been patronizing and dismissive. It is disingenuous to say the issue is residents' perception of danger. These concerns are legitimate and informed by a long history of systemic racism across the country.

[Buzzer sounding]

>> Atop of the painful history, recent instances of disasters --

>> Alter: Please wrap up. I'm being asked to make sure that we're equal. Thank you.

>> Buyouts are not a solution in a city with one of the most expensive housing markets in the country. This city is pushing

[10:51:05 AM]

working-class people out of Austin. Put your money where your mouth is and support the community.

[Cheering and applause]

>> Alter: Thank you. I want to remind you that as one minute each. I've been giving a few seconds to wrap up your thought. People have been great about doing that. I appreciate that. I hope we can continue to do so. Thank you.

>> Calvin. On deck, Jeremy Garza.

>> Hi, I'm Lindsay and I am a resident of district 4. I am here in favor of item 43. And I would like to use my time to share prerecorded comments.

>> My name is Frida Jones. I've lived in this area off McCall lane for 40 years or better and I do oppose to the fuel tanks being installed right across the highway for more reasons of the fact that my family lives here, and my children are going to come back here. And also, the fact that all this

[10:52:08 AM]

traffic has to go past this. It's too close to the highway. On the other side of the highway, on the other side of the fuel tanks will be airplanes flying in and out as well. So, if anything was to happen, it would be disastrous to the community.

[Buzzer sounding]

>> Health-wise, if they blew up, if they got hit by these situations you're trying to put right next to a road. It would be devastating for the whole community. Not only that, the air quality is not going to be what it was. We already have the planes here, so we get enough of it without having 600 million gallons of fuel.

>> Alter: I think we need to wrap it up. Thank you.

>> That close to a community.

[10:53:09 AM]

>> Alter: Thank you.

>> I hope you choose to make a better decision.

>> Thank you, speaker. Your time is up.

>> Alter: Thank you.

[Applause]

>> Calvin clink.

>> Hello. My name is Calvin, a resident of district 10. I'd like to use my time to share the comments of someone who couldn't be here, a resident of McCall lane.

>> My name is Richard Fletcher. I live on McCall lane, and I'm a Vietnam vet.

[Dog barking]

>> And y'all want to put that tank farm in across the highway from my house.

[Dog barking]

>> I'm familiar with what toxic environments do to people. I was subjected to agent Orange while I was in Vietnam and I know that the government the corporate interests denied

[10:54:13 AM]

that -- to us for years and years and they finally said, okay, yeah, well. But toxic -- a toxic environment like that, whoever told y'all the vapors from that would not cross the fence sold y'all a bill of goods.

[Buzzer sounding]

>> And I don't think you're that gullible, or at least I hope you're not, anyway.

>> Thank you.

[Applause]

>> Alter: I appreciate you sticking to the time. Thank you.

>> Jeremy Garza.

>> My name is Jeremy, I was born and raised in Austin, and live in district 3. I'm speaking in support of resolution 43. I'm wondering how an environmental assessment measuring impact in areas such as human safety and environmental justice can be determined without any public participation. How does the FAA and the Austin

[10:55:14 AM]

fuel consortium determine there's no significant impact on a community they don't know and have never been in relationship with, nor have made respectful effort to form relationships with? With this lack of relationship and lack of engagement and true human risk at the largest sticking point, how could the mayor or any leadership lament that the real problem is largely a perception issue? It's shameful for the airport, private business and council leaders to constantly shed doubt on the environmental and human impact these plans will create when there's not a comprehensive formal environmental justice assessment. This information is fundamental to the decision-making process of where to put these fuel tanks and the plan was submitted without the most important information and human considerations. Many people and interests are trying to push through this plan no matter the impact or community concerns.

[Buzzer sounding]

>> This is why we must support the resolution to reopen the environmental impact. I've always been proud the airport is run by the public administration. Only a handful of cities do this. This is important because it gives us the opportunity to put

[10:56:15 AM]

the public and the communities we serve and the quality of life for the people who live here over the private and profit-centered interests. Please pass resolution 43.

[Applause]

>> Alter: Thank you. Again, we have a lot of people who are waiting to speak as well, so if folks could please try to stay to the one minute, finish your thought when the buzzer goes off, we'd appreciate it. Thank you.

>> One minute.

>> You may speak.

>> Okay. Good afternoon. Good morning. My name is Gavino Fernandez and I'm with el Concilio, a coalition of Mexican-American landowners in East Austin. This government has an environmental sin on their record. When this government located a power plant next to residential homes, a power plant they told us was safe, a power plant they said the tanks would never leak, don't worry about it, go to

[10:57:17 AM]

sleep in peace. A facility that you would hear booms when the power plant boughs would get stuck. Living under that type of environment was a far cry from the quality of life. The EPA classified our properties the blast zone. So, these are the type of environments that we need to walk away from. This is 2022. We need to move forward. We've got this inclusion and diversity and all this other good stuff.

[Buzzer sounding]

>> So I want to thank the councilmembers for supporting the resolution and I want to more importantly support the neighborhoods and the landowners who stood up and are taking this strong position against you. Thank you.

[Applause]

>> Amanda on deck. Roy.

[10:58:25 AM]

>> Good morning.

>> Good morning. My name is Amanda. I am a homeowner and I reside on McCaul lane. Our community is thriving and diverse. I actually know my neighbors. We're a very proud of our community. The proposed jet fuel tanks to be built uncomfortably close to our homes, just a few hundred feet from our property line. The health consequences could easily be devastated. In the 1990s austinites were faced with a similar

[10:59:25 AM]

predicament. Residents including children were experiencing nose bleeds, hair loss, cancer and were forced to move out of their area. We ask that you guys support us and say no to this. I live there, I know my neighbors. We've lived there for years. You guys never gave us any information, no impact statement. Nobody knew.

[Buzzer]. Please say no to these jet fuel farms. Please.

[Applause]

>> Roy wally.

>> Howdy, y'all. My name is Roy Whaley and I have the pleasure of serving as the chair of the conservation committee for the Austin regional group of the Sierra club. And we are very proud to

[11:00:27 AM]

once again be standing with poder as we did at the tank farms to oppose this location and to support council member Fuentes and the other cosigners. We need to have more study done environmentally. This -- to me this is pretty much of a no brainer and I hope all of y'all will agree that there have been so many eloquent speakers today that there's really not much left for me to say except that it's easy to do the right thing is to study.

[Applause]. One of the things that Sierra club is known to do is to work on endangered species.

[Buzzer]. And who is more endangered in Austin, Texas right now than the black and brown and poor communities?

[Applause]. And this is another example

[11:01:31 AM]

of environmental injustice. And I will wrap up and say y'all don't say support me, vote for me and then come on down and have one minute to speak.

[Applause]. We have always had three minutes. I know you're busy. If you don't want to have to listen to people speak, don't apply for the job.

[Applause].

>> Alexa la clerk.

>> Hello, my name is Alexa and I'm with poder, a social justice environmental organization in east Austin and I am here today to stand in favor of item of item number 43. We've seen time and time again in the United States environmental racism take place, polluting industries are constantly being placed in communities of color and low income communities. And while aviation officials and any polluting industry will tell you that it has

[11:02:33 AM]

minimal impact on the community, we have seen that that is not true. We have seen that historically east Austin has suffered the health consequences of having polluting industries placed in their communities. And today the residents of Mccaul lane are asking you to not repeat this history by placing these fuel storage facilities in their community. This is a time to stand for justice and to make sure you're making decisions based on the community and what the residents want. Poder has gotten a petition and 8,135 people from the city of Austin have signed the petition.

[Applause].

[Buzzer]. I've emailed the petition to all of y'all yesterday and I urge you to vote in favor of item 43. Thank you.

>> Item 51, speaking on the merits of the postponement, Daniel cableman.

[11:03:42 AM]

Also item 51, Janis Renken. That concludes in-person speakers.

>> Alter: Thank you. While we move to remote, if somebody had signed up and didn't get to speak, please see the clerk and we'll bring you up after remote. Thank you.

>> Katie funrich turner.

>> Hi, can you hear me?

>> We can.

>> Hello, can you hear me?

>> Alter: Yes, we can hear you.

>> Oh, thank you. Hi, my name is Katie and I'm a resident of the city of Austin and I am a long time volunteer for the city as well. And I wanted to speak on

[11:04:42 AM]

agenda item number 2 and I have two points. One is it's my understanding that council wants a new section 328 relating to how a person may not train or control an age by the use of a baseball bat, axe, handle or pitch pork. The city findings do not support the need for this ordinance. The response to my pir was, quote, from January 1st 2021 through January 1st, 2022, how many calls for service did the city of Austin animal services office receive for an animal being injured with a baseball bat, axe, bull hook or device of a similar design for aso to investigate? And the city responded, quote, the city of Austin has no responsive documents to your request. Austin 311 found no service request for animals using the keywords stated by the requester.

[Buzzer]. Two, if you want to move forward and impose more

[11:05:43 AM]

regulations --

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

>> Alter: I think we can have them have a few seconds to wrap up for the future speakers.

>> Item 2, hatham el sabari.

>> Hi. My name is hassam. I'm a resident of Austin. I'm an animal rights activist with anonymous for the voices. I'm speaking against item 2 and for animal welfare. While I appreciate the intent behind the proposed ordinance I am disturbed by the livestock exemption. A horse, a donkey, cow, pig, a goat or chicken or any

[11:06:45 AM]

livestock animal is a living thing, living animal just like you. These beautiful creatures deserve at least the same protection as any other animal. Why would a Progressive city like Austin provide a loophole, a free

pass to abuse livestock? All animals deserve protection and no animals should be handled with a baseball bat, axe or similar device? So I ask that item C be reconsidered and livestock not be exempted. Thank you.

>> Item 42, don Lewis.

>> Hi. Yes, this is dawn Lewis and I am current chair of the parks board but I'm speaking on my own behalf. And I'm here today to speak out in favor of mayor pro

[11:07:48 AM]

tem alter's resolution asking city staff to add code amendments to the parkland dedication ordinance. At our parks board meeting last week we unanimously passed a recommendation in support of that and we also asked for this in 2020. I've served on the park board for five years and one of the things that I definitely picked up on is that our community loves and appreciates our green spaces and parks but there is never enough funding to acquire, maintain and improve those spot. I've also learned that the parkland dedication ordinance provides crucial, crucial funding that has made a huge difference and allowed us to purchase over 1700 acres of parkland, build infrastructure and helps us to continue to acquire our parkland and improve park amenities.

[Buzzer]. In all parts of Austin as we try to reach our goal after more viable and equitable park system.

[11:08:50 AM]

As we continue to experience this hyper growth and demand we have more demands on our parks and we need more funding to meet those needs.

>> Alter: Thank you, Ms. Lewis.

>> Okay. Anyways, I encourage you to support --

>> Alter: Thank you. Appreciate you coming here to speak on behalf of item 42. And colleagues, I have placed the parks board recommendation in the backup for item 42. Thank you. Next speaker, please.

>> Item 43, Billy Glunz.

>> Good morning,.

>> Mayor Adler: And mayor pro tem. On behalf of nearly four hundred Austin based American airlines team members we applaud you for

[11:09:51 AM]

your work on item 43. American has continued to grow at the airport. As introduced, we are opposed to item 43 as it would create unwarranted and unnecessary delay to a critical project at the Austin airport. The fuel capacity project as it stands today has received all of the necessary permits and approval at the federal, state and local level. As we heard from the FAA on Tuesday at the council's working session, based on their need for review, the project was found to have no significant impact. To be clear, a delay in this project will have negative indications to existing air service at Austin. And a delay in the project will also put pressure on any future growth at the Austin airport. Thank you again to the mayor, members of council and Jackie yaft and the team at the Austin airport.

[Buzz]. Thank you.

>> Item 43, Paul Saldana.

>> My, good morning, my name

[11:10:52 AM]

is Paul speaking on behalf of the annulate coalition. And -- the Austin Latino coalition. What we're talking about today actually has a name, it's called intergenerational racial trauma. I want to basically reread something that Gilbert Rivera emailed to council earlier this week about his lived experience. We were told that the storage tanks at the holly power plant were safe. They caught fire twice. They were told that the transformers were safe and they leaked into town hall contaminating the water. We were told that the Springdale gasoline and fuel storage tanks were safe. The groundwater was contaminated. They polluted the yards of brown and black neighborhoods, they caused many illnesses among many living in the area. A health study was done of the residents and my mother was found to be experiencing one of the major health jobs. She was sent to M.D.

[11:11:52 AM]

Anderson and she died from the damage done to her body from the Springdale tank farm. My grandmother who lived even closer died of leukemia, another cancer linked to the tank farm. We asked the city council to vote on the side of environmental justice and the health and safety of the people living near the proposed jet fuel tank farm at abia. Thank you.

[Applause].

>> Item 43, William bunch.

>> Yes. Good morning, mayor, mayor pro tem, council members. Thank you all for your service to your community. I especially want to thank the sponsors. Resolution, item 43, and urge your support. I'm bill

bunch, I'm executive director of the save our springs alliance. I want to first urge you all to listen carefully to the

[11:12:54 AM]

words of Lauren ice and Marissa Perales who spoke earlier. Their -- they're experienced environmental attorneys with experience in Nepa and these other issues. They've studied this issue in detail. And if you have any questions please follow up with them. I have not studied some of these details, but there's a couple of things I do know that are important, I believe. I've been doing -- reviewing environmental assessments and Eis's for 30 years plus and engaged in Nepa litigation for all that time. I can tell that you virtually every one of these documents are prepared with the instructions of the client.

[Buzzer]. They're not honest, they're not complete, they're not thorough, they're not balanced. And also the federal agencies that are supposed to review the work of the consultants don't do it.

[11:13:55 AM]

They pull out their rubber stamp --

>> Alter: Mr. Bunch, if you can wrap up, please.

>> It's up to you to make an independent judgment. This should not have been separated from the larger review of the airport expansion. And with that expansion spending hundreds of millions of dollars, it would be --

>> Alter: Thank you, Mr. Bunch.

>> -- To do the right thing on these tanks. Please do the right thing. Thank you.

[Applause].

>> Item 43, David king.

>> Hello. Can you hear me?

>> Go ahead, speaker.

>> Hello? Can you hear me?

>> Yes.

>> Thank you very much. My name is David king, a resident of district 5, and I'm speaking in support of item 43, a resolution that directs the city manager to identify alternative locations for the proposed jet fuel storage facility at austin-bergstrom

[11:14:55 AM]

international airport. Please approve this resolution and please reject the proposed location for the dangerous jet fuel storage facility within 400 feet of communities of color and low income families. The Austin monitor reported that mayor Adler indicated that, quote, he had not heard any evidence that the current plan created a safety or health risk. However, he said that he may have to consider voluntary buyouts for people living close to the airport at some point in the future, end quote. The mayor apparently wants to address environmental injustice by denying health and safety risks and forcing low income families, families of color and local businesses, out of their homes and communities. His comments reflect the extent to which systemic environmental racism and injustice thrives in Austin.

[Buzzer]. Please protect low income families and communities of color. Please reject the proposed location. Thank you for allowing my comments and for your service.

[11:15:55 AM]

[Applause].

>> Item 43, Jessica dujan.

>> Yes, good morning Mr. Mayor and members of the city council. I am also a resident of Colorado [indiscernible]. So I join my neighbors and the Mccaul lane neighbors and ask that you make our safety your top priority. Find a location outside of a residential area or one that can be placed a much greater away from neighborhood homes than a few hundred feet. We ask for proactive direction rather than reactive events. We are counting on you to remember us as same citizens and fellow human beings that you campaigned door to door by public and social media and even at our places of

[11:16:56 AM]

worship asking to represent our causes and concerns. Please show up for us today in this urgent matter. Thank you for your time.

[Applause].

>> Item 43, Darren hall.

>> Thank you. Thank you mayor pro tem alter, honorable council members and concerned community members. My name is Darren hall, director of state and local government affairs for united airlines. Austin-bergstrom international airport is a key airport in our network and we're proud to connect Austin and central Texas to the global economy through united's expansive route network. On behalf of united and our austin-based employees we appreciate the due diligence taken by the city as well as the

community to evaluate this much needed project, which has already received all necessary federal, state and city reviews, approvals

[11:17:57 AM]

and permits, including approvals by the city of Austin fire and watershed protection departments. The current availability and reliability of fuel at Austin is untenable and is creating operational issues for our airline and our customers. As such united fully supports this vitally needed project and respectfully opposes item 43 and any further actions that further delay its construction. Thank you for your time.

>> [Chanting [people over profit].

>> Ana Aguirre.

>> Good morning, mayor and council members. My name is Ana and I'm the member of the environmental contact team. I am not speaking for or representing the commission. I'm speaking on items 43 and 51. Regarding item 43, the contact team supports council member Fuentes's resolution and we also thank

[11:19:01 AM]

the co-sponsors. A letter was sent to council members saying in detail what we experienced by this project. It may be done in accordance with FAA guidance but without taking into consideration areas immediately outside of the abia boundary. The minimal setbacks may have been set, but this is Austin. This airport is owned and operated by the city of Austin and for this reason alone Austin and del valle residents must be included and our public safety be taken into consideration. Regarding item 51 of the proposed recommendations on bmu and bmu2 the contact team is asking that the council respond to this item. We have not had the opportunity to review these recommendations -- [buzzer]. And the compatibility standards. The Miami incident was in 2018 and was referenced in our letter. Thank you for your time and consideration and service to our community.

[11:20:03 AM]

[Applause].

>> Fred Lewis.

>> Hi. This is Fred Lewis, here to speak on item 43 and 51. I support item 43, very well written, it's very thoughtful. I want to thank council member Fuentes, the sponsors and community who worked on it. I want to make a couple of quick points. First, it's obvious that the neighborhood was going to have grave

concerns about this, any neighborhood in Austin would. And it's obvious they weren't consulted and included. Also obvious that the large complex that there was another place to put. So the staff who [indiscernible] It and now you're saying the neighborhood should be shortchanged. That is the wrong way to do things. Let's do this right, let's respect the neighborhood and

[11:21:04 AM]

let's not rush this because our staff didn't handle it and created an unnecessary fight, which we didn't really need to have. It could have been put somewhere else. As to item 51,

[indiscernible] My wife and myself believe a postponement is in the best interest of the community. The resolution of councilmember kitchen, which was a consensus resolution, was not reflected in the ordinance and has all sorts of terms that are not in her resolution. We believe a postponement, that community working with the council that we can come up with a consensus and we can do something without the wrangling and fighting that we'll have if we proceed with something that is not what was initially agreed to. Thank you.

[11:22:05 AM]

[Applause].

>> Item 51 speaking on the merits of the postponement, Megan masonbach.

>> Good morning, council members, mayor pro tem and mayor. I am Megan of district 9. I support the postponement of item 51, the vmu 2. And I would suggest that in order to support your delay that an audit be performed of the fee-in-lieu program to study the data on the number of affordable units and at what level that have have been produced by affordability requirements. Also I suggest requiring a similar audit of affordability unlocked, that program, and to produce data on the number of units, what level and location. Again, I support the postponement of item 51 and thank you for supporting neighborhoods. Bye.

[11:23:06 AM]

>> Speaking on multiple items, Zenobia Joseph. Zenobia Joseph? That's the last speaker. We do have some more in-person if we can call up. Alberto Garza.

[11:24:19 AM]

>> Hello, thank you for your time. I wanted to speak on item 43. Strike it as for. I marked it as against. I wanted to show my support for the proposition and please for your consideration. As you can see there's a good amount that will come of it. Plenty other organizations and communities are speaking against it. And you'll see that it's going to be tumultuous if it passes where it is currently proposed. I know there's a good amount that are for it but you will see if it comes to pass as it is at the current moment that it will continue with the city and be an historical marker as we've seen in the past. And none of us want to go with this trouble. Thank you for your time.

[Applause].

>> Speaking on several items, Paula Kaufmann.

[11:25:31 AM]

>> Hi, everyone. I want to speak in favor of item number 43. First of all, I want to commend council member Fuentes. I watched the council work session from April 5th through the whole thing, and she's such a great advocate for her community. She talked about we need an environmental assessment. So I wonder if you looked at things like what's going on in the oil patch now. We talked about a line that needs to go to the jet fuels. Can't that line be made longer? And use different kinds of technology, for example, drones that can detect any kind of emissions that come from these tank batteries. But I do believe that line maybe able to place that tank battery more out in a rural area where it won't be near anyone's houses. Also I want to commend councilmember tovo for pointing out the rollbacks of the trump administration and Renteria for pointing out that local law regarding hazardous sites within

[11:26:31 AM]

500 feet of a house. And then also really --

[buzzer]. Mayor pro tem,, Ms. Alter, cited why not let the airlines pay? Because that's going to set a precedent? What about a precedent that the airlines get boycotted for not doing this? Let them take a way to make this safe for everyone so that it's not putting anyone in jeopardy of losing their homes. And anyone who talks about buying out people's homes because it's a perception that it's dangerous, you have not proved that it's not dangerous.

[Applause].

>> That's all for in-person speakers. We do have one caller on the line. Zenobia Joseph, speaking on multiple items.

>> Thank you, mayor pro tem,

[11:27:34 AM]

council members. Before you start my time, mayor pro tem, I do have a technical question. Can you just tell the public if there's a running list or a total number of speakers that you must reach before you decide one minute?

>> Alter: I am stepping in for the mayor today and that was the script that I was given. Mayor Adler, perhaps you can address that.

>> Yes, mayor, proceed.

>> Alter: I think that's a fair question to ask. Mayor, would you mind answering that, please?

>> Mayor Adler: Sure. It's working off of the ordinances. It's something we've been doing for the last almost two years. So the ordinance in practice says we have us moving from three minutes to one minute based on if we had more than 20 speakers. So we've started to try to keep the speaking time to be

[11:28:37 AM]

similar to that when we get close to 50 speakers. We track in spirit that kind of time frame that the council had set forward. These are long meetings and there's no perfect solution to this, but in the old days where we were ending up making really important decisions at 9:00, 10:00, 11:00, midnight, and having people there that late and council members working that late was something that we sought to avoid.

>> Alter: Thank you. Ms. Joseph, you can proceed with your comments. Thank you.

>> Thank you, mayor pro tem. My comments are specifically related to items 22, 50, 35, 38, which I'm against and 37 which I'm for and which is the \$80,000 equitable digital access from Austin

[11:29:37 AM]

public library through the federal communications commission. As it relates to

[indiscernible], \$15,000 for covid-19 marketing I believe that's miss divided and I believe the \$1.75 million that would be allocated to Sherri Matthews for covid marketing should be something reviewed by the pandemic response accountability committee, the inspector general's. As relates to movability, there have been no measurable outcomes and I would ask the mayor to have them provide something

to the community before awarding the \$500,000. North wind is item 50, that's a low income housing tax credit development off of Parmer and it does not comply with the

[indiscernible]. It's a transit

[indiscernible]. As it relates to the social services contract, number 38, I just wanted to call to your attention --

[buzzer] -- Austin independent school district actually received their own allocation, \$155.8 million

[11:30:38 AM]

elementary and secondary schools relief. And so that's a duplication of benefits for the school.

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

>> Alter: Thank you. Do we have any more speakers?

>> We have one more inperson speaker speaking on item 43, Shane Johnson.

>> Okay, Shane, you're up.

>> Okay. Can y'all hear me?

>> Yes.

>> Okay, great, thank you. Hey, y'all, Shane Johnson, resident of district 4, but I'll be moving back to d7 and speaking for my parents in district 7. I don't want to repeat too much about so many people have said before, but please don't be a cog in the wheel of environmental racism. It's pretty absurd this

[11:31:41 AM]

whole discussion. You know, and it's really disgusting how many business interests are saying this is going to cause significant business harm. They could immediately expand the current fuel tank farm to met any sort of business and airport needs for the next 15 or so years. Why not take an option to get 15 more years just to get us out. And secondly, you know, the -- are each of you council members who aren't already supporting the resolution going to willingly vote for something that could potentially be illegal and violating Nepa?

[Buzzer]. That would be a very serious mistake you're making and not as incumbent of council members to not do that. Thank you for your time and thank you for hopefully supporting item 43.

[Applause].

>> That concludes the speakers.

>> Alter: Thank you. And thank you for everyone who shared their thoughts with us today. It's very important that we

[11:32:43 AM]

hear your thoughts and you brought a lot of interesting, important information that we will consider as we make our decisions today. I'm going to proceed with the consent agenda at this point in time. I need to read in the late backup. I already mentioned the action items. We have late backup on item eight, item 38, 40, 43, 51, 57, 58, 60, 61, 62, 63, 64 and 69. I mentioned earlier the action items related to eight, 31 and 51 earlier. At this point in time our consent agenda for today includes items 1 through 44 and then item 70, with the pulled items showing as

follows: Item 22, item 32, item 42 and item 43.

[11:33:45 AM]

And I would like to offer the direction that I provided on the -- through the clerk on item 38 where the city manager is directed to return to council by may 5th for potential funding sources excluding Austin public health existing budget and existing budget action to restore 822,821 in annual funding for the prime time after school program serving children in title I schools, restoring this funding would allow prime time to serve over 4,900 children and otherwise would see a potential cut in services for an estimated 1500 children. So if there's no objection, I will include that. If folks want to pull that, they can pull the item. Councilmember kitchen.

>> Kitchen: I apologize, is -- I can see it better than hear it when you say it that way. So could you give me a minute? I appreciate you bringing it, I just want to take a

[11:34:46 AM]

look at it. It's been emailed to us, right?

>> Alter: It was emailed at 9-10 which I mentioned earlier, but please take your time on that. I do need a motion to approve the consent agenda. Would you like to make remarks before we have a motion? Okay. Councilmember pool motions approval of the consent. Councilmember Ellis seconds that. And then if folks want to make their remarks and then I will -- if somebody wants to pull 38, we can. Councilmember Kelly.

>> Kelly: On our consent agenda today is item 23 and I wanted to highlight it for a couple of reasons. The contract we're approving is for the purchase of two unmanned robotic vehicles for use by the Austin

police department bomb squad for response to critical incidents within Austin and the capital area council of governments regions and service areas. This is a lightweight tactical robot capable of

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searching rooms, hallways and confined spaces. I'm so glad to know with this purchase we are furthering public safety in our the city and not just helping the city of Austin, but the larger region as a whole. Thank you.

>> Councilmember pool.

>> Pool: Thanks. First off on item 38, mayor pro tem, thank you for bringing that direction to provide the funds to fill the gap for aisd's after school program. I've been a long time champion for that prime time program and other good programs that aid delivers in our community and it's really important. I have really quick brief remarks on item 34. This is the new development that will be happening at crestview station on Ryan drive in district 7 and I just wanted to remark on the really great work done at the city and with our area neighbors to get to this point. I am very pleased and so proud of this initiative. My thanks to everybody who got us to this point.

[11:36:48 AM]

And we all look forward to the groundbreaking and one day soon the ribbon cutting on the new park and affordable housing and mixed use development that will be happening in district 7. So thanks, everybody.

>> Alter: Councilmember kitchen.

>> Kitchen: Thank you for that direction. I think it looks good and thank you for a moment to address that.

>> Alter: Thank you. This will make sure that 1500 kids R. Kids don'ts lose their after school time when coming out of covid. Any other comments on consent. Councilmember tovo.

>> Tovo: A couple of quick things. I wanted to thank you, mayor pro tem, for your leadership on the prime time. Also your staff and mine who worked on compiling a lot of that information and aid thank you for being here today to answer any

[11:37:48 AM]

questions. I'm glad to see these programs moving forward at their current levels of capacity. I would like to add myself as a co-sponsor on item 32 if possible. This is the item on parkland which may or may not be on consent. I wanted to point out that 31 I submitted a question in the q&a about the market rents. This is a space that is within a city of Austin building and we're being asked to approve a contract. I'm doing this off the top of my head. About \$19 a square foot. This is downtown real estate. I asked our staff to let us know what an average rent would be and it's somewhere in the neighborhood of \$40 a square foot. This information is postponed today and I don't know if it's to provide answers back to my question that is pending in the q&a to my question but I want to call your attention to it. As we're moving into a really tight budget year and with a tax cap imposed by the legislature, I think we need to use each and every one of our assets to the

[11:38:48 AM]

fullest potential. And so it concerns me a lot that we would have something, potentially have something on our agenda that is below market rent for downtown real estate by more than half. So I hope, manager, that between now and then we'll get some more explanation about why we would be asked to approve something like that. Item 32 is another city owned property and I pulled this last time and postponed it. After asking more questions of staff I'm prepared to move forward today. I understand they did assess and brought that property into alignment in terms of market rent before bringing it to us here for the council agenda. It was a tract that was purchased as part of the happen cox water treatment plan long-term planning. As I understand it, Austin water utility has a need for it and so it will remain within the city of Austin's portfolio.

[11:39:48 AM]

I would highlight this as another example much where we need to think strategically about our facility use. This is a tract of land we will own over the long run. There may be a way that while we're holding it for the water utility is uses that a refuse source, as a higher level revenue source by redeveloping it. I've mentioned a couple of times on this dais that I'm interested in putting more framework around how we assess our city-owned tracts both for leases, ownership and I can't remember if some of you asked to work together on that, but I am bringing forward an ifc so if you're interested let me know. We are hitting these as Austin offs as they come and I think we need a more concerted policy. Unlike other city of Austin properties there's no revenue sharing. So it is being brought into alignment with our city

[11:40:48 AM]

policies in one way and not in another. So I'm going to leave that on consent today because as I understand in conversations with real estate that with a 90 day notice we can get out of that lease.

Point where we've approved some stronger policies with regard to our facility use, I think that could be reevaluated. And I think that's it.

>> Alter: Just to confirm, councilmember tovo, we're going to put item 32 back on consent. As someone who has worked on our facilities for lease to own I'm happy to work with you on that. And I want to thank you and your staff for working with us on the amendment or the direction related to prime time, which still does need to come back to us if another vote and just to acknowledge that councilmember tovo, myself and council member Fuentes serve on the joint

[11:41:49 AM]

subcommittee for aid, the county and the city and had opportunity there to speak briefly about that situation. Councilmember pool.

>> Pool: I noticed that two additional co-sponsors for item 32 were missing in the changes and corrections because both councilmember kitchen and I had asked to be included during work session on Tuesday. And I think we join councilmember tovo as additions to your original co-sponsors, thanks.

>> Alter: Thank you for catching that, councilmember pool. So if the clerk can reflect that for item 42 that we'll add additional co-sponsors, council members kitchen, pool and tovo, that is the item related to parkland dedication. And my initial co-sponsors were mayor Adler and others.

[11:42:59 AM]

Council member vela.

>> Vela: I wanted to highlight item 35 which is the beginning to redevelopment the property of Home Depot at I-35 and St. Johns to 500 units of housing and some commercial space. We're working out all those details but moving forward on that project. I wanted to highlight it for the community and also say thanks to mayor pro tem and councilmember tovo for your sharp eye on the finances and budget. We are going into a very rough budget cycle and we really need to keep an eye on every dollar that comes in and out.

>> Alter: Thank you. Just to clarify, I believe, item 35 is for legal services. We're not passing the final agreement. We're not voting on the final agreement. I think we may have given authority for it. Vessels that's an exclusive agreement that has been signed and they are negotiating the final master development so this is legal down sell to negotiate the final agreement with the

[11:44:01 AM]

company.

>> Alter: Okay. Councilmember Ellis.

>> Ellis: And I'll also flag the mayor has his hand up. Item number 70 is going to be issuing a proclamation on April 9th, that's this Saturday, in honor of a ceremony day for a moment of silence and splash at Barton springs pool. She was an activist and scholar from Austin and went to Blackshear elementary, kealing junior high and among the third group of students to integrate ISD. She was a student leader in activation that led to integration at Barton springs and zilker park. She was the first black person to jump into Barton springs pool in an act of civil disobedience. In doing so she sparked swim-ins that took place the summer of 1960. I wanted to invite the public to join me on

[11:45:03 AM]

Saturday, April 9th at nine A.M. To do this proclamation and I want to thank my co-sponsors, councilmember kitchen, council member vela.

>> Kitchen: I think this would be an opportunity for us to really acknowledge and recognize the efforts that were made with regard to Barton springs pool. And just also wanted to remind folks that this council had an opportunity years ago to rename Robert E Lee to az Morton. So we now have the az Morton road and he was another person who participated in those efforts with regard to the pools.

[11:46:04 AM]

And her name is now on the road that's right there by the entrance to the pool. So thank you, councilmember Ellis.

>> Alter: Mayor Adler.

>> Mayor Adler: Thank you, mayor pro tem. I wanted to also join in with my colleagues on recognizing those historical events and achievements and to congratulate council member vela for continuing to move forward with and to recognize moving forward of the Home Depot tract as well. I want to speak really briefly to item number 38. Mayor pro tem, this is the one that you've asked staff to come up with the funding balance for the prime time after school program. This is a program that I supported. I can remember when the funding for that program first started falling off or the school district couldn't do it and they came to us

[11:47:05 AM]

and asked the council to step in and fund that item. And I wanted to give a quick historical perspective for colleagues on the dais that might not -- that were not here back then. At that point in time aid was having really severe budget issues and was having to really dig and go deeply into its reserves. And it was happening at a time when because of growth and other items the budget for the city was not as tight or constrained and we were able to step in and help with those programs. In the intervening period of time our budget has gotten pretty tight as well and it could easily be as we're moving into the budget season that we're going to move into the tightest budget that I've had or we've had and colleagues that have just been on the dais over the last -- this

[11:48:11 AM]

eighth year. I don't know how long we can sustain this kind of program with aid, although I've been a supporter each time that this has come up. So what we did as a city is we had an rfp that went out to say hey, let's take a look at all of the programs aimed at supporting children. Certainly this is a really good one and it got awarded. In fact, I think aid got awarded half of the total of the millions of dollars of part of this rfp. It wasn't the full funding of this, but a lot of other organizations got funding, including safe, which is the one that Diane serves on the board of. So I want the record to reflect that I'm not going to be voting on item number 38. But as I read item number 38 as you've drafted your direction it's it's kind of

[11:49:12 AM]

initiating an off-cycle budget amendment and I just know that as a council we've tried not to do those generally except in those instances where timing was so important. And that could be the case here because they have to plan the summer program. So I'm not recommending that anybody pull this off or anybody vote against it as a program I support. I'm just noting that it's a mid cycle budget. When we consider budgets and everything altogether we weigh competing priorities when we do mid-cycle budget amendments we're in the position of saying do we like that particular program, which always makes it harder. And at the end of the day a little bit uncomfortable with council reaching in in essence to an rfp process that -- and speaking in favor of one vendor, one

[11:50:12 AM]

program versus another when we have an rfp process. I lay all those out just by way of noting that these choices are hard and that council needs to be careful about precedence that we set. This one obviously is a good program. Thank you.

>> Alter: Thank you, mayor. I appreciate you sharing your perspective. I do want to note that the city of Austin has supported prime time before you were on council. I think it was maybe created in the 90s and has always been funded by the city. The shift came when there was federal funding that was no longer available for other after school programs in an attempt to be able to provide those programs at the budget time. There was additional money that came in from the city. And this proposal that I'm having does not actually get aid all the way back up to

[11:51:13 AM]

where they were pre-covid, it gets them back up to what they submitted for this particular process. So I just want to clarify that and we can continue the conversation if we want to talk about the history, but it's a really important program.

>> Tovo: Yes, I think it was in 2012 where the council increased the funding in part because it was, as you indicated, mayor pro tem, those programs were going to be cut. And some of these conversations happened and we were talking about a potential tax swap but really the topic dates back at least to before any of us were on council when there was a group called the families and children task force who was looking at ways that the council -- that the city of Austin and aid could better work together. And one of those recommendations led the

[11:52:14 AM]

council at that time to approve a resolution to make sure that we're looking at ways that those two entities can assist and one way that we have been able to assist. And I'm really super proud of the work that our council and prior councils that I've served on since 2011, some of the ways we've done that is for the expenses for not only aid students, but their support services, the after school specialist and support programs. It does date back to a really important resolution about directing the manager to look for ways that the city of Austin can both partner with and support the work of aid. And we've been able to extend that to other districts within the city limits as well.

>> Alter: Mayor Adler.

>> Mayor Adler: And I appreciate that and I didn't mean to imply we hadn't done support for aid support.

[11:53:15 AM]

I don't think I said that. I don't think I did. What I do recall is that prior councils had the council incident vaccinating frequently on individual -- intervening frequently on individual claims and individual vendors

or providers would frequently come to city council offices, make the round of city council offices to try to get resolutions or motions coming from the dais to fund particular programs and the like. There was extended conversation in our early years while I was on there, again, not to the exclusion of earlier conversations that might have happened before that. As we significantly increase the funding that we were making to some of the aid programs. Again, I supported this aid program every time that it's come up for a vote. In fact, I moved for it I think one of the years that we were in the middle of the budget process.

[11:54:18 AM]

My point in just speaking to colleagues on the council is to recognize that this is a budget amendment that's coming out of cycle so it's a budget amendment where we're funding a program without having to make the difficult choices between them because it's coming as a separate item which companies when you have a budget, midterm budget item. We do those kinds of things when there's a time pressure or other reason to do it which may very well exist here because this is a summer program and they need to know now if they need to be gearing it up and can't wait until the budget time. But I am cognizant that we had a process, an rfp process, that we take a look at and prioritize programs for students. And these 1500 students are incredibly important, as are all the other thousands and thousands of students that are -- and children being addressed by the other rfp items. And all I was doing out is

[11:55:18 AM]

pointing out we had a process that I hope we don't as a council, this council or future councils, return to days where individual providers make rounds of council offices to try to get programs pulled up. And I was just trying to provide the historical perspective. It's offered and easy to do it here because we do want to be the best possible partner with aid. And again, this is a program that I have always supported. Thank you.

>> Alter: Councilmember kitchen and councilmember Kelly.

>> Kitchen: I agree with what all have said here. I appreciate the direction and support it. Appreciate the history of support. And it is a very important program. I do want to say, though, that I agree with the -- and I appreciate the issue that

[11:56:22 AM]

the mayor is raising because this is an off-cycle change that we're requesting before, just a couple of months before we start dealing with what's going to be a very challenging budget. So I am happy to consider this now. It's a very important program. I've always supported it in the past and I'll be

interested in seeing what is brought back to us in terms of our options, in terms of funding sources. But we're going to have a really tougher time in August and we have -- we're going to have a lot of programs to think about. So I just want us all to bear that in mind. And so, mayor, I appreciate you reminding us of that situation.

>> Thank you. Councilmember Kelly on the same point.

>> Kelly: Actually, I would say it's a different point. I don't want to derail us, but I want to know what the run of show is today. I'm getting questions from the community.

>> Alter: I will do my

[11:57:22 AM]

best. It's a bit complicated today. I want to very clearly state that I brought this issue up at our last meeting and asked for the two-week postponement. When I asked questions about the grant that we were offering through what was a prior item and discovered what level aid was at, having previously brought in 2018 or 2019 a budget amendment for having brought 1.6 million, not at the 1.8 million item that it will be. In my mind we had already located this amount and it should have been in the base budget. There's a lot of detail there. Right now we are asking them to come back. Aid for better or worse put in for 1.282 and that is what we are asking them to find the funding to get them up from the million to that so that we can serve these other 1500 kids and there is an imperative for them to be able to plan with respect to

[11:58:23 AM]

the summer programs that we have to plan for, for this council member Kelly, why don't we vote on consent and we can do that? Just to reiterate consent is 1 through 44 and item 70. We have pulled item 22, 42 for executive session by council member Kelly and item 43 by mayor Adler. Item 32 is back on consent and my direction for 38 is included in the motion for consent. We have a motion to approve from council member pool and a second from council member Ellis. All those in favor of the consent agenda.

>> I wanted to make a comment --

>> Alter.

>> Mayor Adler: I'm sorry. We'll do that before we vote

[11:59:27 AM]

>> On item 38 -- I agree with my colleagues and I will support it. We're going into time where it will be tight. We're dipping into a reserve this year just to have a balanced budget. The following years you're looking at \$23 million short fall and then you're going to look at more short fall in the coming years unless we get our state legislators to do something like this. When they restrict us at 3.5 per cent and we need 5 per cent just to meet our needs, times are going to come and it's going to be very tough on us. There are going to be fees increase on top of that so we're going to go through a painful period of time coming in the next three to four years unless we can get our people out there and tell the state legislators that we need help and support from them and not

[12:00:27 PM]

just punish us every time -- every two years they meet they attack and punishes us and we're going to get to that period where we're not going to have enough funds to take care of these type of social services, and I just hate to see that happening.

>> Alter.

>> Mayor Adler: Thank you. I apologize. I didn't?

>> I apologize. I didn't see your hand up. We'll move back to the consent. All those in favor? On the dais with council member Harper Madison absent. Okay. Okay. It is 1201. I would like to take up the imminent domain items.

[12:01:30 PM]

Then we'll move to public communication. Before we go to that I'll go to run of show for the afternoon. We'll take up imminent domain items with respect to 45 to 48 being con consent con nem dags. Is there a motion that the city uses imminent domain for the current meeting for the public uses described therein? Council member Kelly moves that motion. Council member renterria seconds that. Any discussion? All those in favor of items 45 through 48? That is unanimous on the dais with council member harper-madison absent. That is 45 through 48. Can we make care of 51 with a quick motion, or do we need to have comments.

[12:02:32 PM]

>> I think we can take care of it with a quick motion.

>> Go ahead.

>> I move postponement to April 21st. This is the item related to the vmu two.

>> Seconded by council member pool. All those in favor? Council member tovo?

>> Tovo.

>> Mayor Adler: Mayor?

>> Could you make sure there are no speakers? Just checking.

>> Thank you for checking.

>> All those in favor for postponing the item? That's unanimous on the dais with council member harper-madison absent. Can we do 49 and 50? Can I get them together? No? Okay. I'd like to open the public hearing on item 49 or continue it from before. This is related to an

[12:03:33 PM]

application by airport crossing ltd. Do I have a motion to approve? Council member Kelly? Makes that motion. Council member vela seconds that. All those in favor? Unanimous on the dais. Council member harper-madison absent. Item 50. Open public hearing to application by north wind apartments? Do I have an application -- council member Kelly makes the motion. Seconded by council member tovo. All those in favor? We have no speakers I assume on any of these? That's unanimous on the dais with council member harper-madison absent. Okay. So, colleagues, we have several speakers for public communication. We have pulled items, number 22. We have item 42 in executive

[12:04:36 PM]

session. Item 43 pulled. And then we do not need executive session on 56 anymore unless somebody is not involved in originally pulling it wants it. We do not have to do that. And then we have zoning is items 57 to 69 and is 71 one we need to -- okay. Item 71 is an item from public safety committee, I believe to appoint substitute judges to the Austin municipal court. Do we have a motion from the vice chair? All the names are in the back-up. Council member Kelly moves approval. Second from council member Ellis. All those in favor? Unanimous with council member harper-madison absent. Items left are 22, 42 in

[12:05:38 PM]

executive session and we still need to vote on it. That's parkland dedication. 43, which is the fuel tanks. And then we have zoning -- items 57 to 69. And we have those public hear ING at -- not before 2:00 o'clock. We have several -- just want to talk about our options for this afternoon. We do have quite a few speakers for public communication if everyone is here. We do have music, which I hope everyone will join me for. Not sure if I have -- 9-a is the musicians that will be joining us. And then we have zoning

later. I would propose that we try to -- I don't know that item 42 is going to take terribly long in executive session. I would propose after we do

[12:06:39 PM]

public communication we take a short break and we'll see what the timing of that will be hopefully to give ourselves a half-hour break maybe and come back for executive session somewhere between 1:00 and 2:00. We'll come back here. If we have time to take up 22 or 43, which I doubt we will. Otherwise we'll take up the speakers for zoning. As we discussed before we have a -- we do have a significant pud. We have not heard one for a long time. There are speakers of the applicant who can provide information. So loaning Eric -- longer than five minutes for a pud. If you have an objection let me know so we can adjust accordingly for that approach. Does that work for everyone? And I will announce the specific times when I know --

[12:07:40 PM]

we have a long public communication today so I can't predict how long that's going to take. Council member Fuentes.

>> So the public has a better idea, when we consider the jet fuel resolution, it looks like after zoning. We'll take up zoning around 2:00. It will be after zoning speakers and I will have to figure?

>> I will have to figure out if it's more appropriate to do the pud after we finish with item 43 or not. But I will?

>> Okay. No earlier than 2:00 P.M. Would we consider the jet fuel resolution. And more so?

>> I think that's?

>> -- In the afternoon.

>> I think that would be accurate.

>> Thank you.

>> We do have -- clerk, do you know how many speakers we have for zoning? That will give you a sense of

[12:08:42 PM]

how long the 2:00 o'clock hearing.... .

>> 20.

>> So that will be a good hour.

>> No earlier than 3:00 o'clock. Probably 4:00 o'clock. 4:00-ish would be the soonest.

>> It depends on how long 22 and 42 take. Probably no sooner than 3:00 but we could take it up at 3:00 if times is in our favor.

>> Okay. Thank you.

>> Okay. We will now move to public communication. How many speakers for public communication.

>> Six in person.

[12:09:44 PM]

>> How many remote.

>> We're going to hear from the in person and four from the remote. There will be a little confusion as they set up for music during remote but we will be able to hear everything as they do that and hopefully folks will join us for the music. As is the custom for public communication, folks have three minutes.

>> Timothy Higgins. On deck, Ronny renu. .

>> Folks, as you exit if you can try to be as quiet as possible so we can hear our

[12:10:46 PM]

speakers. Appreciate it. Thank you.

>> Good afternoon. I'm not sure your Mike is on yet. Now we can hear you.

>> Is it okay.

>> Please state your name since they announced several names.

>> I'm Timothy Higgins. I live at 3528 Agatha circle. I'm here to speak about on going problems we have had as a community with break-it-down recycling center which includes noise and a terrible smell. The recycling sent ser located at -- center is located on farm

[12:11:49 PM]

to market 969. Our community is 450 houses now. It's going up to approximately 900 houses, and we live directly in back of this facility. My wife and I moved to Austin is and bought -- in Austin and bought our house in 2007. At the time the building were existing and I want to note that there was a previous recycling company at the site called red rock recycling that recycled cardboard and paper. There was no smell and there was no noise associated with that property. I'd like to show some slides that show the context of the problems we've had, if that's possible.

[12:13:38 PM]

. So in 2015 -- I hope this comes up. There were a series of floods, two after another. The businesses that were in the building all vacated because they were all flooded out. I also have back-up photographs, which I'm happy to show with people if this doesn't work. I love technology. I'm sorry about this.

>> Maybe you should proceed and follow up by sending e-mails?

>> Sure.

>> They can continue to try to get the slides up, but?

>> So as I said, the buildings were abandoned after the last flood in 2015. So the building from 2015 until

[12:14:41 PM]

around 2018, 2019 was vacant. At that point a -- the landlord did a little -- the building owner did a light spruce up and break it down recycling center came in the facility which is allowed under light industrial zone. At this point we had noise issues with them from beeping and slamming of drums on the ground from trucks and from forklifts very early in the morning, including on the weekends, and when I say "Early" I'm talking about 12.

>> Mayor Adler: -- I'm talk ING after midnight. We had owners talk to us. So these are -- these are the piles of compost that are within 400 feet of my backyard and you can imagine how they smell. And you can see the size of

[12:15:43 PM]

these too. Another shot of the compost heap. This is an overall view from Google maps. I have -- the red line is where the compost is. They have gravitated over the left and you can see how close they are to the houses on Agatha circle. Next, please. This is a shot by break it down. Please note -- and again, this is all restaurant waste. So it's organic vegetables and also carcasses of animals and meat products, and

please note that the vultures are hovering around these piles. Next, please. Okay. Again, this is on overall showing how close the mounds are, the red marks I put indicate how they've gravitated

[12:16:45 PM]

over. This was an earlier shot. These are within 400 feet of the back of my house. Next, please. This is a shot of the piles and -- with the vultures on top. And then the last shot, please.

>> Speaker, your time has expired.

>> Okay.

>> Please wrap up.

>> Is there one more? Okay. This is a shot of the vultures on our roofs and that's where they like to perch. So you can imagine this is not an ideal way to live. And all I can say is when you smell this, it smells like vomit. I'm sorry to be so crude.

>> Speaker, your time has expired.

>> I'm sorry.

>> Your time has expired. Mr. Higgins, do you which city

[12:17:46 PM]

council district you reside.

>> Council district number one.

>> Council member harper-madison is not able to be here today. I would suggest perhaps you reach out directly to her office and she can help you navigate some of these issues.

>> They are helping me right now and they are being terrific.

>> I'm so glad to hear you're in touch with council member harper-madison. I would ask that your staff -- if there's somebody who could be in touch with this gentleman and his neighbors as well.

>> Thank you. Please call the next speaker.

>> Bonny renu.

>> On deck is Al Deandre.

[12:19:20 PM]

If Al Deandra can please come up to the podium and wait in queue. Thank you. Rick provoniak.

>> Good afternoon. My name is Bonet Reno. I'm here with my husband and a few other residents, neighbors in the agave development. As my husband pointed out, we're speaking immediately about the commercial composting facility that occupies the back half of that site. I want to just go through that and I presented the fact --

[12:20:22 PM]

there's some facts that I think you really need to know sort of to understand the urgency of dealing with this issue. The -- all this property, the site is in the 25-year floodplain as you can see on the map there. And the walnut waste water treatment plant is exact -- directly across the street -- or across the road on 969. And the surrounding properties that are in the 25-year floodplain happened except for this parcel and the parcel next to it -- together they comprise like a whole triangular piece of land. I'm guesstimating that to be about 15 acres. The city of Austin already owns those other parcels on the tail

[12:21:26 PM]

end, and so a little more context to the situation there. I would point out that there is a water outlet from walnut creek that runs parallel on the north side of this property, and it runs also north to south on the east side of the property. And as it comes down and empties out beyond 969. And also -- well, I just mentioned the fact that -- so there are two parcels that are owned by the same individual -- or pardon me, LLC. And at one point the developer offered this other larger parcel as an option for break-it-down. I just wanted to bring that up

[12:22:28 PM]

because as you can see, neither parcel is a good solution for this composting facility. In light of all these considerations, I would like to pose the -- a more permanent solution to sort of preserve the public health and general welfare that only the city can really do and that would be eminent domain. And I just have listed these factors. There's going to be more pressure on the environment and with waste water, et cetera because the photograph I have now shows our development -- the previous photographs showed it undeveloped.

>> Speaker, your time has expired.

>> Okay. They are building houses, as you can see in this photograph and the next one. So your help in consideration with all these matters would be

[12:23:31 PM]

greatly appreciated. Thank you.

>> Thank you. As we discussed with the prior speaker, it sounds like you're working with council member harper-madison and we've asked the city manager to assist as well. And I think we may have a few more of you.

>> Ethan Smith.

>> Good afternoon, mayor. I hope you feel better. We missed you at UT yesterday. Yeah. So I've been working with a diverse group of stakeholders. I want to talk about what makes Austin Austin. I think gaud loop -- we're talking about getting rid of the oldest restaurant in town. Jen's coffee. Taking out the back patio of a hole in the wall which is a historic business. If this is an attitude that you can't make an omelet without

[12:24:32 PM]

cracking a couple of eggs I don't believe in that. I think we should preserve these things and project connect goes better on Rio grande. Take out the gas station. It's a public safety issue. That's a lot closer for most folks driving home after -- walking home after a night of drinking. I came to the realization that when I come here to talk it's about preserving something and that we should do more to that end. Also, the stakeholders I've been working with within and outside of UT, the president of the naacp -- I've been meeting with the west Austin neighborhood group, historic district, and all these people are on board. People don't understand -- some

[12:25:33 PM]

people at UT don't understand what you can get out of the breken ridge tract. I wrote the book on this. That's what my thesis is. There's not a knowledge base about the proper inflection points in that. It's incredible wasteful. You can preserve the golf course and leverage that. The city has a lot of legal routes and these other stakeholder groups have legal routes too. It shouldn't have to come to that as a back-stop, but that exists. If UT, as they sometimes do, tries to push forward as a steam roller and gets their way, they're going to run into opposition there and get taken to court. But the way interest rates are rising, we don't have time. If you want a real solution you have to come together and get a solution with that. And so I would respectfully ask for meetings with council member alter. Mayor, I would ask for a

[12:26:33 PM]

meeting with you. This is eyes of Texas issue who are in the same coalition because you're talking about billions of dollars at stake. I know you're hard pressed for money and trying to get money for affordable housing. And it's right there. The solution is right there. We're here. One thing we don't talk about uno is the wholesale destruction of green space that neighborhood has experienced as a result of, you know, policy. So we should talk about that. Thank you.

>> Thank you for being here. We'll follow up with you.

>> Rick provoniak.

>> Hi. I'm an architect. My home is in district one, district four next year. I have two questions and want to speak to an issue that I and

[12:27:35 PM]

a few others in any neighborhood think needs attention. Our neighborhood contact teams eligible to appeal to the board of adjustment the interpretation of the vertical mixed use -- I've asked several departments in the city and don't have an answer yet. Might council waive the appeal fee? The contact team are conferring on this issue but for either group it's a big expense. Now, about vertical mixed use. Vmu was sold to the citizens of Austin as a means to a more walkable city. Vmu and the up coming vmu two can provide much needed and more affordable housing. That's great but it's complicate and I can't fully explain why in three minutes

[12:28:35 PM]

but it's broken. Windsor park requested it during the 2007 neighborhood planning process. Even having the adjacent boulevard, hoping new density might bring new activity. In 2020 without requesting in writing a preapplication conference with the director as required a developer submitted a site plan for a 405 unit apartment complex on the south half of the property, requiring demolition of 50,000 plus square feet of occupied commercial space. No space was proposed. And a second space with 350 more apartments was mentioned. Review staff let them know vmu requires commercial uses and the 12-acre property would require internal circulation route critical for five-plus acre sites. Just short of two years later

[12:29:36 PM]

and aided with advice and interpretations from review staff the latest site shows a 398 unit complex with three small retail spaces plus six live work units -- each with about 850 square feet of commercial service spaces. Property has been subdivided and plotted to produce a 4.97 acre project area, just .03 acre ers short of 5 acres. They are now calling a driveway lined with individual garage door units -- it means no irc design requirements so they're claiming alternative equivalence compliance, for which the project shouldn't comply. This isn't how vmu is supposed to work. Please fix it before you do anymore. Thank you. Mayor pro tem?

[12:30:39 PM]

I know you're Windsor park president -- how long have you live inned the neighborhood.

>> My parents built a house in 1967. I moved away three years -- just after college. Bought a house back there in 1982.

>> I just -- the neighborhood association has been supportive of the housing generally and has been supportive of vmu generally, but Windsor village with the shopping center in the middle of the neighborhood -- that's where the family dollar was. That's where the nail salon was. Where the barbershop was. There were a couple of restaurants.

>> The dance studio. Been there decades.

>> All that is going away to be replaced by basically nothing, and it's a situation where -- I mean, vmu -- I think

[12:31:41 PM]

the idea behind it was to have that truly mixed use, where there would be the ability to, you know, walk toward your local store, to walk towards something like that, and my understanding from the proposal is -- what commercial is remaining there.

>> Hanks.

>> One restaurant. We're going to be down to one restaurant. That means everybody is going to have to drive farther. That means no more walkability in the neighborhood. As he detailed and I know it's complicated but there's bad faith by the developer. He split up the parcels into just under 5 acres so you would not have to meet the obligations. They did some kind of connection between the buildings so one little commercial spot would count for both buildings. Again, I don't know the details but I know that council member kitchen has the vmu proposal

[12:32:41 PM]

and I think that we really need to tighten up to make sure the vmu means commercial -- that especially where we're replacing commercial -- I don't want to eliminate, you know, existing commercial uses that people depend and rely on. There's elderly housing just north of that. They need that family dollar. That was critical for a bunch of affordable housing and elderly folks there. They walk to the family dollar to get basically everything they need. That's been removed to be replaced by nothing. So I really appreciate your comments, Rick. And this is an issue I do want to address.

>> Thank you so much.

>> Council member vela, I think there was a request to waive the fees from the board of adjustments. I believe you can bring that forward if you're so inclined. Council member kitchen.

>> Now is not the place to get into the details but happy to talk with you more, council

[12:33:42 PM]

member vela. I think the circumstance you're talking about is -- I think we need to proceed with vmu two but we are talking about amendments that would make it specific -- that could be considered case by case and consider the circumstances. And the issue that you're raising -- I'm happy to hear if there's some amendments that we could make that would address that. Look to council member vela about that. The intent is vertical mixed use, as you said. The intent is not to replace commercial. I don't think there's anything in the language that does that at the moment. Happy to talk about it further. And we have time to do that now since we're going to take it up on the 21st. So thank you.

>> Mayor pro tem? I know you're moving this meeting thoroughly through the day. Whatever we can do -- I agree the first floor walkability is

[12:34:44 PM]

imperative for live, work, play. Anything my office can do, we're happy to help.

>> Thank you very much.

>> Next speaker, please.

>> Renicia Dogan.

>> I'm here today on accounts of my vehicle being damaged by city employee's negligence. When I reached out the law claim's department it was denied, saying basically that ultimately if a person did not strike my vehicle -- didn't hit my car with their vehicle, whether city operated, owned, or what have you,

the city is not responsible for damages. Even after going through writing up the damage reports and submitting it. I asked for a second review. Even after the second review it was claimed the city had immunity as result to the damages to my vehicle. The real issue is disregard of

[12:35:47 PM]

how city employees deal with the citizens of Austin. Working with Jose Gomez, he was like not my problem. Everybody experience I've been in, if you hire a vendor to work on your behalf they're a direct extension and representation of you. For him to blatantly disregard -- I'm sure I'm not the first person this has happened to -- and basically tell the citizens to suck it up butter cup and eat it is unacceptable. To make sure that doesn't happen to citizens when they obtain property damages on accord of city employees that would be fantastic. Thank you.

>> Thank you. City manager, do you have someone here who can speak with her.

>> Yeah. We'll follow up. Thank you.

>> Final speaker, Alissa

[12:36:50 PM]

Hernandez.

>> Final in-person.

>> In person.

>> Hello. Born and raised in Austin, Texas. So I can see it's a growing city. And I understand that there is a lot of areas that could use some improvement, but the reason I'm here is because I'm a little concerned. I'm a concerned citizen only because of what's happening in Russia and Ukraine. I know people say World War three can happen. It cannot. And I think Austin is becoming really big and could be one of the areas that could have problems with any type of attacks. So I talked to a lot of people about it and, you know, it gets nothing is going to happen. Cool. My thing is what if something happens and Austin does get attacked, whether it's world War III or something else.

[12:37:52 PM]

My concern is there bunkers, enough safety for the citizens living here now? Since it is getting bigger. I work in district four and I have a lot of family that live there. So I was thinking on myself, hey, so, I mean, old libraries could have basements, stuff like that. Just back to the point as in what if something

happens? Where can I take my family to be safe in case of any catastrophic events, any emergencies? And if there's food piled up, do we have to pile up all that stuff for my own family? I think it's an issue that is kind of being ignored. I'm hoping nothing happens or nothing escalates with this Russia and Ukraine thing but it's something I think about, whether this one or future things. Is there enough safety for all the residents here?

[12:38:55 PM]

Bunkers, libraries, Wal-Marts? Where can we go to to look for safety or stay safe in any type of emergency or catastrophic event? That's basically my concern.

>> Thank you very much. We are working on an -- council member tovo initiated resilience hubs that will provide places to go for. I'm not sure we were thinking about World War III when we designed those but your point is taken that we need to be mindful and I know everyone on the dais shares your concern for what is going on over in Ukraine and what they're experiencing.

>> Yeah. It's a lot of bad things happening, but I was thinking -- some old libraries could be some place I could run to in case of anything. I'm concerned for my family and everybody if there's enough

[12:39:55 PM]

spaces for all of us -- you know, in case of anything. I'm hoping nothing happens, but what if.

>> Thank you for raising those important issues. Appreciate it

>> Moving on to remote speakers, Jena Wedgewood.

>> Hi. I live in the agave development on lower Agatha circle. I wanted to talk about Texas law, about nuisance and that it is a condition that substantially interferes with use and enjoyment of land by causing unreasonably discomfort or noise to persons of ordinary sensibility attempting to use or enjoy it and also about what is considered public nuisance -- the nature and extent of the interference, how long it lasts, how often it occurs, and any other facts

[12:40:55 PM]

showing how it interferes in our daily lives to determine whether it's a public nuisance or not. In the summer of 2021 our neighborhood and surrounding areas began smelling what we thought was sewage. The treatment plant is across the road so we made complaints about that company until we located the compost piles. From that day forward we have called in countless odor complaints to 3-1-1 and have

reported complained on the tdcq website. There were nine in September of '21, 18 in October. 16 in November. 10 in September. 11 in February 2022.

[12:41:56 PM]

And 20 in March. Are these almost daily occurrences often enough to be classified as a public nuisance? The garbage/sewage odor can be smelled in our homes. This is the main reason for our complaint calls and submissions. We have not been able to use our courtyards, our backyards and have had many lates of burning candles in our homes. We have had flies in our homes, vultures using our homes as perches and a few of us have experienced unexplainable rashes that lasted weeks and sometimes months. Looking up break it down through the tdcq website I find

[12:42:56 PM]

compliance investigations -- September 8th, October, January 14th of 2022. Violations -- investigation number 163, 8165. They were operating without proper authorized or organic waste. There was another investigation, 1735395. Compliance?

>> Your time has expired.

>> Really.

>> Yes. Unfortunately.

>> Debra Morgan.

>> Hi. Can you hear me.

[12:43:58 PM]

>> Yes.

>> Okay. Great. Thank you. A lot of what I was going to talk about today has been covered by the people talking about break it down. So I want to cover a few things that maybe they didn't discuss. I want to mention that the odors that are come fromming the break it down -- coming from the break it down facility are affecting three different neighborhoods. There's also two other neighborhoods -- school and a park -- in this part of town living so close to a facility that composts -- it's like living next to a garbage dump. Many cities have regulations on how close a compost facility can be to a neighborhood. It can cause physical distress, nausea, skin rashes and detract from the quality of life from those that are

suffering from it. I know many of us in the neighborhood have had to go to the doctor over the composting -- the effects of

[12:44:59 PM]

composting on -- I know for myself I have had a rash two or three months as Jena talked about earlier. The type of composting is called wood row and aer yated static pile. The odor control is a common problem across the industry. Ambient temperatures and weather conditions influence the type of composting. There's been a great deal of growth on the east side where we reside but we have many families who live here who have been here all their lives living in the older neighborhoods, the older Bergstrom homes and everybody -- the older people, the young people, the people that are new in the neighborhoods -- all across, even at the school -- have complained about the quality of life they have lost. We can't open our windows when the weather is good. Since August there have been few days where I can open my

[12:46:00 PM]

window or go out my door without smelling I. We can't invite people to our homes, can't go for walk ins the neighborhood. All this is due to the odor. People have respiratory issues,, rashes. They have gotten sick because of the odors when they walk out the door. We have increase in in flies. We've seen rats, snakes, vultures. We have contacted the EPA, a representative that we have contacted here that might be on the city council has stated this may not be looked at tcdeq is involved. The owner of the land has done nothing to help us. We've been in contact with tdceq and they state that once they provide a permit for them to compost, they cannot shut them down. Finally, our own hoa in our neighborhood and a developer in our neighborhood is paying a large sum of money -- several

[12:47:02 PM]

tens of thousands of dollars to try to get the compost hauled off site within the next two weeks. This means our homeowner dues?

>> Your time has expired.

>> Thank you.

>> Thank you.

>> That concludes public communication.

>> Thank you. So, colleagues, it's about 1245. I would propose -- I'll read what I have to read to go into closed session, et cetera. We'll recess for music and reconvene I would say at 130 for executive session on item 42. Does that work for everyone? The city council will go into closed session.

>> Can we also call us to possibly go into executive session on item 43.

>> Sure.

[12:48:02 PM]

>> Thank you.

>> Mayor pro tem, can you run through the times again? Did you say one-thirty for item 42.

>> Yes.

>> We're going to do that before zoning at 2:00 o'clock.

>> I don't know if we'll get fully through both of those items before zoning. But we're going to call both in case there's some issues we have to?

>> Okay. So one-thirty.

>> We'll go into closed session to take up two items pursuant to section 551.71. The council will discuss legal issues related to item 42 approving a resolution to code amendments to chapter 25-1, park dedication for office, industrial and commercial

[12:49:02 PM]

developments and for item 43, approving a resolution directing the city manager to identify alternative locations for the new jet-a fuel facility at the airport, prepare environmental assessment for alternative locations, including justice analysis for purposes of receiving pub lib input and receive prior to notice and comment. Is there any objection to going in executive session? Hearing none, council will go executive session and we will actually recess to hear music and have a little lunch break. We will return promptly at one-thirty so we can take up item 42 and if we have time we can begin any discussion to see if they require executive session for item 43, with a goal of being out here at 2:00

[12:50:04 PM]

o'clock or shortly thereafter for zoning. We have 57 to 69 as well as a pud discussion and then we have items 22, 42, and 43 to vote on. And we are now in recess. Thank you. And please join me for music.

[12:52:09 PM]

>> We're going to do a couple of bars of a song.

[Music].

[12:53:10 PM]

.

>> We are back. Ready? Okay. Where do you want me to look with this set-up? Where should I be looking here? Okay. Good afternoon and welcome to city hall for music. My name is Alison Alter. I serve as mayor pro tem. I'm excited that this afternoon we are back in city hall with music and do we have a treat for you this afternoon. I'm so excited to introduce nane, an R and B outfit from Austin, Texas. All our musicians are from Austin, Texas or we wouldn't be at city hall. The band out into the music scene in summer of 2019 with a

[12:54:10 PM]

series of sold-out shows. They have gone on to play for crowds of over 1200 people, record their debut record and release their single "Always on my mind" which was featured at the song of the day for Minneapolis 83.9. The current called name as a term of endearment in the Dominican Republic -- they determined the name with communal approach in mind when you call him and his mind name. I'm here to -- I'm so excited to have you here today. I'm going to read a proclamation. I want to give you a second to introduce the band and tell us how we can learn more. Tell us how we can find you online.

>> Thank you so much for having us here. It's a huge honor

[12:55:26 PM]

. You can find us on all social media platforms. That's N a N E the band.

>> Great. I think I do this before you play, but I want to offer a proclamation in your honor. Do I do it before? Is that okay? We haven't done this in a while. I'm out of practice but I'm real excited. Be it known that whereas the city of Austin is blessed with many creative musicians and whereas our music scene thrives because Austin's audience support good music produced by legends, local favorites and

newcomers alike. We are pleased to show case and show case our local artists, I, on behalf of the mayor, proclaim April 7th, 2022 as

[12:56:28 PM]

nane day in Austin.

>> Thank you.

>> Now for the part you've all been waiting for -- the music. Okay. We'll do the pictures after. We want to hear the music.

[Music]

[1:00:37 PM]

[Cheering and applause]

>> Alter: Wow! Thank you so much. Tell us again how we can learn more and when we might be able to catch you sometime in Austin.

>> You can find us on social media at nane band. We play next at Lopez in the summer. We'd love to see you there. The lineup is incredible. Once again, this is a huge honor. Thank you. We love this city. We love to represent this city. We're going to make you proud. Thank you all so much.

[Cheering and applause]

>> Alter: And we are so thrilled to have you be our first performers back for music at city hall. It's one of our favorite traditions here. It's such a lovely space in the day where we're making these important decisions. Thank you for brightening our day. We've got a lot of staff here and citizens. Thank you for being here.

[Cheering and applause]

[1:05:07 PM]

[3:15:05 PM]

>> Mayor Adler: It looks like we have a quorum present. So here at 3:15 we're going to reconvene the Austin city council meeting. Still continues to be April 7th, 2022. We are back from executive session. While in executive session we discussed legal items related to items 42 and 43. We're going to pick up as we said with the consent zoning agenda so we can get those speakers and give them a chance to speak. I appreciate everybody's patience. We have speakers that have been waiting for an hour and 15 minutes to get a chance to speak. They were Teed up at 2:00. Jerry, do you want to -- before we take speakers, we usually will take up a contested

[3:16:07 PM]

postponement. Do we have those?

>> No, we do not. But as a heads-up, we have items proposed for postponement, not discussion postponement, just so speakers can know. 58, 59, and 61 are proposed postponements for today.

>> Mayor Adler: Okay. So if you're speaking on 58, 59, or 61, it looks like those items are going to be postponed, so we would urge you to hold your testimony on 58, 59, and 61 until those matters are postponed. Jerry, 58's going to be postponed until when? Sorry to make you come back, so that people on the phone can hear that.

>> I'll go through every one. There's one I forgot. 58 may 19th. 59 would be to may 5th. 60 would also be to may 5th. And 61 would also be to may 5th.

[3:17:07 PM]

>> Mayor Adler: Okay. All right. The public is aware of that now. Let's go to the clerk to call the speakers. Why don't you call please first the ones that are in the room. And then when we've gotten those, they can leave if they want, and we'll call the species speakers on the line. How many do you have each? Do you know? Roughly?

>> 20.

>> Mayor Adler: Total?

>> Total.

>> Mayor Adler: Great. Everybody has three minutes. Go ahead.

>> Edgar Handel and Jeffrey Brooks on deck.

>> Mayor Adler: Those folks with us in the room, you can come on up to the podium and speak. Who was called first?

>> Edgar Handel.

>> Mayor Adler: Okay. Come on up. You have three minutes.

[3:18:19 PM]

>> Okay. Hi. My name is Edgar Handel. I live with my wife and 2-year-old son about three weeks away from Ted's trees. As a son of immigrants, I was drawn to move here four years ago, in part by a desire to raise a family in a diverse neighborhood where a sizable hispanic population still remained in Austin. Sadly, the rising cost of housing is displacing residents, pushing out minorities, and transforming this into a neighborhood for the wealthy. There is a dire need for denser, cheaper housing and the redevelopment of Ted's tree is a huge opportunity we can't afford to squander on more million-dollar single-family homes. The neighborhood plan calls for density only on our borders -- in order to keep renters out of the bulk of the neighborhood, supposedly preserving it for families. One does not have to look far to find childless single-family homes. As evidenced by the years my

[3:19:19 PM]

parents rented apartments with me and my siblings, families can live in apartments. Renters are a majority. Compared to homeowners, renters are more diverse and vulnerable to displacement. It is social injustice to confine the less fortunate to living on major roads that are polluted, noisy, and unsafe. To make matters worse, renters not properly represented by our neighborhood organization. The neighborhood association only considers property owners to be members. The chair of the contact team has repeatedly stated he prefers single-family homes over apartments because renters lack political power and investment in the community. We cannot disenfranchise and marginalize renters and then use their lack of influence as justification for ignoring their need for housing. There was a time when the neighborhood plan protected low-income residents from industrial uses, but now it serves to pave the way for their displacement. I don't want to see more friends move away.

[3:20:20 PM]

I want go valle to be a neighborhood my son can afford to live in. I call on city council to do what's best to protect us from rising costs and steer this case in the direction of housing we so badly need. Thank you.

>> Mayor Adler: Thank you.

>> Item 64, Jeffrey Brooks, Jessica on deck.

>> Hi, everyone. I just want to add my voice to those who want to maintain restrictive covenant as it is on the Ted's trees property. As you know, 250 residents of the -- residents of the area signed a

petition asking for the same thing. We'd like to see more housing built and not a commercial property on that site. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker.

>> Jessica ilay.

[3:21:22 PM]

On deck, Daniel.

>> Hi, I'm the co-chair of the govale neighborhood association. I just wanted to refresh the council on some of the history and correct one thing. We are the neighborhood association invites renters and homeowners and anyone living in the neighborhood. If he would have attended meetings, he would have seen that participation. So, just to remind you of the history of this. This was agreed to, the restrictive covenant by the owners in 2002. They tried to terminate it in 2013. That termination was denied. Now they're trying to have it amended. The amendment terminates the restrictive covenant. Can you go to the next slide? If you're unaware, and then the next slide. Planning commission, this is the vote they made to preserve the restrictive covenant. Could you go to the next slide? This is a video showing the discussion. I think it's very important. And your planning commissioners

[3:22:23 PM]

put it better than I can.

[Beeping]

>> And we have a petition with over 250 signatures.

>> Frustrated with applicants coming to us and saying, "We need you to do this, to approve this, but we don't actually have a plan." They're asking us to make a decision on some sort of legal document. Staff is telling us oh, well, we recommend this because it's not enforceable. I don't care if it's enforceable. This document was created by a planning group, it was agreed to by the property owner, it was agreed to by city council. It was agreed to by everyone involved in this planning process. It has a very, very clear intent to it. What everyone agreed to at that time should be on this property if this business did not exist.

[3:23:24 PM]

And now this applicant is telling us oh, we want you to remove the covenant so we can have discussion with business partners to redevelopment this property. The restrictive covenant tells them what they should be discussing with business partners on how to redevelop this property. I don't understand how it can't be more clear. If we want neighborhoods to engage in planning processes, if we want neighborhoods, developers, council, and this land use commission that we're on to be able to find agreement, we can't just willy-nilly start blowing up documents, whether they're rc's or anything else, just because a property owner wants to have discussions with a business partner without any sort of plan. They're not coming to us with a land use plan. They're coming to us with some sort of --

>> So, can you go to the next slide? Just to be clear, if this property -- if the restrictive covenant is removed this property will become commercial

[3:24:25 PM]

land. They will get top dollar for commercial land. And the neighborhood will have no voice in how it's zoned. There's some conditional overlays. It's a little complicated. But an investor is going to expect a certain return on investment. If the restrictive covenant is allowed to stay in place, sf4a rezoned, and we can have discussions about --

[buzzer sounding]

>> What can be there. We can use that leverage to advocate for more affordable housing, for donations to east Austin council to help. We have some leverage. We think we can get a better outcome for the neighborhood. Please uphold the restrictive covenant. Do not amend it.

>> Mayor Adler: Thank you.

[Applause]

>> Daniel Yanes.

>> Good afternoon, councilmembers. I'm Daniel, I chair the govale Johnson terrace neighborhood contact team. I've been chair since its inception in 2003. Ted's trees is surrounded by

[3:25:29 PM]

single-family zoning. Ted's trees was an sf3 property. Before the neighborhood plan, Ted had his business there. When we instituted the neighborhood plan, the neighbors allowed him to stay in his business and created this restrictive covenant. To say that if he ever moved it would revert back. But it doesn't revert back to sf3. It reverts back to sf4 a which is enough zoning for us. The proponent -- the person that was supporting this is unaware that if this restrictive covenant is lifted, then like Jessica said,

it will be commercial rate. We actually postponed a couple of weeks ago from the city council in an effort for Ted's trees to talk to gndc. And gndc is in a position to -- where we also talked to the housing department and they are in a position to fund a deal

[3:26:30 PM]

with Ted's trees. And that's what we would really want, because then Ted would be able to maximize his profit from all the years that he's been there, but without burning his neighbors as he leaves. And so like Jessica said, a previous city council upheld the restrictive covenant unanimously. The planning commission last month approved the restrictive covenant. And I'm asking you all to also uphold our restrictive covenant. We made a deal and we should all live by the deals that we make. I'd be happy to answer any questions you would have regarding any of the history of it. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker.

>> Item 65, Kristen Haney. We'll move on to Susan Ben, speaking on 65 and 66.

[3:27:38 PM]

>> Hi. You've got a long day.

[Chuckling] My name is Susan Benz, 1208 east 2nd street, three blocks away from this property. I'm speaking about 1400 east 4th street. I totally support funding for affordable housing in our neighborhood, but I am concerned about the cost to the neighborhood to put an 85-foot-tall building where professional urban planners designated that 40 feet would be appropriate is stepping way, way outside of urban planning 101. The change to zoning for one particular lot that more than doubles the allowable height is by definition spot zoning. Are we not all opposed to spot zoning? To allow building heights to soar immediately next to small-scale residential neighborhoods is not neighborhood-friendly. To set yet another building height precedent -- they only go

[3:28:39 PM]

higher and higher. They don't go down -- particularly when the neighborhood is distinctly opposed is not neighborhood-friendly. Please, please help us hold back the tied of tall buildings marching through us. There is already a six-story-tall building planned for east Caesar Chavez, and there will soon be tall buildings stretching between the two. Only you can help stop this March. Thank you.

[Applause]

>> Mayor Adler: Thank you. Next speaker.

>> Speaking on 65 and 66, Susan Sharpe.

>> Good afternoon, everyone. My name is Susan Sharpe, secretary of the red line initiative speaking on items 65 and 66 regarding the proposed height increase for 1400 east 4th street. The red line parkway initiative

[3:29:40 PM]

neither supports nor opposes the land use case, but I would like to share with you some benefits in the proposal. Our organization works to plan, fund, build and activate the red line parkway, the 32-mile trail and linear park along the red line from downtown Austin to Leander. The 1400 east 4th street property is adjacent to the red line parkway, which is also known here as the Lance Armstrong bikeway and crosstown bikeway. We gave the name parkway to the 32-mile corridor to emphasize it should be more than just a strip of pavement. In other words, it is more than just a trail. It is critical that the developments interface well with the parkway, developments serve the parkway, and the parkway serves developments and neighbors. In this area of east Austin, some developments face the parkway with parking garages or solid walls. While others have more active uses, on the ground floor such

[3:30:41 PM]

as retail, apartments, cafes, parklets. We approached the developer to help ensure the design of this development would benefit the parkway and be something that would benefit from its proximity to the parkway. We learned soon after that the developer had put together a proposal to do just that. Their proposal offers a ground-floor semipublic paseo and outdoor space that people can use to access the parkway from the adjacent neighborhood and people can use to make a stop along their way on the corridor. There's also the possibility of a restaurant on the ground floor. Active uses and other amenities such as parklets add value and encourage people to make more doors via walking, biking, rolling and transit. These elements improve safety by creating more eyes on the parkway. We've shared a document just prior to the March 24th meeting that describes these benefits in further detail and provides more background on the history of

[3:31:42 PM]

this rails with trails project throughout east Austin. I discussed these benefits because our hope is that every development that faces the parkway provides the sort of attention to the synergy that is possible

through good trail-oriented development design. Again, we neither support nor oppose the land use case in particular. Thank you for your time, and I'm happy to answer any questions.

>> Mayor Adler: Thank you.

>> Item 65, Kristen Haney.

>> Thank you, councilmembers. My apologies for not being here. I was managing an emergency at my business. My name is Kristen Haney, chair of the land use committee for the east Caesar Chavez neighborhood plan contact team. The current position of the neighborhood is to oppose this project. There is no precedent for

[3:32:43 PM]

85 feet south of east 5th street. Our neighbors are rightfully concerned about this scale of height creeping towards their single-family homes. The tod regulating plan is designed to mitigate that and we're here to defend that plan. We can read the tea leaves. At the last hearing our councilmember indicated his support for the project while councilmembers pool and alter motioned to support the neighborhood's request for a postponement to ensure that no additional community benefits were left on the table and to discuss the project at your April 5th work session, which I'm not clear was able to happen. I know you guys have a lot going on right now. On April 4th, a sent a letter to councilmembers, the applicant, and the neighborhood team concurrently suggesting a compromise based on discussions held at our general meeting in March and backed up with a comparable case study, foundry two. Given only two weeks

[3:33:44 PM]

postponement in lieu of the six weeks we requested, this compromise has been informally discussed by not voted on by the team. It is offered for discussion today. That's the document in front of you. I suggested that the developers offer a roughly \$1.6 million in required fee in lieu plus community benefits. It is reasonable for a building height of 74 feet. It's comparable to the benefits exchanged on foundry two. If council is willing to support 85 feet, we have to ask what is that worth. The regulating plan has a zoning bonus for buildings that want to be 85 feet tall and they require 75% affordable housing, excuse me, with no option for a fee in lieu. So we think that 85 feet is worth a whole lot more at this location. In this case, and as illustrated

[3:34:46 PM]

in the letter, we'd expect a benefits package totaling \$1.14 million in addition to the required fee in lieu. All parties are looking to you for guidance and we need your help. The neighborhood is currently opposed to the project in general. We're certainly opposed to 85 feet. We're trying to work on a compromise at 74 feet that matches the offer that the developer is giving. Your action today should be to either oppose this property or pass on second reading only to allow the due process to run its course. Thank you.

[Applause]

[Buzzer sounding]

>> Roy wayley. Speaking on item 67, mark Ferra.

[3:35:48 PM]

>> Thank you. I'm mark fairworth. I'm here to speak for, in support of the 305 south congress project. I've lived in Austin for 33 years. I currently live in the spyglass neighborhood, district 8. Thank you, Paige, for your service. I'm here just as a lover of town lake and the hike and bike trail, something I use all the time. I've seen the drawings for the project downtown, the 305 drawings. They're spectacular. I'm super excited about it. I want to speak here to voice my support, make sure that that project happens for us all.

[Clearing throat] A couple things I really like about it. One is its inclusion of the blue line, which I think will increase reader -- ridership, excuse me, on the lines. That's a really great thing. People are going to flock to

[3:36:49 PM]

this project. They're going to get there by rail, by bike, which is how we want them to go. So I'm very excited about that. And I'm especially excited about the opportunity to have what is it, 6.5 acres of dedicated parkland, waterfront parkland. That's an opportunity too good to be true. Let's not let that slip away. I definitely support using public funds for this project. What better use than something that we're all going to be able to take advantage of. So I urge you to support this opportunity. Vote for this project. And let's make this vision a reality. Thank you.

>> Rachel malendez. On deck, Marlon Tuttle.

>> Mayor Adler: Rachel, first. That's okay.

[3:37:54 PM]

>> Good afternoon. My name is Rachel with the hospitality workers union. We ask that hotel use continue to be prohibited in the area. While the vision framework encourages mixed use for the development, that vision can be achieved with mixed retail, office, and housing, including affordable housing. Additional hotel use is counterproductive. Our members and working people generally need more affordable housing. At current fair market and even affordable units at 60% mfi most hotel and hospitality workers need at least two jobs to afford rent. The hospitality industry has been significantly impacted by the ongoing pandemic, as we all know. And additionally, as reported by cbre in 2019 -- sorry, I'm having a hard time -- the Austin hotel market was contracting before the pandemic. There are 28 projects with 3500

[3:38:55 PM]

hotel rooms in the pipeline and with the ongoing pandemic and the contracting of the industry it's clear there isn't a need for another hotel. Instead of a 275-room hotel the site should consist of more residential housing which would allow for more affordable housing. Thank you.

>> Mayor, I have a question.

>> Mayor Adler: Yes, go ahead.

>> Hi. I wanted to ask you if you all have had conversations with the applicant?

>> We have had one conversation, yes.

>> Okay. Thank you. I'll have someone from my team follow up with you for information.

>> Okay. Thank you.

>> Marlon Tuttle. On deck, Paula Kaufman.

>> Thank you very much, mayor and councilmen and- women. I appreciate the opportunity to speak briefly today on behalf of

[3:39:55 PM]

Austin's vets. I'm the one who nearly 30 years ago -- actually more than 30 years ago -- convinced the city of Austin to protect rather than eradicate its newly arriving bats.

[Applause]

>> Thank you. And over time, probably no one is more enthusiastically tracked their status, their needs and values than I have. I know a lot of you will probably confuse me with my former organization I represented. I came here with bat conservation international which I founded and brought here and led for nearly 30 years, but today I'm speaking on behalf of my new organization, bat conservation. I am an

Austin resident. I love Austin and our bats. I'd rather watch our bats come out than about anything else. I have noticed, though, over time, things that we could do to dramatically increase the visitor experience for people that come here, and also

[3:40:57 PM]

increase the welfare of the bats. But it's been very frustrating that time and time again when I've had ideas that I'd like to propose, I have not been able to find anybody who had the authority to enact even a small change. And I typically get shuttled around among four or five different entities, each one saying the other one must be able to make the decision. So as you can imagine, I have been very pleased to, in the case of this new endeavor project at the old statesman site, that Andy and sander called me right away and asked for my input on what should be done, both for the bats and to enhance visitor enjoyment. We have worked, me and my staff

[3:41:58 PM]

have worked with Andy and sander, and we're very happy with the arrangements that they have made thus far with regard to safety of the bats. We're still working with them on how to best enhance visitor enjoyment and education, but we're very optimistic. And I would like to invite any of you who have reservations, questions, or suggestions with regard to how that project might affect either bats or the viewers who come from all over the world to enjoy them -- I would very much enjoy talking with any of you on issues of your concern. There's a lot --

[buzzer sounding]

>> There's a lot more we can do.

>> Mayor Adler: Thank you.

>> Thank you, speaker. Speaking on multiple items, Paula Kaufman.

[3:43:06 PM]

>> Hi. I'm Paula Kofman, I live in srcc with represents 5,000 households, the neighborhood that is most closely impacted by the statesman P.U.D. And so I'm going to talk to 67, 68, and 69 in opposition. So, first of all, srcc voted for no fee in lieu. So, we're seeing a lot of times this fee in lieu is paid, housing isn't built because there's no land. Let the developers build the affordable housing on-site. If you say that the people can't afford the hoa fees, create an endowment for them to pay the fees. It can be done.

Anyway, right now, councilmember tovo looked at your work session, said that what they're asking for is another \$840 million more in entitlement. So at 20% that would equate to

[3:44:10 PM]

373 units on-site. And so yes, they might be giving up about \$373 million that they couldn't get, but with that entitlement they still would be making \$1.59 billion more in profit than if they had no extra entitlements because the base they would be able to only build \$369 million worth of units. So then, councilmember Fuentes, thank you for supporting councilmember tovo and her district. And councilmember kitchen also talked about this P.U.D. Ordinance really needs to be reworked, because the community benefits don't seem to be getting gained. You had Ms. Gray talking about earmarking some of this money for the homeless. This money needs to go to housing. Build it. They are developers. They can build. And then the money for the homeless can come otherwise.

[3:45:10 PM]

But you need to build the housing so the people that are getting this place have a place to go. So the P.U.D. -- We're looking for an extra \$1.6 billion in profit. The vision plans still they would make \$1.12 billion more in entitlements. And then they could still build 224 units, still making \$896 million more than if they didn't have extra entitlement. Or if they don't want to do any affordable housing, just say fine, stick with your baseline. You can make \$369 million there and leave lots of money on the table. So then number 68 is opposition to terminating a restrictive covenant. For some reason, this tract

[3:46:10 PM]

is --

[buzzer sounding]

>> Severely undervalued. I'm speaking on three issues.

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

>> Undervalued by \$193 million. They are --

>> Speaker, your time has expired.

>> I am speaking on three different issues.

>> Mayor Adler: Everybody gets the same amount of time, ma'am. I'll let you wrap up if you want to.

>> By \$5 million. That's \$688,000 a year that they're underpaying in this.

>> Mayor Adler: Thank you very much. Thank you. So we need to make sure that everybody has the same opportunity to be able to speak. Who's the next speaker?

>> Moving on to remote speakers.

>> Mayor Adler: Yes, please.

>> Karen Hernandez, speaking on 57.

>> Mayor Adler: Okay.

[3:47:18 PM]

Thank you very much.

>> Hello, I'm with the Matthews lane neighborhood association, speaking on agenda item number 57. We have reached an agreement with Mr. Cody Carr and I wanted to say thank you to him and the members of our neighborhood organization that worked together to come to consent consensus. And I thank you for your time.

>> Mayor Adler: Thank you.

>> Jennifer Wenzel speaking on 57 and 67.

>> Actually, I'm just speaking on 67. So I don't know if now is the right time.

>> Mayor Adler: Yes, go ahead, please.

>> Okay. Yeah, I just wanted to speak in support of this item. I think it creates the infrastructure and public spaces, and a waterfront park from what I hear. 4% of the residential units will be affordable and it will connect the street grid, improve waterfront access for

[3:48:19 PM]

pedestrians, and also have space for project connect blue line rail station. It also will reconstruct the hike and bike trail to provide access and it will have a larger bat viewing area. It will participate in the city's art in public places. And it will have 95% of the required parking below grade and it will treat 100% of the on-site water through green storm water infrastructure. Also, as mentioned before with the bats, this project will maintain the bat habitat and preserve the cypress trees along the shoreline. It will use dark sky compliant lighting, incorporate bat education, incorporate language in the park operation that limits music and sound and light during the mating season, repair vegetation planted on the trail

[3:49:20 PM]

to keep the area having plant diversity, and include native pollinator and prairie species in the infrastructure and diverse vegetation. So, for all these reasons, I'm in support of this proposal.

>> Mayor Adler: Thank you.

>> Item 65, Kit Johnson.

>> Good afternoon, council, Kit Johnson, 303 Nava Sota, I live with my family of four in the block directly south of the proposed development 1400 East 4th Street. I live with my family in the Salt Tio area, since 2009, the year it was enacted. And we were attracted to this area because that's a good plan. Immediately north of my house is a three-story apartment

[3:50:20 PM]

building, north of the development is a five-story building. Frankly, I don't understand the stretch to 85 feet for this proposed development. The area plan calls for this side, you know, the border of the plan to be 40 feet as a face and 60 feet is the additional height given with appropriate community benefits. It appears that 60 feet has become the assumed base where developers start, and now it's being pushed to 85 feet. The plan is a good plan. I really hope you stick to it. I wish I didn't have to be here. I wish I could not have to worry about a spot zoning case like this. And so I urge you to support the plan and look at 60 feet as the

[3:51:24 PM]

extended height, and not as the base height. And I would just like to keep the plan in place. The incremental density is good, but it's well-calibrated for this part of Austin. And I just ask you to stick with the plan. Thank you very much.

>> Item 67, Jesse Herman.

>> Good afternoon, council. I'd like to thank the city council for allowing me to speak about this project, agenda item 67, 305 South Congress. I believe it would have a lasting and legacy impact on the city of Austin and the neighborhood that I live. I'm in favor of this project and have been waiting for years for it to come to fruition. It's an honor to speak in support of this. I'm a District 9 resident, lived here for 12 years. I live in Bolton Creek. I'm a business owner.

[3:52:25 PM]

I live in three different homes and a parent as well. And I'm a former board member of visit Austin, which was the Austin convention visitor's bureau. I walk the trail regularly. It's an asset for the city of Austin. It's one of the greatest amenities if you live in south Austin. I take my daughter down there almost every day during the week. I think that this project has a number of public benefits. Some of them have been spoken about already. Safer bat viewing, especially for tourists that crowd the bridge. It's one of the only places you'll be able to sit on the water and view the downtown skyline. It's really important that most of the parking spaces are going to be buried in an area with parking and impervious cover that provides no public benefit at the moment. I think it's an incredible project development that also has incredible public amenities. I think it's a really creative development and I for one am very happy to see world-class architecture come to Austin as

[3:53:26 PM]

we start to see on the north shore of town lake as well. I also wanted to talk a little about the hotel component. I believe there's a need for more housing options all over Texas, but the hotel rooms provide a transient occupancy tax. That tax specifically goes to fund visit Austin. And the T.O.T. Tax does a number of important things for the city. It helps visit Austin market Austin as a tourism and convention destination. It has a significant impact -- economic impact on the city of Austin. We saw a few years ago a number of hotel rooms, more than 2,000 dumped on the market, and inventory added to the market in just one year. And at that time, when I was on the board of visit Austin there was some concern that overall occupancy in hotels would go

[3:54:27 PM]

down, but overall occupancy went up as Austin was able to pull more convention business from other competing markets. We saw more international flights coming to the airport. There's a tangential economic impact for the city of Austin. It's incredible that it includes the blue line and my only concern about the project was traffic. And after meeting with the developer and seeing their staging plans for that process, my concerns were allayed. I support these funds for public benefit. I believe there will be an extraordinary roi for the taxpayers of Austin. Thank you for your time.

[Buzzer sounding]

>> Aaron webman, item 67.

>> Hello?

>> Go ahead.

>> Hi.

[3:55:27 PM]

My name is Aaron webman. I live in district 5. I'm sorry. I'm just coming out from another appointment. I've been on hold for quite a while. I'm in extreme support of the Austin statesman project that endeavors -- the endeavor Austin statesman project. It would be irresponsible for the city not to approve this project, given the recent population surge in the city. There aren't a lot of places where I can take my family. I have two kids under 16 months. To actually enjoy that aren't extremely crowded. And this is a woefully underutilized area. And I think that it would be a wonderful, beautiful project that would fall in line with the spirit of Austin, which without projects like these might be under threat because of the surge in population, especially since the pandemic. I think that this endeavor group has done a wonderful job figuring out how to make sure

[3:56:28 PM]

that the project doesn't have a huge environmental impact. I know that they've worked a lot with various groups, including the bat group, which I never thought I'd learn so much about. But reading that faq about the project was quite interesting. I thought it was important that they did that, given the history and the nature of what those bats in the other areas -- the environment means for the city. It's an extremely important place core to the city. I do think that this would relieve a lot of other problems as well, and I can go more on about how this project is aligned with the values of the city and the spirit of the city, and not just the fact that it can change the city skyline for the better, but the fact that it's an outdoorsy public-facing space where right now it's completely unused. And I have friends examine friends and family who live across the city. I lived in district 9 before as

[3:57:29 PM]

well. No one I have spoken to about this -- everyone I have spoken to about this is extremely excited anytime they hear anything about it. I'm a film-maker, an attorney, and an entrepreneur. And our community deserves projects like this in the city. And if Austin is to continue to thrive and attract top people from around the world, and if we want to make sure that our citizens are able to have these amazing resources and amazing public areas at their disposal it's really important that we get these things through. Thank you so much for your time, and I really appreciate you giving me the chance to talk here.

>> Speaking on multiple items, Fred Lewis.

>> Good afternoon. I'm neutral on items 67-69, and

[3:58:29 PM]

the reason is because there's nothing to consider. There's nothing to rework. There's nothing proposed. We have no text. And while people get up and y'all can support concepts, this is a several billion dollar project and it should be based on details, and things that people can actually know whether or not they support it. That's why I'm here on behalf -- for free, I'm not getting paid -- for taxpayers against giveaways. And we're asking for a reasonable

[4:01:07 PM]

process. It's an abominable practice for a pud. How much money are we talking about? This sort of vague notice on fees and funding is not transparent government and it's disrespectful to the taxpayers who ultimately have to pay whatever revenue to decide to forego?

>> Your time has expired.

[4:02:07 PM]

Expired. .

>> Good afternoon. Thank you for your service to our community. This is bill bunch, executive director of save our springs alliance. I want to support for the most part everything that you just heard from attorney Fred Louis and the taxpayer's group. Our board unanimously opposes any single penny of taxpayer subsidies for this project, and that should be off the table. We agree completely with Mr. Louis that this matter shouldn't be on the agenda right now. It should be postponed until there is an actual draft pud ordinance. This is incredibly important and complicated. We're talking about billions of dollars of real estate in the

[4:03:08 PM]

very center of the town adjacent to the world famous congress bat bridge and on the shores of lady bird lake. As Fred said, I recognize that your ordinance allows you to have first reading but I think that contemplates a possible zoning change from one classification to another. This is a whole other animal. It's grossly intransparent and inefficient to consider this as a conceptual matter without an ordinance in front of you. you can't have something like this without a first reading of that complete text. I agree the notice is grossly insufficient when it speaks to potential -- alternative

[4:04:11 PM]

funding methods and fee waivers. The modifications of city regulations -- what regulations are we talking about? What fees are we talking about? What funding methods? How much? And are we calculated from -- what's the baseline that they're going to be waived or reduced from? We don't have that information. Without that information, without the answers to mayor pro tem alter's questions, this really should not be on your agenda right now, and you should make it clear to staff not to do that again in the future. Finally, on parks, the parks board was very clear that you can't be superior if you're giving less parkland than parkland dedication requires. Yet that is what is happening. The staff tried to undercut the parks' board by basically saying if you give us a few

[4:05:13 PM]

trinkets, that makes up for park land when it is a shortage in Austin.

>> Speaker, your time has expired. Item 69, Karen pop.

>> Good afternoon. I'm speaking for myself this afternoon. Over the years I've worked with many affordable housing advocates on the housing trust fund, density bonuses and other affordable housing programs. If you look at the programs over time you can see a progression towards increasing on-site affordable units and increase in choices of where to live. At first we had advocates interested in seizing - we

[4:06:13 PM]

learned programs that got more units were the ones that required the units on site as opposed to accepts fees in lieu. Requiring on site are the markets most active. Developers want to be in the central water front. Over time as different parts of town re -- parts of town redevelop -- in turn, affordable units in most parts of town increases the choice to live near one's job. Let's shift gears and jump to the south central water front where plans call for state of the art development, a place where people want to be around the clock -- a place of shade trees. New houses once touted they were restricted while the fair

[4:07:17 PM]

housing act outlawed red lining and racial covenants, their effect lingers today. In setting the goal of 20 per cent residents will be affordable the city is doing the right thing but we still must consistently, aggressively pursue this goal. The housing issue here, the fight should be how we move up from four per

cent of affordable residents on site to 10 per cent in keeping -- go beyond 10 per cent in recognition of a massive increase in scale of this project since the 4 per cent figure was set out in the water-front vision. I support more temporary shelter for people who are homeless and permanent housing. I hope this can be done during or in advance of the water front. Thank you.

[4:08:17 PM]

>> Tovo: May I can her a question? Thank you for your years of advocacy and work on affordable housing in the city. I just want -- I think you touched on a few points that are critical to the deliberations we're about to have. I think when we have these conversations, whether health south or central -- the question comes up whether it makes to have the units here on this tract or take the money and put it somewhere elsewhere we might be able to get more units. I agree that I think we need the units on this tract. I wonder if you could address why that's so important.

>> It's important because it's hard to get the fees in lieu to cover the cost of development. Usually the fees are set so that they're inadequate to

[4:09:19 PM]

cover the cost of development. It takes a lot to put a deal together and to carry it all the way to the point that it can be built, and so with inclusionary housing benefits, affordable housing rights piggyback into the new development. We see in developments like north Lamar or south Lamar or burnet road we see inclusion of affordable units going into those -- without a fuss. Most people aren't aware those new developments contain affordable units. It's a nature of how this kind of subsidy works.

>> Tovo: Thank you.

>> Mayor Adler: Next speaker.

>> Next speaker on item 69. Patrick rose.

[4:10:19 PM]

>> Good afternoon, mayor and honorable members of congress. I want to -- members of council. I want to thank you for your service to this city we love. I apologize for having to join by phone. My wife and I reside in San Marcus. I hope this finds each of you well and I greatly appreciate the opportunity to share my remarks in strong and wholehearted support of 305 south congress pud. I plan to share my perspective, why it's so important to me and why I believe it's so important to this community that we

together love. I've followed the work of capital metro for years -- as an elected person and as a volunteer who aspires like each of you for Austin to fulfill

[4:11:22 PM]

its unrealized potential. Like you I've always hoped for a transit system that connects our region in a manner that's robust, sustainable and acceptable. That belief was -- you and your members worked to adopt in 2020 the project connect system plan. While I'm here in individual capacity I'm here because of my belief that a regional transit system is important to our city -- particularly the blue line as it connects the heart of our city from the river side corridor to via. I manifested that personal support by volunteering in 2019 and 2020. Our work to support a mass transit system is a -- I'm here in support to have 305 south

[4:12:23 PM]

congress pud. A transit system is only as good as the places it connects, the people it serves and the landscape it stitches together. That's why I'm in support of what the applicant is doing here. It takes the place making embodied by the project in order to bring the blue line and project connect to line. There are only precious few places in our city that have Fu, catalytic -- few, catalytic potential -- transit orienting place making potential. When you look at the sites of the project connect footprint, I would submit you there is no plus alive in Austin more alive with catalytic potential than this site. That's one of the reasons why approval today is critically important. Let's together make this system in our community the very best it can. Transit will benefit as a result of this project and Austin will benefit as a result

[4:13:24 PM]

of this project. Thank you so much for your consideration. I appreciate your service and respectfully encourage your support. Thank you very much.

>> Items 65 and 66, zenovia Joseph.

>> Thank you. My opposition to 65 and 66 on the transit oriented development project dates back to March 2nd, 2017 when I told council about capital metro's white me -- -- I am opposed to the absence of mason town's freedman colony, which is an

[4:14:27 PM]

idea or ideas expressed by former council member Houston on the night that plaza saltia passed. I want to call to your attention respectfully, you mentioned past Tuesday, in the work session, as relates to affordable housing you said that the conversation as relates to the most expensive areas of town is whether to put low-income residents there. You said that perhaps it's better to put the people in community where there is a critical mass of people sharing a similar experience. And I just want to remind you that that is actually counter to the Biden administration's equity executive order, 13985. It runs counter to the fair housing act of 1968 as well. And so I would just ask you to

[4:15:27 PM]

take a look at the staff report by marine Meredith -- pages 5 and 6 of 54 -- and those 12 principles and where it asks the question of historical cultural significance. The response says the staff has no knowledge of any cultural significance. I would submit to you that it is important for you to at least accurately reflect that black people once lived there, and I would actually say there's a false narrative. When the secretary spoke he only mentioned the yard that used to be there. He made no reference to black history. So I have since called his office and left a title VI reference so he can understand the history and how project connect continues to segregate Austin. I would call to your attention need for community benefit and

[4:16:29 PM]

to remind you, mayor, that you opposed council member tovo's request for more two-bedroom units so more people could live there. I'll call to your attention that title VI requires neutrality and buster brown cricketed \$5,000 -- contributed \$5,000. The report shows mobility for all political action committees -- they contributed the \$5,000. This appears to be a return on investment.

>> Speaker, your time has expired.

>> If you have any questions, I'll gladly answer.

>> Mayor Adler: Thank you.

>> Kit Johnson, item 65.

>> Yes. I'm sorry. I just now reconnected. Was there a question.

>> No.

>> Hello? I already spoke on item 65 and

[4:17:31 PM]

66.

>> Mayor Adler: Great. Thank you.

>> Thank you. That concludes all the speakers.

>> Mayor Adler: Thank you. Thank you, everybody, who participated. Jerry, you want to take us through the consent -- zoning consent agenda.

>> Sure, mayor. First item I can offer is item 57. C 14. This case did have a valid petition. However, the applicant and the neighborhood have reached an agreement with the addition of a co that would prohibit duplexes but continue to allow accessory dwelling units. I can offer for consent. The next is a postponement to may 19th. 59 -- this case I'm offering staff postponement request to the may 25th.

[4:18:31 PM]

I would like to add in the posting the recommendation was to approve Imogo. The next is postponement by request from staff to may 25th. Item 61 -- postponement by staff to may 25th. Number 62 -- offered for consent approval on first reading only. Item 63 -- this is also offered for consent on first reading only. Item 64 -- this case -- I can offer for consent approval. Item 65 -- npa, 2021-0002.01 -- I can offer for consent on second and third reading.

[4:19:32 PM]

Item 66 -- I can offer for consent approval on second and third reading. 67 is the amendment related to the statesman. Item 68 -- that will be discussion. 69 is the statementsman pud zoning case. That will be discussion.

>> Mayor Adler: Proposed is 67 through 69 with 68, 67, 69 pulled. Motion to approve? Council member renterria makes the motion. Second? Council member pool seconds. Discussion? Council member kitchen?

>> Kitchen: On item number 64 -- I guess it's not being pulled but I'm going to show I can't support moving forward with that.

>> Mayor Adler: Okay. Showed voting no. 64.

>> Kitchen: 64 is for consent on all readings.

>> It's a restricted covenant.

[4:20:34 PM]

It's only done with a vote. I would like to note, though, on that case that the -- we're offering for the staff recommendation as opposed to planning commission recommendation.

>> Kitchen: So what I -- I do not want to remove the restrictive covenant.

>> Right. So you would vote no.

>> Kitchen: That's why I'm voting no on this.

>> Mayor Adler: Any further discussion on the consent agenda? Council member tovo?

>> Tovo: I would prefer to do 65 and 66 on second reading. We have gotten very good information about the value of those increased entitlements and I would like more time to work through them. I don't think this is comparable to other cases we have considered and it is really a very large ask, given some of the planning documents that preceded it. So I would propose that we alter that to second reading only.

>> Mayor Adler: Let's pull 65 and 66. We'll come back to those in a moment.

[4:21:35 PM]

Council member pool?

>> Pool: I have a quick question on 64. And I think that it can be answered. It's my understanding that rc isn't necessary because all the uses for the nursery and residential are prohibited.

>> Back in 2002 there was a rezoning done as part of the neighborhood plan. The property was rezoned. The only uses permitted in the cs zoning for plant nursery -- the tree nursery -- as well as single family and duplex as well as an office no larger than 5,000 square feet. If the use of nursery ceases the property owner would not be opposed to roll-back zoning of the case. There are two issues we have with that. First, the city would have to initiate a case. It's not automatic. City council or planning would

[4:22:36 PM]

have to say we want to do rezoning. We've been told over the years by the law department, even though we had the covenant -- they state a property owner cannot oppose a case at a city council meeting. The law department has determined we cannot stop someone from speaking at a public hearing. That's why we're recommending the termination of the agreement. This does not change the zoning on the property. That stays the same.

>> Pool: Are rc's a different encumbrance.

>> If a bank is uncomfortable with a restrictive covenant -- in this case it's not something they're used to seeing -- it is my understanding sometimes they will not move forward with the loan until that's cleared up.

>> Pool: You said there's a

[4:23:37 PM]

90-daytime period if the property is not used as specifically the nursery it reverts back to the zoning.

>> It does not automatically rezone itself.

>> Pool: That's where the case has to be requested by the city.

>> Exactly. Really what it says is if the use stops 90 days and if the city council or planning commission initiates rezoning, they will not oppose. It's the they will not oppose part that causes a legal issue.

>> Mayor Adler: That's item --

>> Pool: Item 64. That's the restrictive covenant piece. This is a hard one for me because on the one hand I'm very supportive of the neighbors and the work they are doing here and the positions that they are holding. It seems to me that the restrictive covenant is -- doesn't matter if it's on there or not. It seems the property can only

[4:24:40 PM]

be used -- whether the restrictive covenant on there or not. I almost feel like going ahead and sticking with the neighbors because I appreciate the work they are bringing to this.

>> Mayor?

>> Mayor Adler: Yes?

>> Renteria: And, you know, Ted's trees is owned by an old mexican-american family that grew up in the area. They both went to Johnson high school. You know, they invested in this property and -- for years. They look at it as a retirement place. His wife was a cheer leader there at Johnson high school. They have been leaders there in the community for many years. I'm sure a lot of you people don't realize it because they're up in age now and what's -- what's happening right now with this restrictive covenant is they're having to go through a lot more loops to be able to sell their property

[4:25:41 PM]

because they're ready for retirement. And I think they have worked hard and earned it. And it's not going to do what Jerry has said. They're still going to have to come before us, so I'm very concerned. There's -- they're going to be stuck there a lot longer and have to reduce what they're asking for it because of the restrictive covenant. So I recommend that we go ahead and vote for it.

>> Mayor Adler: Council member kitchen is going to be shown as a no. Council member pool, did you want to be shown as a no on that?

>> Pool: I'm going to go ahead and support it.

>> Mayor Adler: Any further discussion on the consent agenda?

>> Kitchen: I would like an explanation. I don't understand how the zoning remains the same and that the restrictive covenant has no impact.

>> It's a cu -- allows for plant nursery, small office. The covenant says if you stop

[4:26:42 PM]

doing the nursery for 90 days and B the city initiates a zoning case.

>> Kitchen: Uh-huh.

>> -- You the property owner will not object to the city rezoning that property to in this case sf 4a. It does not trigger the initiation of the zoning case. The only thing that can change it is a zoning case before city council.

>> Kitchen: If the property is sold, the restrictive covenant carries with the land and the new owner has to abide by it, which means the new owner has to not object if there is a -- you know, the instance that you just mentioned, right.

>> If the city initiated a case, right.

>> Kitchen: O I kachIt all right. Thank you.

>> Mayor Adler: Ready for discussion on the consent agenda. Take a vote. Those in favor, raise your hand

>> Tovo: I made an amendment -- I'm sorry. Yeah, yeah.

>> Mayor Adler: Yeah, yeah.

[4:27:44 PM]

Consent agenda --

>> Tovo: I got you. On 64 I am abstaining.

>> Mayor Adler: Okay. Council member tovo is abstaining. Council member kitchen is a no. Those opposed? Otherwise, it is passed with council member harper-madison off the dais. That gets us to 65, 66, 60, and those three -- also, the three pulled items.

[4:28:48 PM]

Applicant present.

>> Yes, sir.

>> Mayor Adler: If I understand correctly council member tovo will move to approve 66 on second reading only and not take any action on 65 today. Do you want to address that? Which is in essence a postponement.

>> I'm here on behalf of the applicant. Applicant prefers -- we've been sent back so many times and we have a community package we think is commiserate with the value. We've been back so many times. It's in council member renterria's district. I think it's his prerogative. We'll live with whatever the council --

>> Mayor Adler: Okay.

>> -- Okay. If it's only second reading we'll be back -- we've been at this a long time.

>> Mayor Adler: Council member

[4:29:49 PM]

renterria.

>> Renterria: It's been back and forth so long now. If you don't want to give up all the benefit we're going to get out of this right next to the red line with a rock throw -- I mean catercorner to a metro station. If we're not going to be building density in this area then, we're not going to -- why build density anywhere else? We're getting a huge amount of trees that -- and not only the community benefit is going to go to -- they're going to be money -- 350,000 to the conservancy. East Austin conservancy. This is a group that actually pays our seniors -- helps pay their taxes so they can stay in the community. You know? A hundred thousand of it is going to go to Guadalupe corporation. They're getting some of it. So we're getting a lot of benefit out of -- besides the

[4:30:52 PM]

housing fees that we're going to get out of the office because it's in a top district. If we go to 60 feet we're not going to have any benefits at all. So I'm ready to just go ahead and vote it up and down. But I'm at the will of the council.

>> Mayor Adler: I want to give this back to you. Procedurally if council member renterria moves passage as existed on consent and if there was a second to that I would go immediately to you to amend it. If you want to say we pass 66 on second reading and don't act on 65 you would be the first person to speak to that. Procedurally does that work for people? Okay. Council member renterria makes the motion to approve 65 and to approve 66 on second and third reading. Is there a second to that motion? Council member Ellis seconds. Council member tovo?

[4:31:52 PM]

You want to bring an amendment to that motion?

>> Tovo: I do. I want to move that we pass this on second reading only and not take action on the other items. The reason is not that I don't --

>> Mayor Adler: Real fast, is there a second to the amendment? Council member pool seconds.

>> Tovo: Thank you for your comments. I've been aware of and supporter of the east Austin conservancy. I think that's their second name. I think they do great work and I think we need more organizations like them. I am concerned about what our community members have communicated in terms of this being not equivalent to some of the deals -- we've heard community members who would like us to vote it down. We've also heard from community members who have said that what they are offering is not commiserate to the benefits provided for other cases nearby, including the one for lower dollars.

[4:32:52 PM]

I would be happy to take you through the calculations that have been provided if that's helpful. I will read the conclusion of these calculations, which suggests that it is at least about \$585 short of where it would be if it were an equivalent offer to the previous one. I'll leave it there for now and say I would appreciate the opportunity to take a look at this and to have this conversation as it sounds like we had talked about doing at our work session. We didn't have a conversation about it at our work session on Tuesday but moving it forward on second reading seems appropriate and still provides us with an opportunity to do that.

>> Mayor Adler: What is in front of us right now is the amendment to change --

>> Renteria: Mayor? I also want to say that I do live -- we were one of the first that created the contact team there in Cesar Chavez, so I'm -- I was a member until I

[4:33:54 PM]

got elected to council. My representative that represents it had to walk away from this contact team because she could not work with them. They were very unreasonable, and I just want to let you know that. So you -- she did represent me there, and she said she just couldn't take it anymore.

>> Mayor Adler: All right. The amendment is in front of us to take -- let's take action on -- not take action on 65 and do 66 on second reading only. It's been moved and seconded. Any further discussion before we vote on the amendment? Sh take a vote on the amendment. Those in favor of the amendment, please raise your hand. Alter, pool, tovo, kitchen. Those opposed, please raise your hand. It's -- one, two, three, four, five, six on the dais.

[4:34:59 PM]

Amendment does not pass. We're back to the main motion as proposed by count renterria. Discussion? Those in favor, please raise your hand. Those opposed? Council member tovo voting no. The others voting aye. That item passes. Let's take care of 42 because I think we can -- I think we can do that quickly. Mayor pro tem, want to make a motion?

>> Alter: Yes. Thank you. I would like to move approval of 42 as in the back-up, including Adler's motion that was distributed except for the last bullet which started with "Whether and to what" -- and instead of the last bullet it would have two bulletes. The first would say "Whether and in what ways or levels any fees or action on...." -- I'll

[4:36:05 PM]

repeat that so you can understand. Whether and in what ways and levels any fee. . . Would allow the city to maintain existing levels of park service and the second bullet would be how any proposals interact with our existing residential park land ordinance requirement. Any proposals interact with our existing park land requirements including within mixed-use scenarios.

>> Mayor Adler: I'll second that motion. Discussion? Mayor pro tem?

>> Alter: Thank you. The item before us is an opportunity for us to make sure that our commercial growth in our city is helping to fund that growth and make sure that we can meet the needs of our community. This would initiate a process

[4:37:07 PM]

to adopt a commercial office and industrial element of our parkland dedication. It will allow parts of the community to participate in that process. We are asking for that process to conclude in time for us to be able to adopt the ordinance and the fee in the budget so we can move forward with that way. I know that in Austin we love our parks. And we care deeply about our parks, but as we grow more and more and as we bring people from outside our community who go on their lunch hour to run and do other things in the parks outside the day before and after work it has a toll on our parks and it means we need to be planning if we want to keep the same level of service

[4:38:08 PM]

that we have. I appreciate my cosponsors for this -- co-sponsors -- Ellis, Fuentes, mayor Adler, council member pool, kitchen, and tovo who have joined me in this step to make sure we are meeting the needs of Austin and those who live and work in Austin with respect to parks. Park land. Thank you.

>> Mayor Adler: I appreciate you bringing this in front of us. Obviously a lot of discussion about parkland dedication fees and ordinances in the city. And it's because we love parks in the city. It's a big part of quality of life. We need to make sure we're doing it in a way that is effective and efficient and right.

[4:39:08 PM]

This resolution came and it needs an opportunity to be discussed by all points of view. I appreciate that what you're bringing basically initiates that conversation for the community to have so that people can bring up all the issues that they think should go into forming this as well as issues that need to get back to council. I appreciate you accepting the additional direction that I had proposed because I think that reflects some issues that may very well have already been part of the conversation that would have occurred. This states explicitly that the issues will be covered and these are the issues I heard most from people -- saying they wanted to make sure we addressed the issues. I appreciate you bringing it forward. It's going to be obviously an involved conversation and,

[4:40:11 PM]

manager, we need to make sure it's widely known, very transparent, very visible so that everybody feels like they were fairly given an opportunity and treated fairly for when and if this comes back to the council. Further discussion on the motion? Council member Kelly?

>> Kelly: I'm hearing from my staff up stairs that they're having problem withes the audio on webex and haven't been able to hear us.

>> We brought it back.

>> Mayor Adler: Do you know at what point we lost everybody?

>> Kelly: While council member alter was speaking.

>> Atx was broad casting it.

>> Kelly: It was on TV; just wasn't on webex. I want to thank you for your amendments. They were very good. But I had questions so that people at home who might not know what the stakeholder process is like and the

[4:41:11 PM]

engagement -- mayor pro tem, if you could explain what that might look like.

>> Alter: You know, it will include our parks board. We'll have, you know, specific opportunity. We have a parks department that works actively with many park advocate groups. They work regularly with developers. They have been through this conversation before when we revised our residential parkland dedication in the past, and so all of the usual folks who would be at the table who would be impacted would be invited. The parks boards are public meetings. There will be, you know -- I didn't design the whole stakeholder process but I know our parks department is particularly strong in its outreach to folks and I'm sure they will set up a process that engages everyone because of past discussions and building

[4:42:13 PM]

on work that had been done before. I think there's a good sense of the sensitive nature of talking about this issue and I'm confident that our parks department in conjunction with our parks board will move forward with a positive and inclusive experience so that we can end up with a product that helps us to maintain our levels of service for our parks.

>> Kelly: I certainly appreciate that response and I know the community will be glad to hear that there are on going conversations about this. Thank you.

>> Alter: I will just add I'm pretty sure they're planning at a min um to have an item on the parks board agenda at the end of the month. Exactly what will be included at that stage I do not yet know but all of

that will be noticed and that will at least one opportunity this month to engage with them and I think that most of the players who have been involved in parkland

[4:43:15 PM]

dedication before know that they can contact the parks department and share insights and concerns, even as they're making the drafting before they're ready to show a proposal for discussion with the community.

>> Mayor Adler: Okay. It's been moved and seconded. Any further discussion on this item? 42? Those in favor of 42, please raise your hand. Those opposed? Unanimous on the dais. Council member harper-madison off. Item passes. After we do 22 we're going to try to do item 43. I think that's going to get us close to proclamations, which is at 5:30. We have four of those. I'm going to propose if we can start at 5:30 that we recess to 6:15-ish. Do proclamations and then come back. And then that will leave us

[4:44:17 PM]

just to statesman pud to pick up after the break and that finishes our day. We'll readjust based on how the next 45 minutes go. All right? All right. Let's call up item 22.

>> I pulled item 22 because it raised many questions with myself and my constituents -- people in the community that we all represent. I've heard feedback related to the time line and the large amount of money being suggested for approval here and I would like clarity on that from staff. I want to thank staff for answering my questions. Are they available, city manage.

>> They are.

>> Good afternoon

>> Could you outline how sherry Matthews intends to --

[4:45:17 PM]

do you know the details of the contract.

>> No. But I think the director of Austin public health is here. I think -- she's calling in or -- I think --

>> Mayor Adler: Director stirrup is calling in.

>> Also, I know Stephanie is here. If we have a moment.

>> Okay.

>> Do you have any other questions.

>> I have lots of questions. Thank you.

>> Sure. Here's Stephanie. I'm sorry. Here's Adrian. Sorry.

>> Good afternoon.

>> Mayor Adler: Go ahead, director.

>> Yes. Hi. Sorry, sir.

>> Mayor Adler: Did you hear the question that was asked.

>> Yes, sir, I did.

[4:46:19 PM]

Good afternoon. Austin public health. The contract that we have put in place is to help not only with general messaging to the public about covid-19 and the continued mitigation measures that will need to be in place, to update about vaccines and the programs and services that the department and the city is offering but also to have an intentional focus on some behavioral change marketing that is necessary to help all of our communities reach the 70 per cent fully vaccinated mark.

>> Currently being done by aph itself or done by a contractor now.

>> Right now that work is being done by aph. So the contract amount includes the additional staff time that would be necessary, as well as the money for media buys.

[4:47:21 PM]

When we were in full-blown response mode the gist was comprised of several department priorities. As the city has opened up and we're back in business, those staff hires and we need that additional staff support to have the appropriate level of messaging to the community.

>> What is the current vaccine rate? I'm wondering how far we are away from the 70 per cent rate.

>> Specifically in the black community, latin-x community we are at 38 per cent for the black community and we've made some good strides in the latin-x community. Believe it's the 48 per cent mark.

>> So as the whole of the city -- I wasn't specifically asking about types of populations.

>> Yes, ma'am. We are at 70 per cent. I quoted those statistics

[4:48:22 PM]

because that speaks to the behavioral change marketing expertise that is necessary to make sure that we have equitable vaccine coverage in our community.

>> Okay. Thank you. When do we have to utilize these funds by.

>> Well, I believe the contract is for a five-year term. It simply gives us the authorization. It doesn't mean that we'll expend that amount. I can tell you over the last year we've spent about 2.8 million in marketing and media buys. And the contract is about the average of 3 million a year.

>> So what happens if we don't use that money.

>> If we don't use the full authority.

>> Correct.

>> Nothing happens.

>> Okay. So are these arpa funds.

>> We do have arpa allotted for messaging to the community.

>> I guess my concern is if we

[4:49:22 PM]

don't utilize the funding it would have to go back to the federal government.

>> I think we're talking about two different things. What we are looking for is the authorization to expend dollars and so there's two ways that the city could approach covering these expenses. There is a communications project. So there is the potential for the dollars to be reimbursed through FEMA. If it turns out that -- that's why they're specific to covid. If that's not the city -- the way the city chooses to go in terms of resource allocation, the department does have the arpa dollars in the original allocation you approved.

>> Thank you. I guess council as a whole, when I saw how much money is here and that we are getting away from -- we're moving further away from covid every day. I could see that we have priorities on council to assist populations that do need more

[4:50:25 PM]

funding. For example, homelessness. I'm not saying that covid is not important, but I just see us over the course of five years possibly utilizing the funding in a different way that would have a bigger impact on

some of the things happening in our community that we can effect and change. So I just wanted to make that clear. Thank you.

>> Mayor Adler: Director, do these dollars change the arpa allocation that the council did earlier, or is this just a further designation of those arpa funds that were allocated to Austin public health response.

>> It does not change the designation. We might have to move money around in buck efts if we do get to the point where we feel that we need to spend the whole 15 million, but it doesn't change the designation, sir. No.

>> Mayor Adler: So it wouldn't take any of the money -- that we've designated to workforce

[4:51:25 PM]

or child care or homelessness or those kinds of things.

>> No.

>> Mayor Adler: Thank you. Council member tovo?

>> Tovo: Yeah. Thank you, council member Kelly for pulling this. I had some questions too in the question and answer, as do mayor pro tem alter. I need to ask some follow-up questions. The total is \$15 million for a total of -- let's see. \$15 million. 3 million per year. As I understand the rca the only portion of that that's coming out of the arpa dollars is 1.750. Is that accurate, director? Or is the whole 15 million coming out of arpa? The rca doesn't suggest that it is.

>> The rca gives you the amount of funds that are available in this fiscal year, and the language says that if other fiscal years' money is available, then we would

[4:52:25 PM]

have -- you know, we would then use it in those fiscal years. We always just put the amount of funds that would be available in the fiscal year. So we're almost halfway through the fiscal year. So that's why it's 175.

>> Tovo: So I think -- I guess I'm unclear. So the question the mayor asked is whether or not we would be changing our designation of arpa funding and it sounds like we wouldn't, but it also sounds -- I mean, are there funds identified for the other 13-plus million dollars that would be required if we use the full expenditure.

>> It's my understanding that that approval would have to have been annually through the budget process. And I believe Ms. Miller can give more information around the specificity of the contract terms.

>> I'm sorry. On all of our contracts, what

[4:53:26 PM]

we typically do is provide the annual amount that is in the budget for this year. And we have language that is pretty -- it's template language that says in future budget years, should it be approved --

>> Tovo: Yeah. I guess I -- I completely understand that. I guess in answer to council member Kelly's question about what other needs might go unfunded if we in fact put \$3 million a year for a total of the next five years up to 15 million -- what else might go unfunded? I mean, it would be other things that would otherwise be funded under public health. So I -- can you -- let me back up and ask, I guess, director stirrup, what is the full amount we designated in arpa

[4:54:28 PM]

funding.

>> I would have to pull that up for you. I'm sorry I'm not prepared with that spread sheet in front of me.

>> The back-up says 1.7.

>> Tovo: Right. It could be in our next year's arpa funding there is a full 3 million or it could be that the 3 million, were we to move forward with this, would have to be identified by other sources like the general fund dollars. So, you know, I think I'm -- for me, it's a question -- you know, I -- if we're not changing our allocation and in the context of looking at our full needs back in July we allocated this money for a response, I think it's appropriate at 1.75, you know -- if this dais thinks that's the way we want to spend -- continue to spend this money I'm comfortable with that. I'm a whole lot less comfortable saying over the next five years our highest

[4:55:29 PM]

needs will be marketing relating to covid. Really the, question you articulated, council member Kelly. That's really the challenge and dilemma here today. It becomes less visible -- once we've authorized this it becomes a little less visible. As I understand, we may have really only allocated 1,750,000 in our arpa funding and then we would be seeking all the rest of it in the years to come from the general dollars.

>> Mayor Adler: Council member Ellis and then mayor pro tem.

>> Ellis: I'm interested in there's any council member opposition? While we may be comfortable with this allotment there are questions about what we're committing ourselves or future councils to. And the budget is where we make

[4:56:29 PM]

those decisions on, which dollars are available to us. Do you know if a two-week postponement might be something staff would accept.

>> That's acceptable.

>> Ellis: Thank you. I'll move to postpone unless someone else has comments they want to make.

>> Mayor Adler: Anyone object to postponing for two weeks? Let's postpone for two weeks. Any comments?

>> Alter: I want to clarify -- I know we're talking about arpa dollars but I want to see if when you come back if we can get clarity on what FEMA will or will not reimburse because I think part of what this is is also -- this seems like something FEMA ought to reimburse so I don't want us not to do the work because we're thinking we have to spend the arpa dollars. From this point I don't know how to square that circle or --

[4:57:30 PM]

whatever the right phrase is. I would like that clarity when it comes back because I think the authorization in this case is slightly different than sometimes we have with some contracts, although I do share the concerns that have been raised and ask questions myself. I did want to flag that was another piece of this puzzle.

>> Mayor Adler: Okay, yes, councilmember Kelly.

>> Kelly: Thank you, everyone, %-@for understanding my perspective and considering that today. I appreciate it. I believe it's good to market for covid, especially if we're trying to raise vaccine levels amongst the community. But I do know as a council we're good at pivoting when things change. And this is one of those things I feel like we can pivot later on if we need to, and authorize one year for if that's possible. Thank you.

[4:58:33 PM]

>> Mayor Adler: Okay. Any closing remarks before we move on? Councilmember Fuentes.

>> Fuentes: Thank you. Thank you for the postponement, and director Sturup, if we can have more information as to the extent that the vaccine equity -- the covid vaccine equity plan that we created that the community was a part of and helped draft, how that plan will be integrated with this potential

contract. I think it's so important, especially as we're targeting vulnerable populations that we -- that the community has a say in the work through this contract. Also wanting to get more clarification as to -- it says here that no subcontracting opportunities were required. So therefore, this isn't part of our minority-owned women-owned business enterprise program, or it is in accordance with it, but there's not subcontracting opportunities through it. I want to learn a little bit

[4:59:34 PM]

more about that process. Thank you.

>> Mayor Adler: Okay. Councilmember kitchen. I'm sorry. Councilmember kitchen.

>> Kitchen: I think my question has been asked, councilmember Fuentes. I wanted to understand the subcontracting opportunities better. Thank you.

>> Mayor Adler: I share that same question. This item is postponed. 5:00, we're on a roll. Maybe we can take care of this one and the P.U.D., but let's begin with item 43. Councilmember Fuentes.

>> Fuentes: Thank you. Colleagues, I did post version three and everyone should have a handout of version three of item 43. I know that there was a lot of information that has been shared and a lot of questions posed and presented as part of Tuesday's work session. I want to thank my colleagues

[5:00:34 PM]

for a robust conversation we had on Tuesday and highlight a few key takeaways that I have, and also provide some clarification on information presented at Tuesday's briefing. As we heard from the F --

>> Mayor Adler: What we're going to do first, councilmember Fuentes moves passage of her version three. Is there a second to that motion? All right. Councilmember vela seconds that motion. Before you discuss it, I want to point out to you, number 9 that's been added speaks to requiring staff to come back for lots of different agreements that have -- go way beyond the fuel storage tanks. They're not germane to this in terms of the posting language. Txdot wouldn't have known to be here tonight, consortium members won't have known to be here. Item number 9 isn't germane about something we can consider

[5:01:35 PM]

because it goes beyond what people had fair notice of. Other than that, 1-8 moved andseconded. You can address it.

>> Fuentes: Thank you. Mayor, we received notice shortly before this layout that we would need to strike number 9. I want to notify the public that my office will be bringing back a resolution that talks about how our aviation department interaction with our airline consortium and ensure that any negotiations that are happening on city-owned land, that that is part of the consideration that this council has and that we also have a conversation and provide judicious oversight as to what is happening within our aviation department. So I want to ensure that our values are included in part of those conversations so that will be a separate resolution that we'll bring forward. As far as item 43, we heard from the FAA representative who shared that due to the previous

[5:02:35 PM]

trump administration rollbacks, cumulative impacts were not assessed. Due to environmental regulations that were rolled back, there was a significant part of the ea process that was not as strong as it could have been. The community meetings that took place this year were part of a direction that this council made. We looked back at the fact that there were four public workshops conducted during the creation of the airport vision plan. The fact that my office had two community meetings in the fall and we directed an additional three meetings. We've had more community engagement on the fuel storage tank topic alone than we did on the vision plan. I want to note that for the record, that there has been a lot more engagement after the vision plan has been created. To me, there's more that we can do on that end on the vision plan overall. Part of those public meetings we had, we know jet fuel was barely

[5:03:39 PM]

mentioned and mailers went out to those within 400 feet even though the tanks once built out will be up to 743 feet in proximity. Additionally, the council meeting from 2018 highlights the lack of transparency about what was being approved by the questions that many of my colleagues on the dais asked at that time. It was said that this was a map without goals and that nothing was set in stone. The guidebook posted at a later date states the fuel farm will be built with a third-party development. So, other areas of concerns and takeaways from this process is that the process that was laid out didn't account for an executive order which requires an environmental justice analysis. And I know we're still having conversations as to that process and why that was not initiated. Additionally, the vision plan acknowledges that the community closest to the airport is considered an environmental justice community. I think it's important to highlight that this was the final conclusion of the finding

[5:04:42 PM]

of no significant impact from the environmental assessment. It said environmental justice impacts are not anticipated as the project is contained primarily on the airport property. I think if the recent water

boil notice taught us anything, it is that we need to have systems that account for human error. And so part of what was recently also brought to light was from the Austin American statesman, whose editorial board did -- ran an article about this. They came out in support of our community and neighborhoods, drawing attention to the need for health and safety. In New Mexico, they detected contaminated soil and groundwater from a jet fuel leak from 20 years ago that cost \$125 million to clean up and has not been remediated still. In December, 3,000 military

[5:05:43 PM]

families in Hawaii were displaced after jet fuel contaminated drinking water. With all that, we are bringing forward version three of our resolution. And this does a couple key things. One, it does clean up the language a little bit in what our legal department has advised us. It tightens it so that we're compliant as per legal advice. It adds a new section, items seven and eight. To bring it back to the vision plan, it was pointed out that the vision plan for the airport had an option about expanding at the current site. And by expanding where our fuel tanks are located, that would meet the demand for the next 20 years. In the guidebook, and I printed out copies, the current airline consortium also proposed expanding at the current site.

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They mention alternatively you could expand on the west side of the airport. But the point is there is space at the current fuel site for us to consider. So I wanted to bring forward an interim solution so that we cannot only halt the construction of the new site, but also add additional capacity at the current site. And that's what the revised three resolution does. It looks at adding one to two additional fuel tanks as well as exploring interim strategies, looking at is it possible for us. I heard people talk about having fuel tanks -- mobile fuel tanks available as an additional way for us to increase our reserves. And our aviation leader also mentioned that the current site could have at least one additional smaller tank and the FAA representative confirmed we would be able to do this in an expedited timeline, citing the

[5:07:51 PM]

categorical exclusion given that the site is already functioning as fuel storage. That would give us a shorter timeframe in order for us to ensure that we're increasing our fuel. So with that, I wanted to lay out this version three for discussion.

>> Mayor Adler: Colleagues? Councilmember Kelly.

>> Kelly: Hello. I have a motion sheet that I'd like to pass out to everyone here to bring forward a possible amendment to your resolution, councilmember Fuentes. I'll just read it. It says I move to amend

and add the following to line 135 to read, 10 return to council by August 30th, 2022 with a progress update regarding considerations, challenges, and possible recommendations. And the reason that I'm bringing this forward is because from the individuals I've spoken to in the community and some of our stakeholders there's no real clear timeline laid out in your resolution. I believe that council should have an update on the progress of the things that are happening

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and that we are expecting. Thank you.

>> Mayor Adler: Thank you for bringing that forward. Does anybody else have any other amendments or things they want to lay out and talk about? I handed out something that was something that would stand in the place of the resolved clauses. This is a hard motion -- this is a hard situation to be dealing with, in part because we all know so well, what the experience was with the fuel tank farm in east Austin. And I think several speakers talked about the trauma associated with that, which was great and extreme, and the injustice associated with that was great. And I remember living through those moments and that time here

[5:09:54 PM]

in the city. You don't shake that off. And it doesn't go away. And it becomes something then that is present in everything conversation that we have in this city that concerns environmental justice issues. And it's also something that especially is going to be present in conversations that involve fuel storage facilities. It's just going to be. I wish that this process had had an earlier airing of concerns and issues so that over the last couple years it would have already been fully, visibly, vocally discussed, because I think we would be in a better place if that had happened. And I think that there's a real lesson for the airport, the

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aviation department, the city, and moving forward on that, that when you even think there could be a controversial item, raise it on your own. Don't wait for it to be raised somewhere else. Get it out. And those are conversations we just had as a body on the project connect. There are a lot of issues with project connect -- where it's going to go, what it's going to cost, places of business that are going to be impacted. We got together as a group at cap metro and the atp board and said to staff, lay out everything. Don't let us be surprised later in the process with somebody raising something that we should have raised and talked about now. This is a public process and we should be inviting those

controversies to be raised so that they're raised earlier in the process. That said, we are where we are in this.

[5:11:55 PM]

What we've heard from the folks that are working on this is that this is very different from the east Austin tank farm situation. And I believe that to be true. I do believe there's a difference between actual safety, impact, and perception of safety impact, which in this case is absolutely unavoidable and understandable, and very, very real. But for me, as I said on Tuesday, the indicated action is different if it's actual safety issue and if it's one that's one of perception. That doesn't make it any less real, it's just a different kind of real. So, the amendment that I was proposing recognized that and gave credence to what we're hearing from the folks that are working on this that this really is the option to pursue, that

[5:12:59 PM]

any other action now delays this and has a real impact on the ability to be able to expand the airport, the work that's happening right now to ensure that there are multiple and more opportunities for people that live in this city to be able to get to places in a direct way without having to do multiple stops. And all these things take time. It is true we can put an additional 500 million 500 million-gallon tank at the existing location, we could do it quickly, but it doesn't help. The need we have is so much greater than that. We really need the ability to put in the 2 1/2-gallon, to get the 3 million-gallon, and we can't do that on the existing site. I don't think this gets any easier with time.

[5:13:59 PM]

I think this is going to stay hard. So I tried to give us an alternative choice that recognized the need to proceed, that included in it the safeguards and mitigation efforts that seem to be the correct portioning of those. It includes the possibility of doing buyouts and relocations, understanding that when you do something like that associated with the airport, you're just not buying someone out of their property, you're relocating them. If it costs three times as much to relocate them in this market, three times their property value is an obligation as part of an airport relocation by us situation. And it says we should look at that and we should take a look at the distances that are involved. There are a lot of people I think also, legitimately concerned and harkening back to

[5:15:00 PM]

that time in east Austin that are 1500 and 2,000 feet away. I hear that, but I'm not sure there's a remedy. But for people within 500 feet, maybe there should be. So it asks us to take a look at that and to weigh all the different elements. I'm not going to be able to vote for councilmember Fuentes' resolution, although I applaud her leadership in this. It is inspiring to see on this dais leadership and advocacy for a community that in my first 42 years in this city, I never heard from this dais. And that's changed with the 10-1 council. And having that voice here, and having it presented is what I think is the genius of 10-1, benefit of 10-1 council.

[5:16:01 PM]

It does not mean on any given vote any of us always get the result we would like to see, but there's been a full airing and that only happened because you raised this issue. But if I'm the only one that wants that amendment, then we don't need to bring it forward. But I have that available if there are others that are interested. Further discussion? Councilmember pool.

>> Pool: Mayor, I have a copy of the motion sheet that was distributed for your Adler motion to this item. I was wondering if you wanted to make that motion, because I know you don't want to do a talking motion.

>> Mayor Adler: I couldn't do one. We could lay it out that way or have further debate for people as people lay out motions. I noticed that councilmember Kelly had laid out one, so I would just lay mine out so people could see it, too. I thought we could have a discussion to see where people were headed and we could double back and make an amendment, trying to get us to a place a

[5:17:04 PM]

little bit more quickly that way.

>> Pool: To that end, I wanted to say I thought the items -- you have six items on here -- were worthy and perhaps you would like to give a sense of what specifically they are.

>> Mayor Adler: Sure. It's in backup. It's been emailed out to all my colleagues. The first one, basically just says that they can move forward with those two storage tanks on the property, but before they go further than that they have to do a new environmental assessment process, community engagement process. So it puts in those things. If we're interested in this, I've been told by legal and staff that my description of it in terms of a -- it's not phase one, it's apparently phase two. We're going to have to make some minor wording changes.

[5:18:05 PM]

But that's what number 1 basically says. Number 2 would require the staff to publicly post an independent evaluation of the environmental assessment of the new fuel facility. It requires that there be an established third-party independent monitoring and auditing of the fuel facilities at the airport for environmental and safety compliance. It requires the city to mitigate the visual impact on the surrounding properties. And it gives several different ways to do that, screening, landscaping, art in public places. It requires the creation of a green team, which is similar to the climate change advocate system that we have set up in the city. It seems to be working really well. But this would be a team composed of community volunteer members, business partners, city staff, that would basically focus on comprehensive environmental stewardship of the

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airport, specifically including the fuel tanks but not -- they would not be limited to that, including expansion programs and third-party developments. And then the last one is requiring staff to come back and report to council regarding mitigation options, considering but not limited to possible voluntary property buyout programs and relocation efforts as appropriate, as things to consider in that kind of review.

>> Pool: Thank you. That gives the public a good sense of the expansiveness of this, and the fact that we are presented with a very difficult situation here. I do think that it's pretty clear that going forward, Austin has to go beyond following the steps required by the FAA

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and other regulating bodies. This is Austin. We do things in a larger way and are more concerned, maybe, than other communities about the impacts of our policies and our decisions on our neighbors, on our residents, and our friends. So I'm hoping and I look for the aviation department to develop proactive ongoing and frequent conversation and communication with the community surrounding the airport. There are many years of airport expansion to come just like there are many years of expansion of our rail system under project connect to come. And so I would support these additional items, mayor, that you are offering. I thank you for making them and look forward to any other amendments that may be coming. Is this the same one, councilmember Kelly?

>> Kelly: I was about to explain that once I was recognized.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Yes, thank you. I was alerted by the clerk's

[5:21:10 PM]

office there was a minor clerical error on my motion sheet with the movement to amend line 135. Instead of ten, it should be the ninth bullet, based on councilmember Fuentes' version three of her resolution. So I just passed that out and it's being distributed by the clerk's office.

>> Mayor Adler: Thank you. Further discussion? Let's figure out where we are on this. Councilmember kitchen.

>> Kitchen: Mayor, the way I read the differences between your proposal and -- not proposal, but your suggestion that we could consider that motion and what councilmember Fuentes has laid out, the essential difference is between what happens immediately. In other words -- I say this just to help us all understand. It's what happens immediately.

[5:22:11 PM]

And councilmember Fuentes has clarified hers to speak to the immediate path forward being to add capacity on the existing site. So -- and what you're suggesting is yours is different in the sense that we go forward with a new site. I do want to emphasize that the other things that you have in your motion are very helpful. And I would like to see them included regardless of where we end up, because you are also saying that phase two needs a new environmental assessment, which is the same thing as councilmember Fuentes is suggesting. You also have some additional details that I think are really helpful and important with regard to the green team, with regard to some oversight and mitigation efforts, and also with regard to requesting direction -- not direction, but requesting what our options might be for folks that are

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living nearby, as you mentioned, in terms of buyouts. I think that that's important regardless of how we proceed, because it's an issue for the airport as it grows. So that's a piece of information we need to have. So, from where I sit, I think that we need to move forward on the existing site, and that's what I would have to say we do immediately. But I would like to see -- I don't know how the rest of my colleagues feel. But I very much would like to include your items 2, 3, 4, 5, and 6 with wherever we end up. I want to thank you for bringing those.

>> Mayor Adler: I appreciate that. Just to be clear, the language change is significant now that you've laid it out that way. What I handed out really needs to be phase two of the development. Phase two of the development under what I was suggesting

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would proceed. That would be the two 1 1/2 million tanks at the location. Anything beyond that, the third and fourth tank, which apparently in later changes are contemplated would have to go through a new environmental impact and community engagement process. The difference is, do we authorize the moving forward of the two million and a half-gallon tanks at the new location, or do we move forward with the half a million-gallon tank at the existing location. I think that's the issue. And we can have the director come up and speak to us at some point from her perspective. In fact, do you want to come up and do it now? Why don't you come on up.

[5:25:14 PM]

Talk to us about the difference. What happens if we just do now the half a million-gallon tank at the existing location and not move forward with the two 1 1/2-million tanks?

>> If we go with the existing site, it cannot accommodate the large tanks that would carry 1.5 million each. It can only accommodate a small tank which would not give us enough capacity for the fuel for the next ten years, as we're seeing, which was proposed initially. I also want to clarify any environmental assessment, there were two phases. Phase one specifically clarified modification to the existing site by putting a docking system and different racks. That has been completed already. Phase two is what the correction

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we're trying to aim to which focuses on putting in the two additional tanks at the proposed new site. The additional tanks will be further down the road for several years. So the risk is we do not have enough capacity to accommodate today's flights or the growth that we're experiencing at 8%. This is the one thing that Austin has been saying for a while is that we are the fastest-growing airport in the country and it is a true fact. We're not -- the second risk is once we have to do another site other than what the ea has identified, we have to do a design, we have to go through environmental assessment and we have to submit the paperwork to the FAA. The FAA answer, that is their review of the documents that would be submitted to them, not the whole process. The design, the environmental

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assessment and all the permitting took us 30 months to get to this point today to be able to go to the new site that's proposed. That is the risk. If we continue with that 30-month delay in addition to another whatever time for construction of one small tank would not catch up with the capacity issue that we're dealing with today.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: If you could help the public and us all understand the difference between the 2018 master plan and what you are now suggesting in terms of the capacity of the existing site? The capacity of the existing site is indicated to be larger than what you're suggesting. That's in the 2018 plan, which is a number of years ago. So, I want to understand why it

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says that there -- if I'm understanding correctly, you're talking about that all that could be built now in the existing site would be the capacity for 500,000 gallons, right? Is that what I heard?

>> Correct. So --

>> Kitchen: So, here's my question. I hear what you're saying. Help us understand why that is so much less than is in the 2018 master plan that indicates that much more than that could be built on the existing site. I think that since that's a key thing we're talking about, it's important for people to understand.

>> I understand. Thank you for the question. What in the master plan is identifying the alternative of adding to the existing site but also depending on the growth and -- on the growth and capacity need, site six was identified on the master plan map, which is the site we are talking about for proposed larger capacity. As I mentioned in the slides on

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Tuesday, the two-three-day supply is what we've had at this airport for years and was fine -- fine until we started experiencing the 8% growth. We cannot meet it. We fall short below the one-day supply right now. Adding a smaller tank, the 500,000 would not give us that at the existing site, even though it was identified in the master plan. Again, that is a vision of where the location could be depending on what the reality of the growth and the forecast is. The master plans usually are built on a 4% growth because that is the average of the industry and that's what the consultants use every day. The reality in Austin is we're doubling that number. That's the second site that was identified on the master plan, it looks for the larger capacity that we need. Hopefully that answers.

>> Kitchen: It does not. I appreciate what you're saying,

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but what I'm reading right in front of me -- I'm sorry. Maybe we need to take it offline and I'm not understanding. What I'm reading right in front of me says operate from the existing site with a table that shows additional gallons that are available at more than 500,000. So that's my disconnect that I'm not understanding.

>> The existing site, if we add one large tank -- again, it's room for one tank that can be a large tank or two smaller tanks would only give us that 1 million to 1.5 only, not the double that we're looking, the 3 million total on the new and existing site. It doesn't meet the demand we have of the 3 million we're looking for the two existing site. The master plan also identified the existing site as an option until the runway and the taxi work that needs to match the

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growth that we need to do, recognizing eventually that site will not be able anymore. So that's why the master plan had two sites identified. But the capacity reality of what the existing site can handle is not enough to handle what we would be putting on the new site today in addition. I cannot put 3 million gallons at the existing site.

>> Director -- mayor, knowing that the existing site would be replaced by the runway, would you even have a contractor that would build on that existing site if you were given that authorization right now, or how might you proceed?

>> There is a risk of spending that much money to go through the process and the time delay that we were about to take if we start that for only a ten-year or less, because even the forecast at 8% looking at it for the next year, we might be reaching the 2040 master plan numbers sooner than 2040. So less than ten years or

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somewhere, we will have to look at what is going on with the runway. That's the driving of getting rid of the existing site. The number of aircraft operations, the size of the aircraft coming into the airport, from international flights and domestic.

>> Pool: So it sounds like that table that my colleague councilmember kitchen is referring to reflects the estimates that were in good faith crafted in 2018. Is that right?

>> I couldn't hear you.

>> Pool: The table reflects estimates from 2018, which was about four years ago. And so it sounds to me like what's happened is our growth has outstripped those estimates.

>> Absolutely.

>> Pool: By a hundred percent, from 4% to 8%.

>> That is right. We're anticipated to do 10% coming in soon here.

>> Pool: So those estimates right now that we're looking at

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the 8% growth that we know we have is going to grow exponentially further into the future.

>> Correct.

>> Pool: I think that is why the issue of the size of the tanks is so key here so that we are building for a future capacity that actually is current capacity.

>> Yes, ma'am.

>> Pool: Hopefully that helps explain what was in the future planning document which is four years old. I see my colleague shaking her head no. But I don't think in 2018 when that document was written that anybody had any sense of how quickly Austin Bergstrom would expand. It has been literally explosive -- not literally explosive, figuratively explosive.

[Laughing]

>> Pool: And I think all of us are, frankly, amazed at how fast

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that airport has grown. The charts go almost --

>> It is. And I want to highlight the cargo, air cargo is 29% higher than what we had before, again. So, the airport is growing. It is a true statement. The master plan is only planned on a 4% growth, because that's the industry average.

>> Kitchen: I think councilmember pool is correct, but the reason I was shaking my head no is there's two things going on here. My question was about the first thing. I hear the director saying that the estimate of the need for increased growth have changed. I get that. I understand that. What I'm reacting to is a document that is telling me there's 2.8 available on the existing site because the current site was 1.2 and the projected was four and the

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difference is 2.8, not 500, not .5. And the language says that the option was to continue on the existing site over the next 20 years. There's also language that acknowledges that that might not be the most cost effective. So that would have to be considered, whether it was the most cost effective or not. But it is written such that in 2018, it's written such that there was more capacity. And that's why I'm confused, but I do agree that there's a second thing going on here. And the second thing going on here -- the first thing I'm reacting to is just how much is available on the existing site. But the second thing is as you have mentioned, additional capacity needs that were not anticipated in 2018.

>> Correct. So the one statement I would

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like, the capacity at the existing site is 500,000 per tank, about a million, give and take. I can get the exact number from folks in the room. That's the existing capacity today, which is below the average in the industry of the 5-7, two to three days, if not one to two.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: Thank you. I realize that expanding on the current site isn't the most cost effective strategy, but the reality is that we've identified a process that has been flawed, that we are talking about a community designated as an environmental justice community, which makes it so much more important for us to ensure that we do it right and that we have the environmental assessment done correctly and that we have the environmental justice assessment as well. To me it is very clear about the human impact that this would have. Our community deserves a fair

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process. Mayor, I can not support the amendment that you are proposing. And so at the end of the day, the proposal before us will still have tank farms placed within close proximity to the neighbors and, therefore, I cannot support it.

[Applause]

>> Mayor Adler: Mayor pro tem?

>> Alter: I wanted to get further clarity. The existing fuel facility has two tanks that are a total of a million, roughly, together. What is the capacity to expand that?

>> To expand on the existing site? It's either two small tanks, another million, or one tank of approximately a million point five or so.

>> Alter: Okay. And what is the timeframe for starting construction on that,

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if you were to move forward with just doing that?

>> Approximately 25 to 30 months because we have to go through the process.

>> Alter: Okay. And if you were instead to begin in the location number 6 on the map, then that could be done as soon as the contractor is ready because everything is ready to go.

>> Yes, ma'am.

>> Alter: Okay. In that 30 months, how would -- we're already not having enough fuel. What would be the option for more fuel?

>> I don't have an option other than putting the notice to the airlines to tank their fuel in.

>> Alter: How long will it take to build on-site, number 6?

>> The build is approximately -- for number 6, 28 to 30 months. We're at the mid-way point right now.

>> Alter: So even as it is we're almost three years --

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>> Correct.

>> Alter: A little less than three years away from having the extra fuel facility if we were to build on the existing, then we're talking about the 30 months to get to build and then would it take as long to build, or is it a less involved process?

>> Four to five years for the whole process no matter which location we're at. The new location we're halfway through that process right now.

>> Alter: Thank you for the clarification.

>> Mayor Adler: Councilmember Kelly, councilmember vela, then I'm going to recommend that we go to proclamations and let the people in the back of the room celebrate the proclamations and then we come back. Councilmember Kelly and councilmember vela hasn't had a chance to speak yet.

>> Kelly: Director yaft, do you know of an approximate number for how much it might cost us to build on the current site, the fuel storage?

>> I do not.

>> Kelly: Okay.

>> We've never -- the discussion

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wasn't the cost issue, it was more the capacity.

>> Kelly: Understood. My understanding is the existing site will be demolished in place of a new runway in phase two, correct?

>> Correct.

>> Kelly: To build additional capacity there from my perspective and what I'm garnering from this discussion would be a waste of money and resources. It still wouldn't solve the problem. I want to make that clear.

>> Absolutely correct.

>> Kelly: Thank you.

>> Mayor Adler: Councilmember vela.

>> Vela: This debate really reminds me of that William Faulkner quote about the past is never dead. Sometimes it's not even passed. There is still a lot of trauma in the community with regard to the tank farms, the holly street power plant. There's a history of environmental racism. And my goal as councilmember is to build back trust between this

[5:41:32 PM]

city and our mexican-american community, our black community, our Latino community. That's where I am. I understand that if we, for example, adopt councilmember Fuentes' motion and decide to expand temporarily basically on the same site that it will inconvenience the airlines, that it may cost the city and the airport some money. But ultimately the greater goal of bringing the city together, of healing the wounds of the environmental racism of the past to me are a much higher priority than a short-term delay in the amount of fuel, than any other considerations at all. So, I strongly support --

[applause]

>> Vela: Councilmember

[5:42:33 PM]

Fuentes' resolution, and I just want to say, she's been very deliberate and scholarly in her analysis of it. And I'm going to be much less so. But I'm just going to say if the airport was in tarrytown we would not be having this conversation right now, and that's the crux of the matter. Thank you.

>> Mayor Adler: Thank you. Colleagues, it's a quarter to 6:00. I'm going to recommend we recess at this point. Let's do some procs and come back here at 6:30 and then we'll see if we can resolve this and then we have the P.U.D. Conversation to also finish. With that, we're in recess.

>> Tovo: Mayor, is that a solid 6:30? Several of us had signed up for a variety of events that were taking place early this evening, so clearly I think after proclamations are finished we're going to have a few minutes before we need to be back on the

[5:43:33 PM]

dais, which I'm willing to do, I just want to make sure we're here at 6:30 ready to go.

>> Mayor Adler: Let's make sure we're back here at 6:30. We're going to start at 6:30, all right? So let's all be back here.

[Clearing throat]

[5:47:10 PM]

>> Mayor Adler: Is everybody ready? If I could have everybody's attention, please. If you're visiting with other people and can take it outside, I think that that would be helpful. All right. What a nice thing to be back to proclamations here in city hall. I think it's real fitting that the very first proclamation that we do returning back to city hall is something that recognizes one really important component of public safety and the delivery of public safety in our city. Can I have everybody's attention, please? Thank you. You remember the last two years, we've seen just how important our public safety providers are in a city and among cities which

[5:48:13 PM]

just became such an incredible priority. Here today, accepting, mark, Michael from APD communications, we have a proclamation. Be it known that whereas the men and women serving as public safety telecommunicators for the city of Austin are dedicated to saving lives, these unseen first responders, our 911 operators and police dispatchers, respond to the community in times of great need and their specialized skill and calm presence are invaluable to the city of Austin. And whereas the public safety telecommunicators are the backbone of the emergency response for the city of Austin, they are the link between people calling for help in an emergency and the emergency response agencies who arrive on the scene. And whereas the city of Austin recognizes the professional and

[5:49:15 PM]

unending services of the public safety telecommunicators who answer 911 calls and dispatch emergency services on a daily basis, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the council, do hereby proclaim April 10th to the 16th of the year 2022 as public safety telecommunicators week in Austin, Texas. We are in your debt. Thank you very, very much.

[Applause]

>> Have a speech.

>> Say hi.

>> Thank you so much. Thank you, mayor, councilmembers, for recognizing such an amazing team. I often tell them I work for them. I may be the assistant chief, they're the ones that do the

[5:50:16 PM]

work. They come in 24/7/365 no matter what is going on. They're an amazing group of people that are dedicated to our citizens and the visitors of Austin. And they hear all the stories and they make sure that they take care of them on the phone, whether it's police, fire, els, ems or mental health. They're about helping people and caring for people. We're all in debt to them. Thank you for what they do and thank you for being here today. Thanks, everybody.

[Applause]

>> Mayor Adler: Let's take a picture. I don't know exactly how to do it. Sometimes they're off to the side. Can we move?

>> Oh, yeah.

>> Mayor Adler: All right. Let's take a picture here.

[5:51:24 PM]

You're good right where you are. Thank you, guys.

[5:53:02 PM]

>> Renteria: And then I'll read it. Testing, testing. I want to welcome everyone here. We have a proclamation for a man that has contributed so much to Austin. And unfortunately, he passed away. And I'm here to read a proclamation. Be it known that whereas Saul Gonzalez II was a deeply beloved leader and steadfast friend who created many -- for our latino/latina/latinx community in Texas and beyond, and whereas Mr. Gonzalez displayed early leadership skill as a drum major

[5:54:03 PM]

at El Paso high school, and in student government at the university of Texas at El Paso. He moved to Austin in 1982 to attend law school at the university of Texas, where he graduated in 1985, all while being very active in social change efforts including participation in lulac and the Austin gay and lesbian caucus, as well as Progressive change focused organizations. And whereas Mr. Gonzalez recognized the need for building community and organizing activism at the intersection of multiple oppressed, he cofounded algo and at the time, the Austin latino/latina lesbian gay organization, which played a key role in responding to the HIV and A.I.D.S. Crisis in the Latino and black community in

[5:55:06 PM]

Austin, led multiple health initiatives, nurturing community-building, cultural and arts, and is the longest surviving lgbt people of color organization in the united States. And Mr. Gonzalez passed the bar in 1988 and practiced as an attorney for ten years before shifting his focus to work as an employment specialist for the American cancer society, where he excelled in his role for 22 years, helped countless people navigate the fear and complicated medical terrain involving cancer diagnostic, and whereas Mr. Gonzalez worked for human rights in multiple arenas, supporting women's rights, productive rights, and women's leadership persistently through the multiple action campaigns

[5:56:06 PM]

and organizations. And whereas Mr. Gonzalez served as a commissioner on the Austin human rights commission, a board member on the Austin board of directors and the algo board of directors for many years, was a member and a strong supporter of El Paso and Austin, fundraising for scholarship for Latino young people and a community health champion through central health. And whereas Mr. Gonzalez most recently served as treasurer for the governing board of directors of planned parenthood greater Texas and on the lesbian, gay, bisexual, transgender and queer quality of life advisory commission for the city of Austin. And whereas Mr. Gonzalez volunteered on a lot of campaigns through the years to support Progressive Latino and

[5:57:07 PM]

Latina elected officials, was elected as a democratic national delegate for sd21 in 2016, and was never afraid to dive into the mess and the heartbreak of politics with a never-ending hope that the change was indeed possible. And whereas Mr. Gonzalez moved through the world with a profound sense of compassion and hunger for justice, was always ready to say "Yes" to any opportunity to help, and most recently during the pandemic, volunteered to distribute personal protective equipment with ogba and central Texas food bank during the winter storm. And whereas Mr. Gonzalez was -- has left a lasting impact on the city of Austin, the state of Texas, and the United States through his inspiring and relentless work for justice. And therefore, I, Austin city

[5:58:09 PM]

councilmember Sabino Renteria on behalf of Steve Adler, mayor of the city of Austin, do proclaim April 5th, 2022 as Saul Gonzalez II day.

[Applause]

>> Renteria: Do you care to say a few words?

>> Thank you, councilman. That was lovely. I am his aunt, and his closest kin. And Saul more than made up for the tiny family that we have with his friends, his colleagues, and the people that never knew him but he helped in counseling with the 22 years with the cancer society.

[5:59:13 PM]

And endless work that he did with trying to get everyone to have the rights of society. So, thank you, councilman, councilwomen, for acknowledging this, and very appreciative. Thank you.

[Applause] .

>> And also for those who are interested on Saturday, we are having a celebration of life for Saul Gonzales Saturday. I hope those of you who knew and loved him as much as we did can join us. Thank you.

[6:01:27 PM]

>> Good evening. I'm council member member tovo. It's my privilege to be here with council member fin Tes and the city manager to present the following proclamation on behalf of national health week.

The last couple of years have been so difficult and we have so many here at the city of Austin to help respond to covid. Among those leading the charge are the leereder -- are the leaders of the public health department who have been on the front lines working across the city to make sure individuals got vaccinated and continued to do so and we are so grateful to all of your staff and the work you have done. On behalf of the council I would like to present the following probleming lags. National health week brings

[6:02:27 PM]

people together in a nationwide movement to celebrate contributions of public health in supporting healthier people, family and communities. Whereas the 2022 theme public health is where you are reflects that our health, longevity and well being are connected to our communities, places we learn, work, worship and play. Health equity is achieved when every person as the opportunity to obtain felt health and life expectancy. To make that possible we need to address long standing biases in our institutions, policies, and practices, and whereas Austin public health plays a critical role in realizing the city of Austin's vision of making the most livable city in the nation with public health workers striving every day to enhance the health and well being by preventing disease, protecting the environment and whereas the community has continued to work together to

[6:03:29 PM]

make an impact on public health in community engaged collaborative partnerships to respond to the covid-19 pandemic, to respond to tomelessness and other needs in the community, I on behalf of Steve Adler proclaim April 4th through the 10th 2022 as public health week in Austin, Texas. Congratulations. And I'd like to invite director Adrienne Sturup up to say a few words.

>> Thank you. I am truly appreciative of the recognition. I know it's covid that thrust us in the limelight but every time you eat at your favorite food truck, go to a special event, outside getting bit by a mosquito and making sure you

[6:04:29 PM]

don't have west Nile, that's public health. We are honored to be a part of this city and wonderful organizational. Hat's off to the city manager and assistant manager, the council to make sure we protect the public health and these rock stars that are every day doing work in what I call a Matthew 6 fashion. We often don't need recognition and we don't need praise but we do what we know is right because we care about you.

[Applause] . I briefly want to introduce the leaders in Austin public health. I'm bad with direction. I'll go this way. Don't back up. William, desmar, Donna....

[6:05:42 PM]

Thank you.

[Laughter] . Ready, one, two, three.

[6:06:55 PM]

.

>> So let's see. All right. I'm council member Leslie pool and I represent district seven today. I'm here to offer a distinguished service award for David Murray. It's my pleasure today to join with my colleague, council member -- there he is. Council member renterria is here with me today. To honor David Murray and also council member Kathy tovo to honor David Murray. He is one of our amazing city

[6:07:55 PM]

staff members who is retiring and moving on to his next great adventure. He has served our city and residence for the last 12 years as a sound engineer consultant for the city, focused on music permitting for venues, restaurants and small businesses, which helps the creative community with more opportunities. He's a musician as well. He's a guitarist, producer and song writer -- has performed be blues greats like B.B. King, Albert Collins. He's also produced songs and albums ranging from classical to country, rock and R and B. He's appeared on Austin city limits and NBC's Friday night lights and recorded and local

[6:09:02 PM]

legends. David has noted that his fondest memories include serving as musical director for the Austin music memorial ceremonies, for producing notes in time episodes in collaboration with the stellar atx crew, for doing sound mediation, mediating resolutions between music venues and neighborhood groups. That's not an easy job sometimes and developing meanful, working relationships with many city departments. I'm really pleased that David mentions his work with our communities because that's how

I know him. His quiet, compassionate nature has inspired trust and consensus with the residents and small businesses on many occasions.

[6:10:03 PM]

So I thank him for these gifts, for his contributions to the music community and the city and I wish him well in his next adventure. I would like to present the distinguished service award to David Murray. This is what it looks like. It's really beautiful. I will read it to you, David. Distinguished service award for introducing more local music to our residents with his innovative notes in time series on atxn and for his dedication and untiring service during his tenure as a dedicated employee of the city of Austin, he is deserving of public acclaim and recognition. This is presented in appreciation and acknowledgment this 7th day of April, 2022 by the Austin city council and I offer this to him on behalf of the mayor and entire council.

[6:11:05 PM]

David.

>> Thank you very much. Thank you.

[Applause] .

>> I am a man of few words. Anyone who knows me that knows that well. How about a city that creates a music division in the first place? In 2010 when I was hired, I was the first hire after the manager. Our onboarding -- Rodney said the bathrooms are down the hall. Don't get us in trouble. What I mean is we had the latitude to create -- it was uncharted slate that we had and we had support from the city management to do incredible things for the city and they recognized the importance of music to this community. So I've very honored to have worked here.

[6:12:06 PM]

So I was going to say my approach when I came here was the best idea wins, greatest good for the greatest number and I tried to mix with greatest external and internal folks as possible. I genuinely like people. I want to close with one thing I heard Rodney say years ago. He was asked how do you prepare for the unknown? He said, well, you assemble a diverse team as possible so whatever you're confronted with, someone on the team has experienced it themselves or have a unique perspective and approach. That's how I try to conduct my life. Thank you.

[Applause].

>> Look around here. Then you can hold this.

[6:13:09 PM]

Are we good.

>> Good. One, two, three. Smile.

>> Congratulations.

[Applause]

[6:34:46 PM]

. >>>Instructor:

>> Mayor Adler: All right. I think we're here again. This is the continuation of the Austin city council meeting. It is 6:34 and April 7th, 2022. We're continuing discussion on item 43. There is a motion in front of us from council member Fuentes. We're discussing it. Yes. Council member Kelly?

>> Kelly: Just refresh my memory with the motion that I brought forward following council member Fuentes' motion.

>> Mayor Adler: You haven't moved yours. I haven't moved my yet either. I thought we would get a feel for what people needed or want

[6:35:51 PM]

Ed. I've indicated -- you know, I agree wholeheartedly with what council member vela said that, we have to build trust, and I think the question before us is in what way and doing what. And, you know, in the amendment I had, I said -- I was trying to put forth some of those elements. You know, I think the airport could do those whether we told them to do it or not and they should do it. If they could do more things like that, they should do more things like that -- that the cost of associated with -- given these facts of trying to build trust this way I just think is not the right way at the right time. Council member Ellis?

[6:36:51 PM]

>> Ellis: Thank you, mayor. I certainly appreciate where this conversation has taken us. I think this is a difficult position for a lot of us to be in where we feel like we're trying to balance the desires and needs of multiple parts O F the community and they don't simply seem to be lining up at this point. But I think in light of what resolutions and amendments are ahead of us right now, I think I would lean more toward the mayor's as a form of compromise for this situation. I think obviously hindsight can be 20-20 and if people go back over the past years and try to make sure this was done correctly and thoroughly and predictably that would have been the most likely outcome. But given the choices today, that's the option I would choose since there doesn't seem to be an option at this moment

[6:37:53 PM]

to try to accommodate all the community members.

>> Mayor Adler: Furs Eric -- further discussion? Council member Fuentes?

>> Fuentes: I want to recap what my proposal does. It doubles the fuel capacity at the site. We know that our director mentioned it's about a million gallons stored at the current site and my proposed site looks at adding additional tanks. That would give us another million gallons to meet the demand that we have. In to be clear, last year we only had 7 fuel alerts -- low-fuel alerts. Only one had impact to passengers that required diversion of flight. That was during formula one which is a planned event. With the proper planning we can coordinate are our airlines to make sure they have the fuel capacity needed to get through it. Again, I realize this is a

[6:38:55 PM]

temporary solution, a short-term solution to expand at the current site but it also directs the aviation department to identify alternative sites. This is, as was shared today, we've learned our aviation needs have exceeded what we projected we would be in 2022. It's probably worthy of a conversation to revisit the vision plan, especially since this a growing region. This would give us that time to see what is the other alternative site for us that is not necessarily the best fit but that is possible because we really haven't had that conversation of what are the other areas that could work if we work together and coordinate across our multijurisdictions. So, again, this is an environmental justice issue for me and I understand that everyone will vote how they so choose to, but as it stands, I cannot support the motion sheet.

[6:40:11 PM]

Sheet.

>> I had a question for Ms. Yaft. Thank you. So the other day on Tuesday we were talking about some changes in regulations for how we do the environmental assessments during the trump administration. Can you clarify -- because things take time in government. We all know that here. Can you clarify whether our environmental assessment was done under the trump administration's new rules or from the prior administration's rule.

>> Sure. The ea was approved and the fonzi was approved in 2020. The trump administration changes did not -- issued until July of 2020, a month after the fonzi was issued. It was issued in the previous

[6:41:15 PM]

administration during the trump administration in place. The changes themselves, the fa did not begin to change until late of 2020. The ea we have is under the regulations of the previous administration to trump.

>> Ellis: Thank you. I may have some more questions.

>> Sure.

>> Mayor Adler: Council member Kelly?

>> Kelly: Thank you. And thank you, mayor pro tem for that line of questioning. So could you maybe help me understand, council member Fuentes -- I can see your vision in wanting to get the fuel capacity that we need, but I'm just so unclear about how long that might take with your resolution. Do you have any insight into that that you could share with us.

>> When we asked the FAA contact with us on Tuesday, he said it would be an expedited time frame since it would fall under a category exclusion process which gives us an

[6:42:16 PM]

expedited time frame on the portion of that part of the review process. The director can speak to everything else that goes through as part as the design and construction of it.

>> Right. The design and ea assessment would take into the 30 months from the beginning of designing the facility until bedid the fonzi -- exactly what we've done. Phase one has asked us to do modification of the existing site by adding racks and docking station, what they call it, as part of the preparation. That has been already completed. The racks have taken a chunk of the land at the existing site. Therefore, that's another reason why we cannot add the capacity today on the existing site -- because of the modifications that were done to the site already.

>> Thank you.

[6:43:16 PM]

Director, what would be some of the ramifications of the resolution council member Fuentes brought forward as far as time? Are we looking at more airplanes, again, not having that fuel in the future. I know there have been 11 advisories of fuel shortage. Could you explain a little more about that.

>> In 2019 there were 11 shortage alerts issued. 2020 of course because of covid flight operations went down dramatically and 2021, we were starting in the recovery a little bit. That's why the fuel shortage events were low. But as of 2022 we have several issued as recent as two weeks ago. Two risks for delaying -- one is we won't have the fuel and we have to keep issuing the tanker notice. It's up to the tankers as how

[6:44:16 PM]

much they can take on. Today as of March 6th we added 50 additional flights between all the carriers we have. The fuel is for cargo and passenger activities. Also general aviation as they come in -- as you saw in formula one, for example. It puts a constraint on the airlines for carrying more fuel, which changes their efficiency of coming in, carrying more fuel, which is their weight and balance. I'm not an airline person. It changes the flight plan coming in with how much fuel that they have. Their appetite to how many flights they can do that -- that's something the airline can speak to. Is it efficient to do that? As the chart I showed on Tuesday, we're looking between 80-plus flights a day that would be short, that we don't -- which carrier, I don't know. Which airline, which cargo, I don't know what that would

[6:45:17 PM]

impact. But that is the number of flights it would impact. The higher risk is losing the flights and the airlines would decide to wait until we add the capacity or choose to go to a different airport and add flights and routes and change their commitment to the city of Austin.

>> One last thing. I remembered when I toured the airport with you we talked about the cost of airline tickets being raised because of the fuel advisory alerts. It's a trickle-down effect that happens in order for airlines to recoup that.

>> The airlines want to be profitable. That's not new. The cost of them carrier fuel -- less cargo, less passengers -- it's a big, huge spider web in my mind. What route is beneficial or profitable -- especially the international carriers. If they have to divert to get fuel somewhere else, that's not profitable at all for them.

[6:46:18 PM]

>> Thank you.

>> Mayor Adler: Mayor pro tem?

>> Alter: I'm not sure if I have a question but I have a question for our colleague, council member Fuentes. Your resolution says to identify three possible locations, including land not owned by the city to where the facility could be relocated. One of the things I'm finding -- many things about this are frustrating. One is that I'm not sure that I have yet seen that there's even one alternative, let alone three alternatives that meets the requirements given what the FAA requires for the fuel facility as well as for how all the pieces at the airport interlock. Do you have specific places that were not among the 12 that were admittedly only looked at in depth after the fact of where they ought to be looking? Because if you're -- you know,

[6:47:18 PM]

the place that's off the airport is, you know, Mr. Yance's land next door, which is even closer to people -- you know, is there another part not in the wetland that you can suggest that's a realistic option for one of these alternatives.

>> Fuentes: Thank you, mayor pro tem. What I mean with identifying alternative sites, I'm looking under the lens that I don't feel confident of the 12 sites that were looked at that they were thoroughly vetted and that we were given sufficient information why they won't work. I know it would be tough, complex, require a lot of coordination between the county and the state. But I don't think those 12 sites -- not every single one of them are completely off the table. The fact is we haven't had the sufficient vetting yet. So I would hope with this direction that it would also signal that we relook at the sites proposed and look at other options as well.

[6:48:19 PM]

And have that lens and how we can make it work.

>> Alter: Thank you. I'm still struggling with there being realistic alternatives there. I appreciate what you're saying but I also read the material on the alternatives. None of us are experts in aviation, but they're very clear -- sort of basic goals and needs that an airport have and there's only so much space on their property. And then when you start going off property, not only does it impact every other choice of where things are and likely make things like runways even closer to residents, it's just -- I'm having -- I guess I'm just having trouble finding that there are alternatives, which is sort of the key part of your resolution. And so we would be, you know, delaying for almost five

[6:49:19 PM]

years -- or it would be an additional two to three years having the capacity, but yet it's not clear to me that that alternative search is going to unearth something that doesn't just impact another community right next door to the airport just as much or -- if not more. That's what I'm struggling with, and so, you know, if somebody has more knowledge of those locations, that would really help me in trying to figure out if there's a way forward that there are options.

>> Mayor Adler: Council member pool and council member vela.

>> Pool: I wanted to check on the time line one more time, director. We're talking about two and a half to three-year process -- that's just to do the environmental assessment. Then you have to do the bill.

[6:50:20 PM]

Correct. So it's actually how many years.

>> About four years total, four and a half total from start of design to operation. If we are to go through now and study alternatives first before we design that adds more to the time too.

>> We're already at what point? We've spent two and a half years on the fonzi and assessment and we're now 18 months out from having the larger?

>> 18 months or a month or two to expediting on the construction. We were supposed to start in March. We're 30 days behind in construction.

>> We're talking about the difference between one year and four-plus years.

>> Correct.

>> With no real certainty after the expenditure of the cost and the time that there will be any other outcome, which I think is what the mayor pro tem was getting to.

>> Absolutely.

[6:51:20 PM]

Whatever other alternatives we pick, there's other communities around the airport that also might have the same concerns, so we will stuck into which alternative fits because that is what happened in one of the alternatives they proposed -- it is about 700 feet from another community also.

>> Kitchen: Mayor, I can't support the resolution from its author but I can support some elements that are in the -- that you brought that you discussed. I think you mentioned that, you know, they are

reasonable -- the reasonable steps you have offered and things that probably our staff would be willing to undertake, whether we passed a resolution to do them or not because they seem like the right things to do, so that's where I'm standing -- pretty firmly. And I really appreciate all of the time and effort and the input from everybody to help us kind of parse through all the specifics. I know a lot more about the

[6:52:20 PM]

specifics of the expansion of the airport than I did last year. But I will say we have been talking about expanding this airport and the various moving parts that are involved with it for a long time, so this is not new information. Certainly for this -- maybe for this particular dais but not for the city and not for the council. So I thank everybody again for coming and giving us from their hearts their concerns. We are hearing them and will act on them. But I do not believe we can delay the plans and project before us today.

>> Mayor Adler: Council member vela?

>> Vela: Director, my reading of the evaluation of the 12 sites was that it's not that the other sites were found not viable but that the current site along 183 was kind of the easiest and the best in terms of the highway is right there so the trucks could pull right

[6:53:22 PM]

into -- you know, and fill up the tanks and the line. I just want to confirm. The other sites are viable locations but they may be less perfect. Again, looking inside the airport property, ignoring for a second the residents. Is that -- is my understanding correct.

>> I wouldn't say "Viable" is the right work. When you look at the 12 sites, some of the sites -- for example, we would have to relocate the cemetery or build in the floodplain. That's the last place we would want to put a fuel storage facilities. The 12 sites proposed -- if I look at a regular Google map of the airport I would see a lot of open land but it's the protection zone for the runway, the new layout of the concourse coming, which is something we cannot exchange for or asking

[6:54:24 PM]

to relocate the cemetery or something else. It's not the vital -- it's more again -- the FAA look at it as the best fit comparing to what impact it would have on the environment or the air for other projects.

>> Vela: And with regard to the evaluation of the 12 sites, and again I know we discussed this on Tuesday, but proximity to residents was not looked at, right.

>> Because no impact -- again, there is no regulations to the distance of residents. I mean, I would welcome any of you tell me what would be that reasonable distance, but there is not one.

>> Vela: I understand. I'm saying in evaluating the sites the proximity of fuel tanks to residents around the airport that was not one -- I can't remember the number of factors listed in the analysis but none of them listed to?

>> The only is -- the FAA does not have a requirement

[6:55:26 PM]

for resident distance.

>> Vela: Thank you.

>> Mayor Adler: We have a motion in front of us. It's been seconded. Anything before we vote? Mayor pro tem?

>> Alter: So the master plan was put together and there was thought about where this fuel facility went. Was there not discussion about, okay, it would be better to put a fuel facility here than a runway because it would be too close to the residents.

>> Yes.

>> Alter: There was certainly consideration of the impact.

>> Similar to envisioning where the concourse would be -- there it would be a bridge or tunnel connecting. It's part of how do you fit the puzzle together, as we mentioned on Tuesday.

>> Alter: One part for me is I'm not sure I see the alternatives that you want to bring. I hear what tp community is saying. I hear loud and clear what you're saying and I appreciate

[6:56:27 PM]

the important questions and the conversation. But absent the alternative and feeling like, well, yeah, we could do this but the existing fuel farm would have to be demolished in ten years to put in a runway or we'd have to put in a runway where they would be worse off, it makes a challenging decision to say let's put this off because I'm not sure at the end of the day if we believe that we are going to expand the airport in any meaningful way to meet the needs of the whole region -- I'm not sure how you do that unless you take advantage of every inch. I don't know what else you can put over in that area to take advantage of those inches. That's what makes this a complicated set of discussions, because we do have to also

[6:57:27 PM]

think about all the things that make an airport an airport. And there are trade-offs and I'm not sure of the alternative of what would go there would end up being better.

>> Mayor Adler: Motion in front of us is -- sorry. Motion in front of us is council member Fuentes' version three with item nine not included. Continuing discussion.

>> One thing that, mayor, if I can -- that hasn't been raised as much. It's part of the motion sheets and I've directed staff to continue to look into it. I want to make sure you know why -- know I have a commitment to that and we're going to continue to look at what options we have on that end. We'll continue to update council on that front. Want to thank the director for your engagements and really ensuring we're doing this as good neighbors and we'll do

[6:58:28 PM]

better going forward as well.

>> Tovo: I need to clarify the motion on the table.

>> Mayor Adler: Go you bureaucrats forward some amendments that we have not yet voted on, correct? Mayor Adler I offered them. I laid them out. If there were six people hospitalised to go that way instead, we certainly could.

>> Tovo: Right now --

>> Mayor Adler: And councilmember Kelly laid out hers, but neither one of those have been offered yet.

>> Tovo: Thank you for clarifying. I'm supportive of the resolution as is. Thank you, council member Fuentes for bringing it.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: If now is appropriate, I would like to offer my amendment to the resolution from council member Fuentes about the timeline. I move to amend and add the following two line 135 to

read: Return to council by August 30th, 2022 with a progress update regarding considerations, challenges and possible recommendations.

>> Mayor Adler: And that amendment has been moved. Is there a second to that

[6:59:31 PM]

amendment. Council member vela seconds that. Discussion?

>> Kelly: I would say in support of my amendment it's important to me in matter which direction we take is it's important timeline not just for the community what we're doing regarding this project, but also to ourselves and we hold city staff accountability if we need to pivot depending on the outcome.

>> Mayor Adler: Your direction is even if we're going to vote against the motion we should vote in favor of the amendment. 'Even if we're against the motion and intend to vote no we should still put the amendment on? Okay. Further discussion? Is there any objection to including the amendment?

>> Vela: No objection.

>> Mayor Adler: That's been added. And now to version 3,.

>> Fuentes: Version 3,

[7:00:36 PM]

item number 9 off. Mayor pro tem. Ready to take a vote in those in favor of the resolution please raise your hand? Vela, tovo, Renteria, kitchen, Fuentes. Those opposed? The other five on the dais. It does not pass. Five-five vote. Councilmember harper-madison is off the dais. Thank you all for being with us for a long day. Let's -- manager, if you could have director yaft respond to us in writing with respect to the things that were contained in what I had proposed and indicate whether she's going to commit to do those things or not, I would appreciate that.

>> Tovo: Well, mayor, there could be another motion. There could be another motion on this, correct?

>> [Inaudible - no mic].

>> Mayor Adler: I'm sorry, go ahead.

>> Thank you. I just wanted to share with the community who participated today, thank

[7:01:37 PM]

you. Thank you for making your voice heard, for being part of this process. I know our hearts are heavy because this isn't the outcome that we wanted tonight, but please know that I will continue to relentlessly advocate for the needs of our community and I appreciate you all so much for joining us today and know that I'm committed to continuing to serve our community and ensuring that our airport is a good neighbor. And I just wanted to share my gratitude. Thank you.

>> Mayor Adler: Okay. Are we ready to move to the pud issue?

>> Tovo: Council member Fuentes, I don't want to put you on the spot, but there are some elements of your

[7:02:37 PM]

resolution about -- I wonder if we could give some thought in the course of the rest of the meeting whether it makes sense to have a motion to approve your resolution with what we can get consensus on, including some of the environmental monitoring.

>> Fuentes: There is some things I want to bring forward with the aviation department. I will certainly think about. Mayor Adler and think about that going forward.

>> Tovo: I would like to bring forward considering groundwater wells on either side, uphill and downhill of the fuel storage sites and I think that would be of help so that we can monitor the groundwater conditions. Also in one of my airport commissioner pointed out

[7:03:39 PM]

that that things associated with the expansion are not going through different commissions. They're not required to, but not going through some of our boards and commissions and had they that might have also been an opportunity to really have a fuller community conversation before we got to this point today. So those are some elements that might -- again, if there were a will to pass the resolution as it is with where we have consensus potentially with the green team and some other elements, those were additions I had planned to add so at a minimum perhaps mayor I could provide direction to the staff if there's a will on this council to support it that be groundwater monitoring outside both -- groundwater monitoring wells both uphill and downhill of the fuel storage site. Mayor Adler could we have director yaft address that in our memo as well?

>> Absolutely. And I appreciate just in the conversation we've had today I've asked the director to

[7:04:40 PM]

provide that type of update regarding some of the key elements that were part of the discussions today?

>> Tovo: And I think it's important -- the rest of my amendment would have also been to report those findings of the monitoring to the airport commission on a quarterly basis.

>> Mayor Adler: If you do come back with the kind of thing you have described and don't have your quorum I would appreciate the opportunity to join you. All right, I think we have one item left, I think it's the pud.

>> Renteria: Mayor, can I ask a question?

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Your motion sheet, are we going to also accept the -- with direction to do two to six --

>> Mayor Adler: What I have asked the manager to do is have director yaft send us a memo immediately committing to the things that are on that page. Also committing to the water -- whatever it is she

[7:05:40 PM]

can commit to in those groups I would like her to lay out to us in writing right away, like right away. Jerry, do you want to help us with the last item that's in front of us here.

>> Mayor and council, Jerry rusthoven with the planning department. Here today to present three items. Item number 67 is case npa 2019-0022.02, this is the neighborhood plan amendment for the 305 south congress to amend the neighborhood plan from industrial to mixed use land use category. Item number 68 is a restrictive covenant amendment. I believe it would be best if we actually discussed that item. The plan today would be to postpone that item if council were to approve the pud on first reading, we would postpone it and bring it back for second and third reading so that will probably be a postponement. We'll talk to that after we see if there's a motion to

[7:06:41 PM]

approve the zoning. Item number 58 -- 69 is case c814-89-003.02, the 3005 south congress pud, also known as the statesman pud. This a property is 18.6 acres located at south congress and lady bird lake. I do have to say in all my many years here doing zoning this is probably the most prominent location I've ever had to deal with on a zoning case. Everybody knows this property because of the bats. Everybody knows it because it's at congress and the lake. I want to say that myself and all the other city staff that have been working on this case for the last two and a half years have kept that in mind while working with the applicant in negotiating this pud. It is located as you know within the south central waterfront vision plan area. That plan was adopted by the city council but does not a regulating plan which is why we have a pud before us today. The property is already zoned pud and the pud allows for 660,000 square feet of

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development and 90 feet of height. The allowed uses include a newspaper plant the current use is the closed down "Austin american-statesman" and their offices. The building today is entirely vacant. The proposed development would be for 1,378 units of residential, one and a half million square feet of office, a 675 room hotel, 150,000 square feet of retail and restaurants. The height allowed would be cut into three different Zones. Staff would recommend approval of this pud with conditions. And I'll go through that in a moment. I do have one addition, though, a late addition to the staff recommendation.

One thing that we were concerned about was to guarantee a mixed use development. One thing I think everyone needs to keep in mind we sometimes forget when we're talking about zoning is everybody who is up here with the zoning case before you has an idea, something that they want to do, a project in mind.

[7:08:42 PM]

And that's what we spend our time talking about. But so I think does not force anybody to build anything, whether it says what they are allowed to build. And often times, not every time actually, it's a variety of things that you are allowed to build in a zoning category or in a pud for that matter. I think that given this location, the importance of this location, it's strongly desirable on our part to make sure it is truly a mixed use project and does not become a single tenant office project or nothing but residential, etcetera, etcetera. So I have worked out an agreement with endeavor who is the applicant on this case that these are the conditions. One, there would be a minimum of one building with a primary use of office. There would be a minimum of three buildings with primary use of residential or hotel. And not less than 40,000 net usable square feet must contain pedestrian oriented uses including but not limited to the following. General retail sales, food sales, cocktail lounge,

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health club or convenience store. What we want there is a mix of residential, office, possibly hotel and that mix would get us to retail on the floor of all the buildings. So that is a late addition to the staff recommendation. The case did go before a multitude of boards and commissions. We went before the parks and recreation board and that board determined the project would not be superior until they were about 15 items from the parks department staff that were still outstanding before we went before the parks board and their recommendation was that it not be superior until those items had been resolved. We have director Mcneeley here that those recommendations have been accepted and agreed to. A similar thing happened at the environmental board. The watershed protection department also had a list of some outstanding items, about the same number to be honest, and they made pretty much the same recommendation that they did not feel would

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be superior until those items had been agreed to. My understanding again, we have watershed staff that can speak here more specifically, but my understanding is all those conditions have since been agreed to. We went before the south central waterfront advisory board and the recommendation was the conditions from the parks board and the environmental board, if those were met, which is that the staff recommendations were met, they would find that the project was superior. Generally speaking it did

have their blessing but they wanted to see the issues brought up by the two previous boards to be addressed. We also went before the small area plan joint subcommittee of the zoning and platting commission and the planning division and they did approve the project if we negotiated those last few conditions. And finally we went before the planning commission and they did recommend approval of the project, however they recommended about -- exactly 24 amendments be made to the staff recommendation as a

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condition of their approval. I do want to be clear that this case is actually an amendment to an existing pud and not a new pud. That is important because we had a revision to the pud ordinance that was done in 2007 that treat the system commonly known as tier 1, tier 2 and tier 3. This pud is not subject to that particular parts of the pud ordinance because it predates it and in fact dates back to the '80s. I'm sorry, let's see what year that would be, yeah, 1989. So however, because it is a pud, we maintain that it still has to be superior to standard code. In 1989 the city council determined that it was for the existing pud and this major amendment that requires council approval we believe also shows superiority over the existing code. The reasons that the staff feels that the case is superior to the standard

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code include the following: This is not a totally inclusive list. I will try and read out the highlights. There is a parkland dedication of 6.85 acres plus an additional 1.6 acres of easement which represents over a third of property. As I mentioned property is about 18.5 acres. So 6.85 acres plus another 1.6 acres roughly would become parkland available for the public. They also agreed to the dedication of the right-of-way for the extension of Barton springs road. This comprised about 1.92 acres of the site. As originally contemplated in the south central vision plan it would be on the Crockett property, however the crocketts are not ready at this time to pursue development or even planning for a development as far as we know. So because it is necessary to have Barton springs road to handle the traffic not only from this development as well as the future Crockett development and the project connect station, the prospect that Barton springs will be entire to the

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statesman property. That is above and beyond what was expected with south central. A very important one to the planning department, specifically

[indiscernible], is that 95% of the parking would be underground. I think that this is really important because if you think about some of the buildings that have been built in town recently, and I agree with

all these opinions, that sometimes you look at these buildings and you see half parking garage and then half building on top of that. Or sometimes it seems a little more parking garage than building. So if you try to imagine some of the buildings we've seen recently up the road here away and you take the same buildings and you put them on lady bird lake at the statesman site, I don't think anybody would like to be walking along the lake heading towards 35, headed eastbound on the trail, on the left side you have is the water and on the right side you have the wall of a parking garage that could be, say, five, 10 stories tall. Underground parking is very, very expensive, especially this close to the lake, because of the water table.

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And we feel it is a tremendous benefit to the city from an urban design perspective to have those parking garages be underground and out of site. The applicant has agreed to affordable housing as per recommended in the south central vision plan. This comes out to four percent of the total residential. I can get into more detail on that in a second. The applicant has also agreed to the reconstruction of 1700 feet of the hike and bike trail, enhanced bat viewing area with educational elements. And things as the provisions to place some of that infrastructure underground to make sure that visibility is not reduced to help facilitate the bridge across lady bird lake for the new project connect rail lane. To preserve all heritage trees which by itself is not superior, but to agree to save 75% of the existing trees, not heritage trees, which would be superior. The applicant and the parks

[7:15:50 PM]

department in the future will probably be working on something -- I don't really have the name of this right, but a parkland maintenance operation and phasing agreement. So one thing that is important to the applicant and probably to the city as well, as well as project connect, frankly, is the phasing of the dedication of the parkland along the waterfront the the reason for that is when they're building the buildings on the project they don't want to come to council and get chapter 26 approval every time they need a cranny or dump truck on the project. So the idea would be to get the buildings get build and then have the parkland adjacent to that building be dedicated to facilitate construction. Likewise for the bridge over the lake for project connect they don't want to dedicate that parkland and then have to force' public vote on the crossing of the parkland for the rail.

[7:16:51 PM]

The use of the maintenance of the park, the timing of the dedication of the park and the operation of the park would be worked new ow in a future agreement between the parks department and the property owner. I also want to be very clear here that the applicant right now is proposing to dedicate

the parkland, which we do feel is superior, for the park, as well as the right-of-way for the Barton springs road, however they are not at this time agreeing to bear the cost of improving that parkland or the actual physical construction of Barton springs road. I do believe that they're interested in performing that work, but not paying for that work. And that that would be a part of possibly a public financing mechanism that has been discussed by the council separately recently. So I know the applicant has a very detailed with lots of slides showing the development so I will stop here because I know they have quite a bit to say. But I'm available for any questions or if you would like, mayor, we can hear the applicant's presentation and then get questions after

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that.

>> Mayor Adler: I think we should hear the applicant's presentation.

>> Mayor and members of council, my name is Richard council. I'm here as the trustee for the cox family it and as representative of the cox trust and endeavor. It's complicated. I have the privilege to present to you one of the most important and complicated zoning case to hit your dais and certainly that I've ever handled. So an amendment to an old pud so not subject to new price rules but we chose to come in because that's what you guys are used to seeing as tier 1 and tier 2 conversations. It's important because that will help shape and implement the south central plan that the council adopted in 2016. It's important because it will transform an industrial facility on the lake where residential use is currently prohibited.

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The current pud is just not allowable, residential is prohibited under the current zoning ordinance. It's important because it could potentially define how we plan around the next chapter of transportation because of its location on the future rail line, blue line. Transportation depends -- transit depends on density in the right spot and this is the right spot to do it. It's important because it could have a large financial impact on our community through its contribution to the tax base. Conservative estimates show that in excess of \$10 million a year of city tax could be generated at full build out. That's \$237 million of city chatbox over 20 years after build out. And the other will receive taxing revenue. It's important because it provides for the land for the extension of the rail line and the extension of Barton springs road. It's important because of

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the other community benefits that can be achieved, including but not limited to affordable housing, green infrastructure, enhanced accessibility to the trailer park, including Ada access, which is nonexistent right now, and the creation of a community gathering place along the lake. And finally, possibly the most important community benefit that this case offers is nearly an eight acre expansion of our park, trail and open space system in an area along the lake where there is no parkland. There currently is no parkland along this stretch of the lake. The case is complicated because of its size and location on the lake and downtown. Of the almost 19 acres of land, almost 11 acres are proposed for public use. And while the Cox family endeavor willing to shoulder the costs of many of the community benefits, the end product has to make financial sense which means we have to make the conversation and the push pull and the give-gets of

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the community benefits and the development. And that's what I'm hoping and inviting and look forward to engaging the city on. You're diving into the facts and figures along with the collaboration with the landowner with result in an asset that will benefit all. I think it's interesting and helpful to consider the history of the site. Some fun facts, at one point this was one of the largest spinach growing sites in the country. Spinach was grown on this site years ago. Another interesting fact is it's subject to a boundary line agreement, it was entered into between the city and the landowner and it allows for the reclamation of some of our land that is currently underwater. It's contributively used and used prohibits residential right downtown. It houses the offices and distribution facilities of the "Austin American-statesman" for years and now that building is vacant.

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, Which is going to be a tee point in the timing of this project. The building is vacant now and that's an issue. It has become home to one of the most popular bat viewing areas at the continuing acquiescence of the Cox family. There's no public access easement to view the bats down there, but it's currently allowed and has been. The current pedestrian access from Congress Avenue, the little stairs and the little trail going from Congress Avenue, is not in an easement. It's been at the acquiescence of the Cox family for all these years. Currently the only public access through the site is through the 12 and 15-foot trail easement that goes east-west from the bridge over to the apartment complex. Starting in 2013 the city began the public process that led to the 2016 adoption of the South Central Waterfront Plan. Multiple meetings and hundreds of hours spent by community groups to write down in our comprehensive plan with the vision for

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this south central district would be. In 2016 after an international competition and selection process that I had the privilege to participate in, the Cox family chosen defer to be their development partner.

[Buzzer].

>> Mayor Adler: You can keep going.

>> In 2017 and '18, Endeavor toured North American waterfront properties to bring the best of class ideas to the table for planning of this property. Som, a world class master planning and architectural firm, was engaged to further the planning effort and today they're here to present the efforts so far on that planning. In 2018 we began the public and community process. We had multiple focus group meetings and interviews with neighborhood representatives and other members of the community, some of you on this dais actually participated in those interviews. In 2019 we filed the PUD amendment and the current PUD began the staff review

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process. That went on for years. In 2020 Project Connect passed with a proposed rail line on the site which we were able to accommodate in the middle of the planning process. In 2020 also after receiving all of the cost estimates for the project, the city's outside consultant, Eco Northwest, updated the economic analysis of the plan, including the revised financial assumptions for the Statesman site. I would encourage you that's an important piece as we move forward on this. Hopefully if we pass first reading tonight and hopefully between second and third to have you delve into the economic analysis

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that our own outside consultant made. From 2019 to the present we worked with your staff, city staff and we attended and opened multiple group meetings and commission meetings and now nearly three years after filing the PUD amendment, we are before you today, inviting you and encouraging the collaboration between the landowner and the council to figure out what -- how we want this asset to look and the gives and the gets and the financial viability of it. I'll turn this over -- we're going to see a short video and then Doug with Som is going to do a presentation. I just became aware of a motion sheet that I believe that councilmember Tovo passed out, she's chosen not to share it with us. We've done a quick look at it. It is like the planning commission recommendation. There are some things we can do, some things we can't and some things we need to talk through. But we are able to talk about it all. And tonight there are no absolute no's. There are only yes's and maybes and negotiations. With that I'll turn it over to the video which I believe is loaded up, and then Doug. Thank you.

>> Tovo: Mr. Suttle, I'm happy to give you a copy. I passed them out probably 30 minutes ago. So no one's had it terribly long but you're welcome to have some copies. I believe they're floating around.

>> I'd be glad to look it over. Thank you.

[Video playing].

[7:26:42 PM]

[Music].

>> We are presenting a vision to Austin city council to create a dynamic and inclusive destination that builds upon the south central waterfront plan. This new district will enhance our existing roads, bikes, trail system. Further connecting and activating the lady bird lake waterfront. Today this site consists of the existing 15-foot wide trail of publicly accessible lakefront. If approved, over seven and a half acres of private land will be made publicly available with new park and open space along the lake, all accessible via congress, Riverside and an extension of Barton springs road. This project would expand existing bike and pedestrian

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paths, increasing points to and enhancing the butler bike trail. All of Austin will have access via road, bus, bike or trail as well as transit via project connect's new blue line station, establishing this site as a new multi-modal hub. We're creating a new environment for people to walk, stroll and hang out. Vibrant, diverse and welcoming. A public space that embraces our city's culture and honors the spirit of Austin. We are improving on the south central waterfront vision plan by putting all parking at grade or below

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sight, creating a better visual experience for pedestrians, bikes and cars that brings people to the waterfront from the surrounding neighborhoods. If approved by the city council this will become a new destination for our entire city, offering places to live, relax and stay and places to work, shop and dine. A new destination for the entire city.

>> Great. If you could bring up the slides that you had earlier. It's great to see you all. It's a great honor to be here. We understand the importance of this project and what it means to the city. If you can go to the next slide. My name is Doug Voigt, a

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partner with the firm out of Chicago. For the last three and a half years we've been working very closely on advancing these principles that are embodied within that vision. Principles and aspirations that were identified within the south central waterfront but apply directly to everything we do on this site. Next slide. In fact, those principles apply to a much larger area than the 305 south congress site shown here in pink. And although this is only a portion of the whole, there is a commitment to provide over half of the district's open space on this site, primarily on the waterfront, but as we'll share with you momentarily, other spaces that contribute creating a great place. Next slide. You all know the site. It's amazing. It's amazing in terms of its location, but also it's an integral part of the trail. The trail head to a much

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more expansive set of open spaces along this great recreational resource for the city. But today there's a vacant building and surface parking. Next slide. In fact, there's over seven acres of surface parking on the site today and existing building extends not only into the primary and secondary setbacks, but also across into the critical water quality zone. Next slide. So this is our vision. Our vision to reconnect the community to the lake, to create a walkable, vibrant and inclusive place, and to extend the fabric of the city not only into the site, but that this project connects with the fabric of the city around it. And although you don't see that south of Barton springs today, there are bigger plans as part of the south

[7:31:50 PM]

central waterfront plan and over time this will not be seen as a project, but as a part of this great city. Next slide. So how did we get there? We should point out this plan is different in the physical geometries that were put forward in the south central waterfront plan. We had to turn and rotate the grid put forward to address the multiple landownership but also the principles of the public space at the lakefront were all put in place through the single definition of this site. Next slide. And we did that through expanding the public realm. And this is a priority. It's been a priority for us from the beginning to look at the quality of this amazing set of spaces that link buildings, people and place together. So as part of this vision and we'll unpack this in a moment, you see a porosity

[7:32:52 PM]

of streets, well scaled sidewalks, all defined by active street scapes. Next slide. As was mentioned previously many times there is no access other than the driveways up to the site today. Next slide. The plan is to extend Barton springs, to connect it across and down to east Riverside drive, but to also provide a series of local streets that allow vehicles to circulate, but also provide access to multiple building parcels. Next slide. We also anticipate and plan on how this project can benefit, but also

leverage the incredible investment the city will make in the project connect and the new blue line station so that every part of the site is within a three to five minute walk of transit. Next slide. So as you can imagine through some of these visualizations, arriving at the landing, this incredible new public space on the

[7:33:52 PM]

lakefront defined by active lower scale terraces fronting the space as you come across either by train, by bike or by foot. Next slide. This image creates the commitment to create a great public waterfront. The quality of the public we will am, the careful consideration and integration with the buildings that frame these important public spaces, but it's all held to a commitment around the environmental and ecological principles required in building on lady bird lake. Next slide. So one of the things we'll talk about in a moment here are what are the activities we plan, how have we designed these public spaces to be a place for everyone. So not only do you see from the great lawn over a new --

[buzzer] May I get two more minutes?

>> Mayor Adler: Keep going.

>> Not only a good pier, a

[7:34:53 PM]

series of steps that lead you down to the water, but also a boardwalk that brings you out to not only take advantage of the views of this city, but of the bridge itself, and other things that will emerge over time. Next slide. So just to go into a little more detail there was mention of the rain gardens. There's multiple places to deal with storm water in a very ecological and sensitive way. There are places of play in nature. There is also a great lawn, so a place to view the bats, to explore the greatness of the city, are multiple, they're diverse and they're well scaled to be seen as part of a larger whole. As we have previously mentioned, going from no access to five access points. These are pedestrian access points that lead you directly unobstructed out to the lakefront. All addressing interview access, but emphasizing the

[7:35:56 PM]

walk act and porosity of this district. Next slide. We've also understood the importance of bikes within Austin so although we allow and anticipate bikes to move freely through the district, we're committed to on Barton springs road having a dedicated bike lane that allows longer duration cyclists to move through this site, to connect over to the trail connection without interfering with pedestrians and

movement within the interior of the site. Next slide. And why do we do that? Is because we want to design this place for people. We want to create these plazas that have these incredible views, these places that are well scaled that you want to spend time, but you also want to come back. Next slide. And so each of these blocks all much smaller than what you typically see in cities. These are about 200 by 200 feet, perhaps a little bigger, but a little smaller. But it's to improve the walkability of this district, to allow a divert

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of buildings as you start to see in these rooftops, but more importantly on the next slide, this commitment to parking and to locate 95 percent of the parking completely below grade. We know what this can achieve. We've seen it done in other cities. It creates an active street edge. It gives you more flexibility to do things that people see when they're on the street and not having to be secretive in how we hide the parking, but be intentional of how we make places along these streets. Next slide. But these blocks have also been planned to accommodate a variety of uses, a variety of uses in terms of building shape, podiums, excuse me, that hold the street edge, that activate the street. Taller buildings that are positioned to allow views beyond one another, but also views and light to access the street level. It also accommodates and addresses the desires of the

[7:38:00 PM]

south central waterfront plan with height increasing towards congress avenue. Next slide. There's so much more to talk about about this plan and we're happy to go into not only the public benefits, but other commitments this project put forward as a model for development within the city of Austin. Next slide. So in closing, this is our vision. It's a vision that actually captures and embodies those principles of the community through the south central waterfront plan, the continued discussions with the city and with the various departments, but also understanding that this is a part of the city so as you ask see in this view the buildings come up, they reinforce the quality of the streets, they reinforce congress avenue. This is about knitting into the fabric of the city and adding to what is already an amazing place. Thank you.

>> Thank you.

[7:39:14 PM]

>> Hi there, mayor, mayor pro tem and council. Thank you for your time. My name is Jonathan and I'm with sigla group and we've been working on the project as the ecologist. Mr. Suttle asked me to speak about some of the environmental elements associated with this project and the environmental

separate. To refer to a detailed list you can look at your tier 2 table. Most of the things I'm going to mention right now are in the environmental protection and restoration plan. One thing to consider here is just the complexity of the project that everybody has mentioned. So the amount of space that is available. There's two environmental considerations that I'd like to focus on. One is the bats, which you've already heard quite a bit about, as well as the shoreline of lady bird lake. Mr. Tuttle really said this eloquently already, what an incredible resource we have in Austin. The largest urban bat colony in the world right there.

[7:40:16 PM]

I've worked in environmental education for numerous years. Going down and watching those bats, I think it is the most powerful environmental education program that we have in Austin sitting there and the implicit value you see in the environment in seeing people gathering together and understanding how things merge together. The applicant has talked to numerous conservation organizations associated with bats. Bats conservation international, Tuttle bat conservation as well as bat refuge and what they've come back with with are things they've suggested. 75 feet of the shoreline will be dark sky compliant. Maintain the bald cypress on the edge. Keep the area adjacent to congress bridge clear for the bat gathering as they go out. Continue to work with the organizations through the planning process, through sd, through dd, through construction documents. And finally help create

[7:41:17 PM]

educational opportunities. Moving to the shorelines of lady bird lake, the restoration of the floodplain for us there --

>> [Inaudible - no mic].

>> Most of the area in the western side of this site ask dominated by the -- the understory is dominated by invasive species. The applicant is committed to battling those down to five percent of the cover and creating entire plant communities so that means a her patience story, under story layer and canopy layer throughout that canopy forest and the wet land fringe that is so important to your watershed protection department that's that area right at the edge of the water, thinking about things like button bush and American water willow that are not on this site currently. And then finally, using the green infrastructure to create a space for

[7:42:17 PM]

pollinators and post-secondary species within the site. And thinking about how we protect these elements.

[Buzzer]. One of the things about the 10 miles around lady bird lake is that everybody wants to get to the water. It is a site that is overloved and overused, so thinking about those explicit and implicit boundaries to those natural areas, thinking about split rail fencing, cable fencing and hard scapes that keep people from going into the natural areas. And then finally it turn out that those formal areas, that pier and boardwalk that allow people to access the water, become critical for environmental superiority because it gives them places to access the water without degrading that natural environment. And the applicant is committed to a sustainable management plan for this site and they're willing to work with people like bat conservation international and the trail foundation to make that happen. Thank you all for your time.

[7:43:20 PM]

>> Mayor Adler: Thank you. Anything else?

>> Mayor and council, that's our presentation tonight. We're happy to answer any questions you might have. You can tell we've been in the process for a good number of years, and we're hoping tonight to hopefully get first reading with the recommendations that you have or the planning commission have or the staff have and get a first draft of a pud ordinance so that I think some of the earlier speakers, rightfully so, would like to see the ordinance. And then let us sort through the gives and the gets of this site and this asset. Thank you.

>> Mayor Adler: Colleagues? This is obviously a really exciting development, but as you point out, a pretty

[7:44:20 PM]

crucial development for the community and for downtown. I think we're starting tonight with what's going to be a much longer conversation. I'm not sure we resolve anything tonight, but have a conversation that's mostly about issue identification and things we want to be able to talk about, things that some of us would like to see. But I appreciate all the work and the conversations that have been going on in the community and I still wonder where the regulating plan is. But that is an aside. We'll move forward with the pud. Conversation. Colleagues? Councilmember tovo.

>> Tovo: I have some questions for staff. No, actually, I'm going to start -- I have some questions for the applicant. I wonder if you could -- let's see. I think the second speaker,

[7:45:23 PM]

if we could talk about some of the presentation. I'm sorry, I didn't catch your name. I know you're from the Chicago firm. Thank you for your work. If we could see your presentation and I think especially if we could start with the last slide and if you could help us understand some of the access. And while we're waiting to pull that up I'll just say this is an exciting -- I think this is a tremendous opportunity for the city of Austin. I've been part of a lot of those conversations that have taken place both in the interviews and attending some of the presentations years ago. And of course this is in district 9 and I have a keen interest in seeing it move forward in a way that is really -- becomes a community asset. So thank you for all of those who have worked on it. So in this area -- on this screen, one of the conversations that has been taking place, and I have an amendment on my amendment sheet here today that addresses this. One of the recommendations that came to us was to provide access as it currently is from the congress avenue bridge so

[7:46:25 PM]

that as people approach this space they understand how to get to that park. It is embracing of the public. If this is to be a public park we really want people to access it without having to go through a private development to get there, though I trust based on your slides that the intention is to create a space that is embracing of the public in all of its elements. But can you tell us from here how one would get to that granny space? If I'm one of those runners -- I wouldn't be one of the runners. If I were walking on that little piece on congress avenue bridge heading south, could you take your cursor and show us where one -- where and how one would access the park, please?

>> So luckily I am a runner so I'll do that with you. But could I ask that we go to a plan to where that access point is. And if I could come back

[7:47:25 PM]

here to clarify.

>> Tovo: There was a slide earlier and it was called just that, access.

>> Would that be okay?

>> Tovo: Okay. That would be great. That was one of the other slides I wanted you to walk us through.

>> Go back. It's a plan. Go back a little bit further. With the blue lines. There. Awesome.

>> Tovo: I think there was one that was actually called access --

>> There. Would this be okay, council member?

>> Tovo: Sure. I think there was another one too that said access something, something at the top.

>> Let me do my best to explain it from here. As you know the grade at congress today from this site starts to increase as you move closer to the bridge for the abutment and all those reasons, correct? There is a path that is accessible from two points and unfortunately I can't point to where those are. Can I take your cursor?

[7:48:33 PM]

My colleague Jennifer is coming. So today there's an access point not far from where we're showing the diagonal on congress avenue. That is a series of steps that take you down a gravel path that brings you pretty much along the bridge but at the lower level as it extends out to the lakefront. Then a little forth kind of by the C in the congress there's a set of stairs, actually many stairs that one can take to get down to that smaller path. We had many conversations about this topic and that path. And as part of reinforcing the larger fabric of the city and not seeing this as a project, but seeing it as something that define streets, even those that we address like congress, like Barton springs, those buildings are best could come up to, have entrances from and reinforce the qualities of congress as a

[7:49:34 PM]

great street where buildings hold the sidewalks. We had also received feedback throughout the process that hold the development back and maintaining that path may present additional safety concerns because the lack of visibility at that lower level and congress sloping up and the buildings adjacent to that. Now, as we move further north right where the C in the congress is there is not that far because that's too close to the bats. Right around there. There is the potential to further explore. We're not into building design. These are planning concepts. To look at other opportunities to make those connections to provide ways to get down to the lakefront. I should mention, though, and I appreciate concern about walking through the development, but I think the intention, though, the underlying philosophy is that these streets are

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always open. They're part of the city. They're part of what you see when you walk downtown. And that those ideas of project over time are erased and this just becomes a great district like other great parts of Austin.

>> Tovo: I appreciate that point. Thank you. I'll mull that one over. If we could go back, and this is a helpful diagram. Could we go back to that last slide?

>> Sure, the rendering?

>> Yeah. If we could go back to that last rendering. And while we're doing that could you explain what you mean by safety? What were the safety concerns?

>> The lack of visibility at what is really an alleyway between the congress avenue bridge and what you can see here those three to four stories of development on the eastside of congress. So lack of visibility from

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the street, concern that there's less people down there observing because it's not part of the fabric at the street level which is congress avenue.

>> Tovo: So if the building that is all the way to the right were to move to the left --

>> To maintain that --

>> Tovo: That there was a concern that the corridor that would be created could pose safety challenges. But just to be clear, as I understand the diagram that you just present and the conversations that we've had about access, if I were one of those walking down there, I would need to walk beyond that building and then make a left and then come through the project to get to the lawn. So whereas right now you can get from congress avenue bridge down the steps as you describe.

>> Down the steps, correct.

>> Tovo: Down to -- go a little further and take the path down that the access

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point, now you would need to go from the bridge all the way down the road to the project.

>> Really where the second access point is today.

>> Tovo: Okay. Thanks for that explanation. I hope that I know yesterday in our conversation with the applicant's representatives we raised this issue and I think there was allegeness to take a look at some other options there so we'll keep talking about that. I'll leave it there in case others have questions.

>> Council member, just from looking at this rendering, this idea of terraces within this podium, the lower levels of the building, present a lot of opportunities to do creative things, to address some of the concerns that you've raised of finding alternate ways to access --

>> Tovo: Down to the parkland. I think that is important. It is quite a different kind of path to that public park and if we want people to access it I think they have to be able to do it sooner. I think it's wonderful and necessary to have Ada

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accessible paths down there, but I think people need to be able to get to it sooner from the bridge rather than walking all the way around the building.

>> If I may one other mention from a conversation we had with a working group of the commission was to maintain a buffer from that edge of the congress after bridge as well from the bats so that pedestrians wouldn't be allowed up close to the part of the bridge as you get south of that. So just another consideration that we took in to where we have paths and the design of the open space.

>> Tovo: Thank you. I received a lot of conflicting information about bats and that little bees so I will have to sort through that as well. Thank you.

>> Mayor Adler: It sounds like everybody has their hand raised, so let's shoot a question or two and then we'll make sure we circulate back through. Councilmember Ellis, councilmember Kelly, councilmember kitchen, councilmember pool and the mayor pro tem.

>> Ellis: Thank you, mayor. I don't have any questions, but since we're on first reading I wanted to daylight that I am also despitied about this opportunity to

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reactivate and reengage this particular part of downtown Austin and south Austin. I love the inclusion of the bike lanes and really want to just help advocate for my excitement for more safe protected inviting bike lanes. I know that is a concept that we're pushing pretty heavily here in the city right now and very excited about being able to do that in all parts of town and I want to make sure that every opportunity we have to encourage people to be athleticking and ebiking and using other modes of transportation besides cars is looked at and enforced. And then in that same line of thinking, heat island mitigation, trying to make sure that the spaces that are open for pedestrian and bike activity are not overheated, that there's lots of shade and plants. Which it sounds like you're obviously thinking a lot about. And I appreciate that. I do know this particular site I've been able to attend two concerts on this site as it exists and I know it's very much in line with the family and the people

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occupying that building even as more large industrial type of building with a lot of surface parking, they've still found ways to invite people into their space and be able to share live music and be a part of Austin. And then as with all situations that involve mixed use type of development I just want to make sure we're not eliminating opportunities for childcare to be available. I know we've had some historic voting practices decades ago where we said no childcare and I want to make sure as we move forward as a dais we're inviting that type of use into these spaces because it is important for people living,

working and playing to have access to childcare as well. But thank you for the presentation. I found it very exciting and very informative.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you. I really liked the presentation. It was nicely laid out. I liked the vision. It's great. Is this publicly available for the community to be able to view?

[7:56:45 PM]

Great. I know it's the first time I've seen it so I'm going to need some time to really digest everything that was put in front of us and I think the community really needs to be able to do that as well. So as such I'd like to make a motion to postpone item 67 through 69 related to the south congress pud and just so that we can get some more feedback from the community before we move forward. Make more decisions.

>> Mayor Adler: Okay. That would be a walking amendment -- motion, which you can't do, but it's good to know that you would postpone it at this point.

>> Kelly: Sorry, everybody.

>> Mayor Adler: Let's see what other people's comments are before we postpone it so other people get a chance to say their introductory stuff too. Councilmember kitchen.

>> Kitchen: I have several questions but I'll only ask two very short ones. The first one is -- relates to the Barton springs road extension. So I'm just wanting to clarify whether the current code or the mobility plan requires dedication and

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construction of the Barton springs road extension as part of the development? Is that required or no?

>> Good evening, Curtis Bailey with the Austin transportation department. Yes, the asmp, even before it stands now with the amendments does show that as a public roadway, the Barton springs extension. And also providing protected bike lanes and sidewalks.

>> Kitchen: So that's required to do both -- okay. Okay. Thank you. Then I also -- sorry. I had one other -- so I'm curious. There will be a tia as part of this, right? >>.

>> Yes. There has been a tia completed already.

>> So there's mitigation along the tia.

>> Yes.

[7:58:46 PM]

>> That's what I was thinking. With these items, the bicycle facilities and Barton springs road be part of the mitigation.

>> Yes, it will.

>> Then I had a question about public art. I noticed the tier two table talks about participating in the art in public places program. I wanted to explore a little bit the statement about what the commitment was because it's only talking about purchasing two art pieces. So I'm wondering -- I'm really -- you know, the sketches that were seen are really showing us a beautiful place and I'm wondering how we can do that without committing to them having some greater commitment level to art in these places. Can we talk about that -- what

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kind of commitment there is to coin -- or bring art into this place.

>> I can't recall if there's specific commitment to a dollar amount. There have been discussions going on internally having to do with what would be an appropriate dollar amount but I don't know if there have been discussions on that.

>> I'm looking for Mr. Suttle. You mentioned there was opportunity to have discussion about a number of things. This is one of the areas I think would be interesting to have conversation about. I think to make these great outdoor spaces -- the green space is critical on the lake and that's an important piece of this. But bringing art into the spaces are really important.

>> It is important and right now what we have put into the

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program is a minimum of two art places for the cost after a million and a half dollars.

>> Okay. For something that size of space, two is not that many. I would be more interested in local art and, you know, maybe smaller numbers of more pieces. There's a number of things that could be discussed.

>> We look forward to the conversation.

>> Thank you very much. Then finally the access to follow up on council member tovo's question. I'm curious about access under the bridge because right now -- right now, you know, it's really -- it's not a

pretty place to walk along the hike and bike trail under congress avenue bridge onto the area, so we're seeing some really nice renderings of what this space looks like. How does it connect under congress avenue bridge to the rest of the hike and bike trail.

>> We don't need to -- to

[8:01:49 PM]

explain, we're more or less rebuilding in the same location, with the exception of one spot, and that's right at the pinch point near the existing statesman building.

>> Uh-huh.

>> So we can pull that back a bit further from the lake front. Otherwise, it continues in the -- it's just improved from what it is today. What happens is the boundary -- the further coordination and advancement but for us that was outside what we were asked to look at.

>> Is the area under congress outside.

>> Yes, I believe that's city right of way under the bring.

>> I appreciate council member tovo asking those questions. It might be at some point something we want to talk about. Right now I consider it a pinch point on the hike and bike trail and it's not a welcoming place to go under that congress

[8:02:51 PM]

avenue bridge. It's not a long space, but it's still not very -- not -- it's not very welcoming. So to -- you know, to be going along the hike and bike trail, going under the congress avenue bridge and coming out to this fabulous area is good. It's just I would want to talk to the trail foundation or the city or someone about what we might be able to do to improve the area under the bridge.

>> We'd like to be at the table for that as well.

>> All right. Thank you.

>> Thanks. I don't know how far he wants to get away. I have a question for if applicant about the public park on the site.

>> The public what.

>> Park on the site.

>> I appreciate the park concepts in the plan. They look really good, particularly the focus on public access like we've been talking about here and improvements that allow for large gatherings in the green space. So I wanted to talk a little

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about that. I understand that the south central water front plan has a park concept in it already but it's been a few years since it was created. Considering the strategic and back centric location of the development, I want to be sure we have public buy-in on what the public green space would look like. I recall during the grow discussions we were able to secure a public process around the public park design. It was a win-win for everybody. And it benefitted the surrounding neighbors, the parks department. It truly benefitted the development and new residents moving in there. I'm not sure what it looks like for this project, but I'm wondering if maybe we could leverage the south central water front advisory board as a destination for the conversation and for some public input.

[8:04:53 PM]

I would like to make sure we have a process that would deliver the same kind of benefits here, so I would ask if you would be willing to work on that.

>> Absolutely we'll participate. What would be do is build on the hundreds of hours of community time that went into the park plan through the south central and make improvements from that.

>> That's great. I would like to work with you all on that. Then on the topic of funding for the park amenities, I would like to understand more about the commitment from the applicant for the amenities, but this may not be something that you can answer today, which is fine. I do -- I will want to dig into those details to understand which amenities we can assure the park will provide in the park spaces. And continue to work with you all on a really beautiful, new, focused park and development at the south central water front.

>> We look forward to those

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conversations.

>> Thanks so much.

>> Thank you.

>> Mayor Adler: Mayor, pro tem.

>> Alter: Thank you. Thank you, council member pool, for raising the park issues. I have a question for director Mcnealy. You get to do your?

>> There you go.

>> Alter: Good evening. Thank you for being here. I would like to understand how you consider this park land superior.

>> Sure. We first took a look at the amount of land being dedicated by easement or by deed. I believe you heard earlier that it was significant, just about half of the space that's buildable is -- half of the space that is this piece of

[8:06:54 PM]

property is actually going to be dedicated, either through easement or through dedication through deed as parkland so we saw that as a benefit, as a huge benefit, as something that would be not insignificant. We also took a look at the fact that there would be an investment of a hundred dollars per unit beyond the code, whatever the code would require in the end, and that that investment would be above and beyond what would be required. And we found that to be something that was not insignificant, that was certainly a contribution. We believed that in talking with the developer and the commitment to the five Ada access points was important. We had quite a conversation about the fact that if a park

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space having only one or one way in or one opportunity to access this space that was Ada accessible didn't provide the same type of experience to everybody and that by their own admission the different parts of that park space might have a different feel, then it was important to the department and specifically important to me that any individual of any ability could have that same experience, so E with found the idea that having five Ada accessible -- the different elements of the park space was very important. We believed that being able to create that bat viewing area space in a way that the watershed protection department or the environmental commission and the parks board or parks department could agree upon and make sure that it continued to be accessible and that the bats and the ecology for the bats could be taken care of, that

[8:08:58 PM]

that was an important part of that and being able to have a cistern underneath the parks department as an amenity -- under the parks department -- under the park land was certainly an amenity. We believed that -- well, I'll just stop there. So it was those sorts of conversations that led us to us believing it's superior. It's outlined in a memo we sent over and I'm happy to provide you that.

>> Alter: Thank you. I appreciate that. I think there's so much promise here and it's central to the south central water front. Can you tell me how much is being developed by the developer, though, that is also part of superiority? It says the dedicated land has to be developed and I'm not seeing that from what I'm understanding that they're delivering in terms of the park land.

>> Right.

[8:09:58 PM]

We know there's a certain amount that will be developed and when we were talking about this particular situation, we were talking about the fact that it will be developed but we don't know what the funding mechanism for it to be developed for -- so we're at a stand still there and we're not talking about the funding mechanism right now. Those are other items, so we have in the plan -- or we have a commitment or a concept plan as to what is going to be developed but as far as what the funding mechanisms are and who's going to actually take responsibility for that we're not there yet. But we did talk about putting that into a separate plan, a separate agreementment.

>> Alter: I'm not going to be able to vote on this until we have a really clear idea of that park plan and who is paying for what. There's so much promise in that space, which I think that the developers recognize, but we need to be clear that we're not

[8:10:59 PM]

at the end of the day going to have a bunch of dirt on the side of lady bird lake where we're stuck with the bill. We don't have a tirz set up yet. And anything that we don't arrange for as part of the pud, if we want it delivered we are going to have to find the mechanism to do that one way or another. And I would like to see the developers stepping up with more of those amenities. I think it would be to your benefit. I think your project will do better. It will sell faster and the quality of the work because you can integrate it into the work that you're already doing will be of higher, more lasting quality, which over time I think will rebound to your group's benefit. Mr. Suttle, I would like to be working with you on improving those park amenities.

[8:12:01 PM]

You know, the hundred dollars more is not very much when you're supposed to be delivering a high level of service in order to be considered superior. Given your numbers you're supposed to be dedicating more land than you have available. Obviously you can't do that but it's somewhere in between where we are now. And I'm not sure which number but I would really like to see us moving forward on that

>> And we would welcome the opportunity to sit down and talk to you. We're not going to leave dirt. We're doing the plaza, the trail in phase one. We're paying for that.

>> Alter: There's a lack of clarity in the documents that we have.

>> There is.

>> Alter: So I want to make sure we have clarity on that. I've been involved in enough

[8:13:02 PM]

pud's to know if you don't have stuff nailed don't you don't get it and end up footing the bill. So I want to make sure there's that. Last part, if we get clarify for kags if project -- clarification if project connect is expected to pay for the easement.

>> I thought as we were accommodating the bridge and easement for cap metro -- it's a moving target. It started out as two rail lines and it's two rail lines and pedestrian and two rail lines and pedestrian and maybe buses. We have further conversation to go with cap metro because then that also cuts through a critical component of the parkland. So right now we're accommodating it as UT grows -- we may have have to have a conversation about the gives and gets as well.

>> Alter: I appreciate that. I would like to understand how

[8:14:02 PM]

that evolves.

>> That came right in the middle of the planning process so we were able to accommodate.

>> Alter: I appreciate that.

>> Sure.

>> Alter: It's an important direction for our community. But it has to be clear in the pud what's going on because I don't want us to be expecting we have an easement in the pud that is something you claim is superior and we turn around and have to pay for it.

>> We're trying to get cap metro to elevate it so you can keep the parkland underneath.

>> Mayor Adler: Council member vela?

>> Vela: Could you talk a little about the height and how -- I'm looking at page 44 of the back-up on item 69 where you have sub area one, sub area two, and sub area three, with sub area one having -- what were you thinking and how do

[8:15:04 PM]

you arrive at the numbers.

>> That gets into the complicated math equation we did with eco northwest, your economist. It was determined that there weren't enough square feet under the south central plan to make this financially viable. We cranked back in and put more square feet to get to the numbers you see today. We can go back to the slide if you'd like to pull it up. Can we pull the slides up and I'll show you? There is a slide that has all the buildings and the heights on it. Right there. Right there. So what this showed was under the south central original plan the red lines were the heights under the plan and the black ones now are the ones we're proposing. That's a function of getting the square feet right to make the project and the plan work.

>> Vela: In terms of community benefits versus height, is there room to trade there where

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the -- in other words could you use additional height if we would get additional community benefits.

>> Sure. And -- yes. The answer is yes. It's a balancing act because you get more density, you've got to park it. What we're doing the analysis on now is can we get an extra layer of below grade parking to make the extra density work should that be the direction that you go in? But the answer is Y E.

>> Vela: With regards to the parking I want to say I'm -- I've read that by putting it underground you're taking it down -- the parking spaces. I want to say as was mentioned, I really appreciate the underground parking. I think that's invaluable. Not a fan of the parking -- whatever you call them. They're horrible. That's another conversation but I would be in favor of putting

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all parking underground, especially in the downtown area. How problematic would it be? I know there's water table issues. You can only dig so far underground. How -- have y'all looked at that? In terms of adding more height and where -- what are the feasible limits in terms of the capacity of the parking and height and things like that.

>> It is a complicated calculation and what we're going to do is get our contractor to go back and look at what if we added an additional floor, what would that amount to and support in terms of added density? We look at density along lines of square feet. We tried to taper the buildings down as it went east but on some of those there and in the middle, we could bump them up and get more square feet, which, again, changes the E whole equation and it could result in more community benefits.

>> Vela: Uh-huh.

[8:18:07 PM]

And with regard to the height, I see that the taper down as you move east and -- I'm assuming just based on red lines there that that was part of the original south central water front plan. This may be more of a question for staff but I'm sure you might have a clue too. What was the thinking in terms of -- as you move east from congress.

>> That was pre project connect. There is a thought now that with the train station that you see there that actually you shouldn't necessarily taper down as you get closer to the train station. In fact, there's a piece of property across the rail track that is going to be coming to you asking for more height now that there's going to be a rail station. I think we could mix this up a little bit and not taper down and have the density next to the train station.

>> Vela: Yeah. I'll tell you my -- I'm very much pro housing.

[8:19:07 PM]

The park and the opportunities for an aconic park -- I mean, really, I think that location could be -- rival the capital -- the university of Texas tower, Barton springs. The bats on south congress are right there with any of those as, you know, just kind of a visit of life in Austin. I really appreciate the emphasis on the park. The fact that six acres Ares

-- are going to the park. The transit and location of the transit and success of project connect are critical to me and any time we're putting a transit line down, transit stop down, I think we've got to put housing around there and the easiest, quickest access -- so

[8:20:09 PM]

I definitely would be supportive of additional height, especially around a station in particular if we can get additional?

>> Sure. This whole conversation is fascinating. If you imagine a zoning case of this magnitude, you've seen them before. You could have hundreds if not thousands of people inundated the council chambers and e-mails and this one has been remarkably quiet because we've spent so many years talking about it and integrating everybody's thoughts. And I think everybody sees the opportunity here. I think now we're just down to details and it has to be financial sound. That's the key. Everybody -- the one thing that we can plan on is what stuff costs. And what stuff costs dictates what the yield is or what the return is and that -- everything that we do on this is a push/pull. So the slate is open. This is our best guess.

[8:21:11 PM]

But it's a great opportunity.

>> Mayor Adler: Colleagues, we could go on all night asking questions. There are a jillion questions. I don't know if we want to do that all evening. I think council member tovo has some ideas to lay out and then maybe it's the conversations that happen even off the dais that help shape this. Council member tovo, do you want to bring these forward?

>> Tovo: I'll move approval on first reading with my motion sheet attached.

>> Mayor Adler: Move approval of the staff's recommendation with the sheet

>> Tovo: PC.

>> Mayor Adler: Sorry?

>> Tovo: I'm moving the planning commission recommendation on first reading with the amendments and additions as laid out in my motion sheet.

>> Mayor Adler: Motion. Is there a second to the motion? Mayor pro tem seconds that.

[8:22:13 PM]

Discussion? Kathy?

>> Tovo: I'm happy to take questions or discuss individually. I think this is a combination -- I'm sure there will be more areas to discuss. This is sort of round one and I'm happy to answer any questions. I want to underscore a few things we talked about. Some things that bear -- you know, overall I think what we need -- what we on this dais need to assess is whether the community benefits are commiserate with the requests for increase entitlements as well as -- you know, is this the kind of transformation we want on the site. I think largely it is the kind of transformation we want on the site. Now as I see our charge it is to do that cost/benefit analysis and determining whether the community benefits -- or it is -- we had an opportunity to talk about this Tuesday. I won't belabor it but I do think there's a lot of conversation that needs to

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happen around that point. Council member kitchen, for example, brought up the question of Barton springs. As I understand -- I didn't understand from the application itself and the chart from the applicant that while they are -- it talks about the project providing the extension but they are not suggesting they would pay for it. As I understood from our transportation staff that would otherwise be a requirement. There's that kind of issue that I think we need to explore. Mayor pro tem talked about the parkland which in order nearly in a pud the developer would be required to be pay for. That is listed as a superiority on the chart from the applicant. The director -- I think -- I would want you to explain not tonight -- I need to drill down into what you were saying -- it's my understanding that the parks department only supports

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pud's as superior if they meet the criterion and they weren't. So I need to better understand that recommendation. I think your response to my question, for example, said they met the requirement by proposing -- because they have proposed a funding source even if that funding source is in essence public dollars. We need to tease that out. I'll leave it there for today and, again, just request your support on this motion sheet with changes from some access issues and staff recommendation on things like reflectivity to making sure this pud would follow in the footsteps we want big projects to follow, which are compliance with water forward and elements of water forward and then very importantly, I would like to see this project and I believe this project should have a higher level and higher commitment to affordable housing, whether it's ownership or rental.

[8:25:18 PM]

>> Mayor Adler: Council member tovo, I'm going to support the addition of this because I would like to see all these issues ultimately discussed and I am eager to hear the conversations. They're not necessarily things I know that I support yet because I don't know what the trade-offs are. Lot of these I need more background -- for example, the 15 per cent reflectivity you have. Planning commission I think said 15 per cent up to floor 40 and higher above that. I just -- I don't know enough to know what those differences are and I need to learn that and I think that this pud will give me the opportunity to do that. I'm real interested in really hearing as it said out here from eco northwest. I mean, there are a lot of questions on here that I think are associated with calibrating this and they're going to be questions with respect to what

[8:26:18 PM]

we can -- I want to make sure we get everything we can get out of the development. You know, as part of participating in this. At the same time it still has to work and I don't want to put in affordability elements. I want to get everybody bit of affordability we can get but I don't want to go so far that we end up not getting what we want in a bonus situation or otherwise. So I think that bringing in a third party independent value day tors of economic numbers are going to be critical in this so we're not dependent on the developer and their economics and that we have folks that can be working with and reporting to our staff but bring competencies that those kinds of experts bring to bear. I also think this pud is going to give us a good opportunity to really kind of discuss

[8:27:21 PM]

through the issue of on-site affordability and the question of fee in lieu. Because I think we have had conversations back and forth on that. South central -- we've never landed on what is going to be required or not required on that. I -- there's no greater proponent of affordability or affordability in all parts of our city. I think it needs to be in all parts of our city. What I don't know is does all parts of our city mean that it is downtown at the very middle of downtown, or could we get more units two or three stops away? I don't know enough to know because I have heard anecdotely and I want to hear from people with a lived experience that would best be served with this whether there's greater comfort level in being in a home that is downtown at the very heart

[8:28:25 PM]

or the people that were most trying to provide opportunities for would rather be a bus stop or two away with maybe a greater number of families with shared experience and shared background. I just don't know the answer to that. We keep talking around that conversation, and I would really like to tee that up and really hear from our housing people and from the housing experts in the city. Because I think we're going to have to confront that as part of this and I don't want to keep bringing it up and I'd like to actually learn enough to know what's the right way and the right place to be. So I think this sheet gives us the opportunity to tee up a lot of important questions and I don't think that this is going to be an exhaustive list as the materials that you have get disseminated even further in the community we're going to hear more and more kinds of things. Probably be loading up the

[8:29:26 PM]

Christmas tree with wish lists for everybody to be able to talk through and ultimately make choices on. But it's an exciting conversation just because of the -- may very well be the most prominent track in the city. Further comments? Kathy?

>> Tovo: Yeah. One thing that's not on the motion sheet but I hope that the developer will continue the conversations -- I know there was a conversation about that a littler yerl and there's been at least one but I wanted to express my hope that the conversations will continue. I wanted to call your attention to the third to last bullet. We do need the information. I think we had called for a variety of different models in the absorption study when we had the conversation about the south central -- about the tirz. I don't believe most of us have

[8:30:26 PM]

gotten any of that information. One of our colleagues did because it was a request that was part -- other than that we haven't gotten that back-up information. I think that's critical to understanding this. Let me highlight that I really need to understand where the inputs come from from eco northwest. It's my understanding they came from the developer's number so I'm not sure that that's going to be our independent evaluation and we probably need to ask your staff to bring -- to provide some level of independent evaluation because that wouldn't be it but we need all that information to begin to understand what's actually in that document.

>> Mayor Adler: I agree with that. Okay. Anyone else? There's a motion. Anybody have any objection to Kathy's being included? Hearing none, it's included. Motion is to approve.

[8:31:27 PM]

Any further discussion before we take a vote? First reading approval. Planning commission recommendation augmented with Kathy's additional elements. Mayor pro tem?

>> Alter: Thank you, council member tovo. I think this is a good step forward. I just want to, again, underscore -- I don't think this addresses the park issues in any depth at this stage. I think we're still trying to understand what was agreed to and what wasn't to understand what would make sense and what's possible there and understanding kind of where things are at with superiority. I did raise some questions about the amphitheater and the opportunity for commercial amphitheater. And, you know, they had indicated they would take it out. I don't know if that's the right answer, but I'm concerned about carte Blanche for an amphitheater without knowing

[8:32:28 PM]

what that is and obviously there's a project connect stuff. I've asked questions, I think, about Barton springs road and I also want to understand that better. There's some street impact fees that it would be really helpful to understand how those relate to the construction of Barton springs road -- the extension. So there's several other things where I'm still exploring other things that I think would contribute to the superiority of this pud. Also just trying to grasp the relationship as we talked about on Tuesday between the entitlements they currently have under the existing pud amendment versus what they're asking for and making sure that the community benefits, even if we agree that there's a -- agree there's a desired density in the place, making sure we do

[8:33:29 PM]

it in a way so that those people there can thrive and that people can take advantage of the retail and amenities and also able to enjoy it. I think the more voices we have in that the better.

>> Calderon: Council member vela?

>> Vela: This is a good starting point. I need to familiarize myself a little more with the details of the planning commission recommendation. I think this is a good jumping off point. I am interested in securing additional funds for our response to homelessness and I will continue to push on that. I wanted to mention that there was in the back-up for item 67 -- just some photos of engaging water fronts where there were step-ins or people could access water -- directly access water. I'm not sure what the current

[8:34:30 PM]

situation is. I know there have been safety concerns with regards to debris and what not in the water but in terms of the amendment with a set-back, I would be interested in just facilitating that. If there is an opportunity to, you know, people can wade into the water to create some kind of water access right now, I would definitely be supportive of that as part of the vision for the area as well. I'm not sure if the amendment would prohibit that.

>> Tovo: It was just about where the trail should be. I think it was the parks board that suggested a set back from the shoreline so that as the erosion happens we don't lose the public investment in the trail. It had nothing to do with water access.

>> Vela: Great. That's what I thought. I wanted to clarify. I understand we don't want everybody along the shoreline all the time but if there was a defined area where we could put water access, I think that would increase the quality --

[8:35:30 PM]

the recreational opportunities and quality of the experience for visitors.

>> Mayor Adler: I think it's a good point. At this stage of the process, everything you can think of like that, I would raise to the applicants and have them respond to it. It's been moved and seconded. Discussion? Mayor pro tem?

>> Alter: Sorry. One other question. I want to make sure we'll have sufficient time between first and second reading so we can make meaningful progress. I don't know what that appropriate amount of time is. I want to make sure this is not going to come back in two weeks. I don't think that's enough time. I think we need to make sure we get this right and, you know, we're moving through this, you know, with transparency for the public. I've heard from a lot of folks and I agree. It will be nice to have the ordinance. I understand on first reading we don't usually.

[8:36:31 PM]

But the devil is in the details on the pud and we have to have an opportunity to scrutinize any ordinance deeply. I don't know if it will be ready for second reading. Jerry, maybe you can give us a sense of those next steps.

>> Council member -- mayor pro tem -- sorry. I don't know. I think we have some things we have to work out. We have 20-some PC amendments plus those offered up today. We would not bring it back for second and third reading until we're further along in negotiations. We don't have to pick a date today but it would probably be a little while. We do have to pick a day for the restricted covenant.

>> Alter: Okay. To the extent you're negotiating, please make some of the things I and my colleagues have mentioned that are not part of this amendments

[8:37:33 PM]

because we don't necessarily have enough information to make amendments that would be constructive at this time that they are part of the negotiations.

>> Will do.

>> Mayor Adler: I guess the only thing we know for sure is it's not going to nearly time enough in two weeks. There's a lot of work to be done.

>> That's a safe bet.

>> Mayor Adler: Council member tovo, so I understand you're moving first reading on?

>> Numbers 67 and 69.

>> Mayor Adler: Sorry.

>> Items 67, 69 first reading and indefinite postponement on 68.

>> Mayor Adler: That's the motion with planning commission recommendation and the amendment that's been offered. Council member kitchen?

>> Kitchen: I just want to say I support this. I look forward to further conversations. You know, one thing I asked about was the tia and required mitigation. So I will want to have more

[8:38:33 PM]

conversations about that. I want to make sure that those types of things that are required, you know, as part of the tia and part of the transportation mitigation approach that we have as a city -- that those are not considered superior but recognized and something that's part of this project.

>> Mayor Adler: Let's take a vote. Those in favor, raise your hand. Those opposed? Unanimous on the dais with council member harper-madison off. Thank you for coming. Welcome home, for those of you who arrived out of town. With that, here at 8:39, this meeting is adjourned.