

City Council Regular Meeting Transcript – 06/09/2022

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[10:12:00 AM]

>> Mayor Adler: This Austin city council meeting. Let's go ahead and convene today's Austin city council meeting, Thursday, June 9th, 2022. We are in city council chambers, and councilmember Ellis is with us virtually. We will be holding executive session today virtually, not in person. The time is 12 minutes after 10:00. We have a lot of speakers today, and we'll get to them in just a moment. We're going to -- I think we have over 100 speakers today. We're going to go in the morning -- on the compatibility and the vmu, we're going to give everyone two minutes. Everyone else is going to get one minute on the morning call, and then it's one minute on the

[10:13:03 AM]

afternoon call at 2:00. I think there are 60 speakers or something like that set. Most of the speakers today are on those two land development code items. I'm going to read the changes and correction into the record. Item number 37, postponed indefinitely. Item number 42, recommended by the water and wastewater commission on June 8th, 2022 on a 7-0 vote, with commissioners Navarro, fisher, and teryetta absent. Item number 59 added mayor pro tem alter as a sponsor. Item number 67 has added mayor pro tem alter as a cosponsor. The suggested public hearing date on item 73 is July 28th,

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2022. That's a change. Item number 78, when public hearings are taken up, this item's going to be postponed until July 28th, 2022. Item number 82, when that public hearing -- that item will be postponed to June 16th, 2022. That's next week. Item number 83, when public hearings are taken up this item will be postponed to July 28th, 2022. Item number 108 has been withdrawn and replaced with item 125. Item number 122 is being postponed to June 16th, 2022. We have some items that have been pulled. Item number 10 relates to a public hearing, so item number 10 will be pulled.

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It will be taken up after item 81, which is the public hearing. Item number 61 has been pulled by councilmember Kelly, and we're going to consider 61 in executive session. Item number 65 has been pulled for executive session.

>> Mayor.

>> Mayor Adler: Yes.

>> 61, I did not pull for executive session. It was 65. 61 is just to be discussed in person. Thank you.

>> Mayor Adler: Let's pull 61, just to be discussed.

>> And 65 is executive session.

>> Mayor Adler: 65 is in executive session.

>> Kelly: Thank you.

>> Mayor Adler: Item number 80

[10:16:05 AM]

will also not be taken up until we have the chance to discuss that in executive session. So, in executive session today -- let's talk about this. Ms. Morgan, in executive session we have number 65, we have number 80, and I think we should also pull the land development code item so we can discuss those in executive session. And I'm thinking specifically about item 66 in executive session. And then the -- what's the vmu item? 80, okay. We already have that one.

[10:17:10 AM]

Okay. So those two will be discussed in executive session, 80 and 66 as well as 65. Okay. Yes, mayor pro tem.

>> Alter: I would rather not pull it, or I -- taken up later, but we've been trying to get a copy of the management plan for the downtown Austin alliance that's part of item 10. And we have not been able to see that. So if we could try and get that so that my office can review that before we vote on that later, I'd appreciate it. Otherwise I will be asking to wait a week until we can actually review the plan that we are approving.

>> Mayor Adler: Okay. If staff could post that into backup on this item, that would be helpful and maybe we can email it out to the council offices. Okay.

>> Mayor.

>> Mayor Adler: Yes.

>> For pulled items, you said 62, but I wonder if you meant

[10:18:10 AM]

66? When you were talking about the land development --

>> Mayor Adler: Yes. Item 66. I think there are some amendments to 62 that people seem to be offering, but we can probably leave it on consent. Let's see if they're going to be discussed a lot. If they are, then we'll pull 62. I don't know if the amendments are going to be agreed to or not. Weren't there some amendments on Adu? No? 62 is staying on consent.

>> Mayor, I believe mayor pro tem has an amendment she'd like to bring forward, but I have not seen it yet.

>> Mayor Adler: Okay.

>> We thought it was distributed, but we'll figure that out.

>> Mayor Adler: Okay. I think that there are some direction that councilmember Fuentes has intended on item 56 and 57 and that's short.

[10:19:11 AM]

We're going to leave that on consent. Councilmember kitchen?

>> Kitchen: I have a very short question on that same one. I think it can stay on consent.

>> Mayor Adler: 56 and 57?

>> Kitchen: Yeah.

>> Mayor Adler: That sounds good. All right. So, the consent agenda is items 1-74 and 121 through 124. Items I'm showing being pulled right now are item 10, 61, 65, and 66. Okay? Councilmember tovo? It's not on consent, that's a public hearing.

>> Tovo: Mayor, I have -- I would like to pull 52.

>> Mayor Adler: Okay. So we will add 52. That's the asmp.

>> Tovo: I have the desire

[10:20:14 AM]

to -- excuse me -- add some direction and make some comments about 14, though I don't want staff to have to stay all day to hear and participate in that, so if it's all right with you all I'd like to just leave it on consent. I'm going to follow up my direction with the ifc I've been talking about regarding real estate, so we'll have other opportunities, I just want to air them today, and then I'm pulling 124, please.

>> Mayor Adler: Generally speaking the direction on 14 is to do what?

>> Tovo: Do you want me to talk about the direction? Sure. Things like making sure -- one, I want to talk about a few elements of this particular lease that came through my conversations with Michael Gates. I can be very short. Two, I want to offer some suggestions or some direction to staff that in the future we make sure that those kinds of elements are included in the backup. And three, that all leases do come to council. I believe that's been the practice, but it's not the

[10:21:14 AM]

policy. I'm going to follow some of these things up with the ifc. And there might be one or two other things, but it's going to be four minutes, probably.

>> Mayor Adler: Sounds good. So we're also going to pull item number 124, okay? Mayor pro tem.

>> Alter: I would like to postpone item 57 to next week. We just got new maps for the speeds and I had several streets that were not included in the resolution that were on the original maps that are not on the other maps, and since we got resolved what the discrepancy was I have not been able to talk through the streets directly with atd. So I don't know if we need to make them wait around all day.

>> Mayor Adler: Does anybody have any objection to postponing item 57?

>> Kitchen: I have a question.

>> Mayor Adler: Go ahead.

>> Kitchen: My question related to a particular street, too, similar situation to what

[10:22:14 AM]

you just said, mayor pro tem. So, that's item 57, right, not 56? So we just need to postpone one, is that what you're thinking?

>> Alter: So it's the speed limit one, not asmp.

>> Kitchen: Yeah, I'm talking about the speed limit one.

>> Alter: That's the one I was asking if we could postpone until next week.

>> Mayor Adler: There are two speed limit ones, 56 and 57, right?

>> Alter: I don't remember.

>> Mayor Adler: There are two --

>> Alter: I'm talking about 57.

>> Mayor Adler: Okay.

>> I'm sorry, I missed that conversation, mayor pro tem.

>> Mayor Adler: The mayor pro tem is asking to pull item 57. To postpone 57 until next week.

>> For what reason?

>> Alter: The original backup had streets in my district that were having their speed limits reduced that were not included in the resolution and when we asked about the discrepancy they produced new maps, and there's

[10:23:14 AM]

three streets with thought were getting reduced speeds that are not that I want to talk through with atd directly, because they originally included the wrong map.

>> Mayor Adler: Okay. So I gather, then, that there's not a request to pull or postpone item 56 at this point. Yes.

>> Harper-madison: You asked whether or not there was any objection to postponing number 57. I don't have any objection, but I do wonder if we could -- councilwoman Fuentes and councilmember kitchen both wanted to pull the item for discussion. I wonder if we can hear what their concerns were, so we can take those things into consideration while it's postponed.

>> Mayor Adler: Okay. Yes. We can do that. We're going to pull 56 and 57. Let's just pull them and we'll postpone 56. Yes, councilmember Kelly.

>> 57 is the one that I want postponed. Was there a question on --

[10:24:15 AM]

>> Mayor Adler: No.

>> Alter: On 56? Or was it on 57?

>> Mayor Adler: It looks like there was direction on them both. So we're going to pull 56 and 57, we're going to postpone 57, but after we have our discussion.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember Kelly. I'm sorry, more on this issue?

>> Kitchen: Yeah, I was going to specify my question is on 57.

>> Mayor Adler: Okay. Councilmember Kelly.

>> Kelly: On item 62 I feel comfortable leaving that on consent. I was given the motion sheet by mayor pro tem and it actually strengthens the resolution as a whole and I'd like to accept it as a friendly amendment. I'll make my comments on the resolution that I sponsored during the consent agenda comments.

>> Mayor Adler: Sounds good. Then we will keep 62.

>> Kitchen: What is the amendment to 62? Could you tell us again?

>> I believe it was distributed yesterday, but if nobody has it

[10:25:16 AM]

we can -- do we need to distribute it again?

>> Mayor Adler: Why don't you distribute it again.

>> I didn't see it, so.

>> Kitchen: What does it do?

>> Alter: So, I believe Katie powers has it and if she could redistribute it for item 62. So, item 62, I moved to amend line 51 to add, additionally the city council further directs the city manager to review all amendments adopted within the last two years to the Austin energy design criteria manual and utilities criteria manual that could affect the feasibility of constructing an Adu on a lot and provide council with potential recommendations to mitigate any identified impact.

>> Mayor Adler: Sounds good. Without objection -- does anybody have objection to that amendment being added to item 62? That amendment is added and it remains on the consent agenda.

[10:26:16 AM]

>> I think we need a base motion.

>> Mayor Adler: I'm sorry?

>> Considered it friendly, it I add it as a sponsor?

>> Mayor Adler: You don't need to. I just added it without objection. The item on our agenda on consent includes that amendment. The motion to pass it will be the motion to approve the consent agenda.
Councilmember vela.

>> Vela: Mayor, I have some questions on item 3.

>> Mayor Adler: Okay.

>> Vela: And I don't necessarily need to pull it, but I would like to ask staff a few questions about it.

>> Mayor Adler: If staff would be prepared on that, we won't pull it, assuming it's going to be short. We'll leave it on consent. Councilmember Renteria.

>> Renteria: I have an amendment that I'm going to be bringing up on item 61, get staff to print out the yellow sheet.

>> Mayor Adler: Sounds good. That item's been pulled. Councilmember Fuentes.

>> Fuentes: Thank you, mayor and colleagues.

[10:27:16 AM]

I have two amendments on item 59, the e-bike resolution, I have copies here at the dais for consideration.

>> Mayor Adler: Okay. Has everybody seen those? Anybody not seen those? Okay. So we'll take note of that. My understanding is is councilmember alter -- mayor pro tem alter also has an amendment on 59 as well, so make sure that you find that and see that. Let's go to speakers if we can.

>> Mayor, I have a couple things.

>> Mayor Adler: I'm sorry.

>> That's all right.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Speak up. On 59, I'm comfortable with pulling that. I've accepted the mayor pro tem's amendment as friendly and I'm still reviewing councilmember Fuentes' suggestions, and might offer similar but alternatives alternative language. On item 69, the district-level planning, I wanted to pull that

[10:28:17 AM]

so I could understand the intent of the version two. I know there's been some verbiage on the message board about the change, but I just wanted a moment for us to be able to discuss it with the sponsor as a dais.

>> Mayor Adler: So let's pull 69.

>> Kitchen: So, mayor, perhaps we can leave 69 on consent. We can -- I think we can answer councilmember Ellis' questions very quickly. The substitute's been approved by the staff and it's just allowing for ordinance instead of requiring something to be in the land development code. That is the only change. So I'd like to have the opportunity to perhaps leave it on conisn't. Consent.we have time and I can make sure that councilmember Ellis has a better explanation of the changes in between time. If she wants to pull it --

>> Mayor Adler: The request has been made, but there's an hour before we get back to this.

[10:29:19 AM]

We're going to pull it right now. Councilmember Ellis, if you and your staff could look at that, you can tell us at the end of the hour whether you want it to stay, be pulled, or put back on consent.

>> Kitchen: That makes sense.

>> Ellis: Thank you.

>> Mayor Adler: On item number 59, I'm seeing that's staying on consent. You like the amendments from councilmember Fuentes and from the mayor pro tem, so we're going to leave that on consent. Everybody should try to find those. An hour from now, if anybody wants to pull 59 to discuss those in greater detail, we will. But for right now, that's staying on consent. Yes, councilmember tovo.

>> Tovo: Mayor, you talking about how we were going to take up speakers today and I want to be sure I'm understanding. So, were you suggesting that folks here signed up on the consent agenda would -- if they are not speaking about vmu and compatibility, is their time

[10:30:20 AM]

being limited beyond three minutes?

>> Mayor Adler: Yes. One minute for people speaking except over half the people are speaking on those two items, the vmu item and the corridor item. And those folks are going to get two minutes each.

>> Tovo: I have some concerns about limiting people who came to talk about some of the other consent items because there are two big issues that have generated a lot of speakers, so I would like to ask that we consider that and have folks who came to speak about other items being allocated their regular time. It is challenging a a community member if you've prepared a three-minute talk, it's tough to find out there are a lot of speakers on another issue so it's only one minute.

>> Mayor Adler: If we give everybody three minutes we're adding a couple hours to the meeting today, which means we don't get done with speakers until afternoon, and we can't do our first piece of business until 3:00 today. So we've been keeping this time

[10:31:22 AM]

to a minute. I think that it has generally been -- we'll take a vote in second, been a relatively good balancing of the situation that has no good choices. The longer we postpone things we then have some people that have to speak during dinner or later. And then people complain that they're not being given the opportunity to be able to speak. So however we do this, we're denying some people the ability to speak at all, or to speak to the full length.

>> Tovo: May I propose that we consider two minutes, and that we also as a council -- I think I had asked for this to be back on our work session to talk through how we take up speakers now that we're back in person. When we -- before the pandemic when we issues we knew were going to draw lots of speakers, it was a time certain. If people wanted to come earlier, they could, but otherwise, that was a block of time we set aside. Absolutely we have a nutty agenda this week.

[10:32:23 AM]

Next week's nutty, too. They both have lots of meaty issues on them. And we're going to have to spend the time it takes to do all of them or we're going to have to make choices about which ones we can delay and I don't want it to come on the back of public participation. So I would suggest that for non-62 - non-66 and 80 that we allow people two minutes.

>> Mayor Adler: Okay. And then this afternoon speakers, or just this change for the morning?

>> Tovo: What's the situation -- I was stuck on the morning consent and I missed what was the zoning.

>> Mayor Adler: It's the zoning cases. And I was going to have people speak for one minute each. I think there's over 60 speakers set for zoning.

>> Tovo: Are there several primary -- let me take a look at the speakers.

>> Mayor Adler: Right now the default is one minute as we've been doing on zoning cases.
Councilmember Kelly.

>> Kelly: So this is a subject I'd like to explore in more detail in a work session as well. I've always found it -- especially before I was on council -- disingenuous that we hear the comments from the public on the day that we're voting on the items.

[10:33:23 AM]

There's a lot of people who come before us that I have further questions for and would like to speak to in more detail, especially now that I'm on council. If we could talk about best practices in other cities or the way they do that ahead of council meetings I definitely would like the opportunity to explore it further.

>> Mayor Adler: Okay. I think it makes sense for us, however this gets resolved today, manager, to get a best practice and talk about how we do speakers, because however we do this, we're having to make -- we're helping some people and hurting other people. Councilmember kitchen?

>> Kitchen: I apologize, I couldn't quite hear where it landed. What is the plan?

>> Mayor Adler: The motion is to give everyone speaking in the morning two minutes rather than just the people speaking on those two items.

>> Kitchen: Okay.

>> Mayor Adler: That's the motion.

>> Kitchen: So what we're saying is item 66 and 80 people get two minutes. And the motion is to allow everyone to have two minutes.

[10:34:23 AM]

>> Mayor Adler: Yes. Councilmember tovo makes that motion. Is there a second to that motion?
Councilmember kitchen seconds that. Any discussion before we vote? Those in favor --

>> Tovo: A little bit of discussion. It looks like we have scattered -- I'm not sure if you've done a count of how many people that would impact. It looks like we have one person here, one person there. And if those folks are the same, then those items don't get pulled from consent, anyway.

>> Mayor Adler: It would be a little under 20 people would be given an additional minute.

>> Tovo: That amounts to about -- let's see -- 20 minutes. You said 20, so it just adds about 20 minutes?

>> Mayor Adler: As a general rule, as we've been doing it, people would get one minute when we cross over 40 speakers. But because the council wanted

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to give extra time to people on those two cases, the vmu and the compatibility, we had extended that to the two minutes. So that added an additional minute for about half.

>> Tovo: I'm trying to understand this choice --

>> Mayor Adler: This choice --

>> Tovo: Just adds 20 minutes to our day. And when we have that conversation, I think we need to revisit what our previous practice was. I thought it was agenda item by agenda item, that the first -- it wasn't the first people who signed up for the day on any item on the agenda, it was the first people who signed up on a particular agenda item got three minutes and then it got reduced is what I thought we did, not if you sign -- if we have a hundred people for number 1 and we have two people on 4 the two people on 4 always got their full time, but we can go back and make sure that we're remembering that correctly.

>> Mayor Adler: No --

>> Tovo: What we see now is collapse everybody into one bucket rather than taking it

[10:36:23 AM]

item by item, and our standing practice and policy was take it issue by issue and reduce within the agenda item.

>> Mayor Adler: You are correct. The way we used to do it, we had individual calls for each. People could sign up while their item was being discussed. We had people signing up to speak at 4:00, 5:00, 7:00, 9:00 at night to speak. Each one was called individually. We did do that -- the policy had us with three minutes for the first 20 speakers and then one minute after the 20 speakers. So the one minute was what we have in our rules, our ordinances for speakers after the first 20. But the first 20 did get three minutes. And that's how that's written. That also had us in council meetings 8:00, 9:00, 10:00, midnight, which we heard from people was unfair to them.

[10:37:26 AM]

>> Tovo: Mayor, that was individual item by individual item.

>> Mayor Adler: Correct.

>> Tovo: That is not the practice that we're using at the moment and I'm saying I think our practice on the table -- I think our practice in our adopted, approved practices is not what we've been following.

>> Mayor Adler: Correct.

>> Tovo: What I'd like to suggest is that I'd like to add the additional context the change we're contemplating is in line with our approved policies and it also adds just 20 minutes.

>> Mayor Adler: I disagree about the approved policies section, because that has one minute. But in any event, the motion in front of us right now -- approved policies is three minutes for the first 20 people and one minute thereafter.

>> Mayor, I think that we'll be happy to discuss this at a work session. We can talk about this all day long then, what the actual procedures say.

>> Mayor Adler: Okay. So the motion in front of us is to give everybody this morning

[10:38:26 AM]

two minutes. Ready to take a vote? Those in favor of that change, please raise your hand. It passes with a majority vote, so everybody this morning will get two minutes. Let's go ahead and call the first speaker. We're going to do the speakers in person first, do them in order and please identify the item on which the person is testifying. Thank you.

>> Lauren Stanley, items 4 and 5. On deck, Gus Peña.

>> Mayor, while we're waiting, I just wanted to clarify that we got confirmation that it would be okay to authorize negotiation of item 10, but not execute so that they can finish negotiating the plan and then they can come back to us for approval on the plan.

>> Mayor Adler: So does that mean you don't need to pull it?

>> It has to be pulled to be

[10:39:27 AM]

voted on with the other, but when we do that, I will motion to negotiate it rather than negotiate and execute. So they can continue their process.

>> Mayor Adler: Okay.

>> I'm not anticipating a problem with the plan, I just think --

>> Mayor Adler: Please remember to raise that when we get to that item. Yes, councilmember kitchen.

>> Kitchen: So the item that the mayor pro tem is talking about that's -- we're going to discuss that, right?

>> Mayor Adler: We have to, because it can't be considered before item 81, which is the public hearing.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay.

>> Gus peña speaking on items 9, 27, 39, 45.

>> Let's get this together, okay. Because it's bad for the community over here. And you think you're bewildered, we're more, we're over here.

[Laughing]

>> Councilmember Natasha, thank you very much for saying hello. That meant a lot to me, okay.

[10:40:28 AM]

Item number 9, first of all, I showed you when you were running for mayor, I showed you my special -- with the IRS ID, okay. It's just discriminatory the way you're doing right now. Three minutes, what, where the hell did all the three minutes go before the IRS occurred? Anyway, item number 9, economic development, I think this is very important. It's a University of Texas issue, extending ex-adventures. We are for it. Veterans for progress, 9,550 members, all Vietnam veterans, other conflicts, also. Mayor, did you say number 27? Hello? Did you say 27, too?

>> Mayor Adler: I'm asking the clerk.

>> I didn't hear you. Now you do.

>> No.

>> Mayor Adler: No.

>> Nope, okay. How about 39?

[10:41:30 AM]

>> Mayor Adler: No.

>> No, okay. How about 45?

>> Mayor Adler: No. Would you read the ones he signed up for? Please?

>> Oh, I'm sorry. Yes. Nine, 27, 39, 45, 46, 47, 84, and 85.

>> Okay. I'm going to leave it at that, but here's the issue. We need quicker and better notification about what is going on, because there's a lot of people that are very astute, very intelligent, but some things are getting the community angry because we don't know what the hell's going on. It has to be a better --

[buzzer sounding]

>> Way. I just wanted to say, just continue to help the people and don't hurt the people. Help the people, because there's a lot of hurt out there. I'm not going to say anything else other than keep up the good work, otherwise I'll come down again. I just got out of the hospital

[10:42:32 AM]

again. When I was in Vietnam. So, get it together, mayor.

>> Mayor Adler: Thank you. Hope you feel better.

>> Me, too. Maybe I'll have a beer.

>> Mayor Adler: Next speaker.

>> Kristen Haney, items 39. On deck Rebecca Hibler.

>> Good morning, councilmembers, my name is Kristen Haney, I am the chair of the east Caesar Chavez neighborhood land use committee. I'm here to support item number 39. This project is located in a live, work, flex subdistrict and it is eligible for a density bonus. This project is not eligible for a height bonus and it is not requesting additional height. The maximum base building height is 40 feet. The live work flex subdistrict imposes a minimum density of 17 dwelling units per acre.

[10:43:33 AM]

And its primary intention is to function as a residential district, with proximity to lower-density neighborhoods adjacent to the tod. Residential is a required use of this subdistrict and we're very grateful that it is. We've been dealing with a lot of rezoning projects coming in and asking for a lot more than this and not giving us any housing whatsoever, so we're excited to see housing come to the project. The applicant is requesting roughly 25,000 bonus square feet. In exchange, they are offering to provide one-third of the gross residential square footage as affordable units at 60% mfi and they're offering to pay a fee in lieu for the entire bonus square footage area. So, we really appreciate the applicant's intention to work within the saltillo tod regulating plan and to deliver a

[10:44:34 AM]

height-appropriate building that provides commerce, residential, and affordable residential to our neighborhood. And we hope that you will join us in supporting this project. Thank you.

>> Rebecca Hibler. On deck, Janis Rankin. Janis Rankin? Speaking on item 52. On deck, Joseph Reynolds, speaking on 52 as well.

>> Thank you, councilmember Tovo, for pulling this item. Mr. Mayor and councilmembers, I am Janis Rankin, a constituent

[10:45:37 AM]

of councilmember pool in district 7. And you heard from me on the subject of the ASPM predesignated right-of-way at the council meeting on May 19th. The Allandale Neighborhood Association passed a resolution submitted to you on Monday, June 6th. You should have a copy in your materials. It requests the council to express its intent about the right-of-way in an ordinance. This could be added as a new subparagraph E, which is in the remarks that I submitted to you in writing through the city clerk, and that you could be able to -- I think adopt pretty easily. The purpose of it would be for the council to declare as an act of good faith and fair dealing that the ASPM street network amendments will not impair or affect the use or purpose of ownership rights of the private real properties affected outside the agreed dedication city procedures. And the additional predesignated right-of-way suggestions will not be used or invoked as a basis for claiming, taking, or

[10:46:39 AM]

acquiring these property rights without following proper notice, bona fide offer and other procedures under Chapter 21 of the Texas Property Code, notice and protest procedures of Chapter 211 of the Texas Local Government Code, and other applicable state laws. This additional paragraph, which is short, would verify statements made by city staff and some councilmembers in public meetings and create an official document filed in the city records by the city clerk, making it accessible to the public. This additional short paragraph would protect the interests of your constituents who live and work here, raise families here, do good works and community services here, pay property taxes here, and vote here. Please do this.

>> Mayor Adler: Thank you.

[Buzzer sounding]

>> Joseph Reynolds speaking on 52. On deck, Roy Wayley, also on 52.

[10:47:47 AM]

>> Mayor and council, I'm Joe Reynolds, I live on west 49th street. I'm here to urge you to reject the asmp update. There's been improper planning. There are two defect types in this planning. First, a failure of scope to consider and document either property of character or the property's relevant physical and environmental limitations. Second, the failure of process. And that is not writing in the restrictions for using a right-of-way which were promised in hearings but not in the document. Janis just addressed that for you. The first class of failures is enhanced when you approve the plan. At that point, possible defects are ignored. The plan becomes 100% okay. It's council-approved. That happened with the trail plan. Downtown to the domain. Like asmp, it failed to consider environmental limitations. A contract was left to construct the pathway that assumed no limitations to building.

[10:48:47 AM]

The geology of shoal creek was ignored. Construction disturbed the hillside and the resulting collapse has a cost approaching \$20 million. By handout, I included one example of a similar future asmp incident. It can result in apartments sliding into Barton springs road at Lamar. No, the engineer won't identify and correct the problem any more than the engineer for the trail. They will be focused on the roadway, not the cut needed to build it and there will be other examples you'll hear about when the local news interviews you. Plans must be more than desires and objectives, they must include limitations and logistics. After asmp discussed excessive right-of-way there was widespread alarm with flags stuck in yards to show the extent. Staff repeatedly voiced assurances that the homeowners would not be affected, but refused to write the voiced limitations into the plan. There's no trust with staff. The last-minute red line changes to the plan, after all, hearings and possible citizen comment

[10:49:49 AM]

enhanced the depth.

[Buzzer sounding]

>> You have a duty to reject it as presented until those defects are addressed. Thank you.

>> Roy wayley speaking on item 52. On deck, Jeffrey Bowen.

>> Howdy, y'all. Roy wayley. I am the chair of the Austin regional group of the Sierra club conservation committee, and I won't take much time. This has already been talked about. It's already been decided. I don't know why it's back. How many times do you get to bite the apple until you get what you want? Vote no. Reject this. It's easy. You've already done it once. It's easy to do it again. Please do. Thank you.

>> Mayor, I just need -- Roy?

>> Mayor Adler: Mr. Wayley.

>> Tovo: Roy, what specifically? I missed what you wanted us to

[10:50:49 AM]

reject.

>> Pardon me?

>> Tovo: What were you urging us to reject?

>> On 52?

>> Tovo: The entire 52, or a specific element of it?

>> Well, specifically on 52 my concerns would be the effect it would have on mopac.

>> Tovo: Are you talking about the inclusion of sh45 extension?

>> Yes.

>> Tovo: There's a lot --

>> Y'all have gone over there. It's been decided. I don't know why it's coming back.

>> Tovo: I understand.

>> If we do that it's going to put such pressure on mopac. We've already got 130 that's being underutilized because of the tolls. We've got the trucks that are just jamming up I-35.

>> Tovo: Okay. Thank you, Roy.

>> That's going to happen on mopac and that was never part of the plan. Mopac was supposed to be an inner city boulevard. 130 is supposed to do that. 360 is supposed to do that. Back in 1980, 620 was supposed to be the outer loop.

[10:51:51 AM]

>> Tovo: I don't mean to stop you. I appreciate this. I have an amendment coming forward to address that. I didn't hear you talk about sh45 so I wasn't sure if you were talking about the entire asmp.

>> I'm sorry.

>> Tovo: I wanted to be clear on which piece you were objecting to. Thank you very much.

>> Mayor Adler: Thank you very much. Thank you. Thank you, sir.

>> Tovo: The problematic part. Okay. Thanks.

>> Jeffrey Bowen speaking on 52 and 66. On deck, Zachary.

>> Good morning, my name is Jeffrey, district 8, here on the asmp. There appears to be many undisclosed amendments. According to the cover of the red line asmp, it states it has been amended as of today, yet here we are with item 52 on the agenda. There's no mention of the 1407-page document and the backups regarding the city blocks affected by the

[10:52:53 AM]

expansion. This was provided by the asmp team to many in the public. 20 blocks per page, over 28,000 blocks affected. If you estimate six properties per block, that brings out total number to just under 169,000 properties and that number's probably low. That information was provided by the asmp team and should be in the backup. It's called transparency. How many were notified of these eventual changes? Where are the good faith, fair dealings, and most of all good governance? In a recent TCM training session this past week, the TCM was referred to as -- the asmp is referred to as the guiding document, whereas the asmp refers to the TCM as the guiding document. Which is it? This isn't good governance. The change in the ordinance that

[10:53:56 AM]

gives the city traffic engineer authority to make certain operational changes within the right-of-way, this is reshaping land use. Why not say what it is? It's a backdoor to taking private property from a new development. Do we need to be reminded of past court rulings? It is state that had the public was provided numerous opportunities to comment on this amendment. What good is public input when Cole kitten states at the Austin planning commission --

[buzzer sounding]

>> That the public comments were taken with a grain of salt? Where are good faith, fair dealings, transparency, and good governance from our elected officials?

[Applause]

>> Thank you.

>> Mayor Adler: Thank you. Next speaker.

>> Zachary faddes speaking on items 66 and 80. On deck, Carmen Pulido.

[10:55:02 AM]

>> Carmen Llanes, on deck, Monica Guzman.

>> Good morning, I'll try to stay diplomatic but I am wondering where the government that works for all section went in strategic direction 2023. It's pretty tough to keep up with y'all right now. You will see a statement from del valle community coalition and go austin/vamos Austin if you haven't already related to item 80 vmu. Please pay attention to that statement. The reason we wrote it is because we are in relationship with the people directly impacted negatively by speculation, up-zoning and other real estate practices that unregulated or deregulated uproot and disrupt the lives, businesses, and caretakers networks in our city. They damage our environment, they displace transit riders, and they give us more expensive problems that you then talk about how to allocate our limited tax dollars to solve.

[10:56:03 AM]

You give this gift to developers if you deregulate vmu, if you get rid of compatibility, if you give by right entitlements we lose the public process that allows us to negotiate better deals. You've created a land acquisition fund from project connect dollars. You've created a community initiated solutions fund we're trying to failure out how the hell to get to people. You've got a tenant relocation fund with no money in it. These are the solutions that are presented at planning commission and in front of you to make a case for these up-zonings as if the harm is mitigated. It is not. People are being harmed. If you make blanket changes like this we lose the public process to negotiate to use those funds you've worked so hard to allocate for us. We can come up with better deals that produce more housing, preserve affordability, and keep regular austinites from being displaced. I also just want to say that if you do this with the compatibility, all of these confusing things about the asmp, you're asking for lawsuits. Why do we have to sue the city

[10:57:05 AM]

of Austin to guarantee our public process? We shouldn't have to do that every time. And we shouldn't hear excuses about how you're worried about violating fair housing if we look at area mfi so we can equitably up-zone. But you're willing to challenge state law on our public process and notification. Please give us a chance to actually work out some better land deals and produce housing in a way that's less harmful and please, this afternoon, give those Clayton lane residents their full two or three minutes because the case you're discussing determines where, whether, and how they are displaced. The least you can do is let them tell their story up here. Thank you.

[Buzzer sounding]

[Cheering and applause]

>> Mayor Adler: Thank you. Next speaker.

>> Monica Guzman, speaking on items 66, 69, 80. On deck, Mario Cantu.

>> Good morning. I'm policy director of Gava, and a district 4 resident. Gava is opposed to items 66 and 80. I want to reference the del

[10:58:06 AM]

valle community coalition gave joint statement regarding the affordability level of affordable units required by vmu two. They should be tied to 60% of the Travis county mfi or 80% mfi for the census tract, if block group data is not available, that the parcel is on, whichever is lower. This defines affordability based on what is affordable to the neighborhood and takes into account equity issues. It achieves when vmu two is used in an area in which the mfi is lower than the Travis countywide one, any housing will be affordable to the existing residents of the neighborhood. This mitigates impact to displacement and ensuring existing residents can continue to afford their neighborhood. Affordable housing will be included in higher income neighborhoods at a rate that is more affordable than current units. When units are built in a neighborhood that are affordable based on Travis county but not local affordability, these units contribute to gentrification and displacement in the neighborhood. This will mitigate that impact. The relocation benefits must be

[10:59:08 AM]

strengthened given the tenant relocation ordinance and potentially unfunded relocation fund are insufficient to prevent the risk of displacement and homelessness. Vmu two developers must provide a package of financial benefits to renters impacted by displacement. When the old homestead renters requested a package from the developer, the developer directed them to the tro and told them the city would take care of their relocation expenses. My closing comments are as a d4 resident. I remember hearing discussion about postponing this to engage the community. May 16th was the south Austin community meeting, but residents in the remaining six districts, including 1 and 4 in the eastern crescent are still waiting. When will you schedule the meeting for authentic engagement, especially with multilingual, low-income, and working-class communities?

[Buzzer sounding]

>> Please do right by your constituents. Go back and watch and listen to the testimony by people of color on may the 19th. Thank you.

[Applause]

>> Mayor Adler: Thank

[11:00:09 AM]

>> Mario Cantu speaking on item 52 and 80, on deck, Fred Fletcher.

>> Good evening, councilmembers, Mario Cantu. I wanted to speak on item 52. It's my understanding that there was a lot of conversation, maybe a lot of promises that were made on that particular item, and if there was promises that were made to the residents to citizens here in Austin, Texas, then those items need to be in writing. And they need to be followed. If that's not the case, then there needs to be a lot more conversation regarding this item and making sure that everything is complete and in writing for the residents of that area. On item 80, the vmu2, as you

[11:01:09 AM]

know, I was here like about three weeks ago, speaking on vmu2. And this conversation that I had with each one of y'all present, the main thing that I spoke about was displacement. We have that situation that I spoke about right now going on with these individuals in item 120. The scenario that I gave is exactly what's taking place right now, and in this apartment complex, there's three -- my understanding, there is three veterans that are there. Are we going to stick those veterans back down under Ben white boulevard after this was done? You know, the goal was from the very beginning, and I know mayor Adler had worked on this, is to pull veterans off of the street and to keep them off the street, but we still have veterans that are on the street, and we still have them potentially going on the street. Aside from that, veterans

[11:02:10 AM]

alone, what if we're pulling healthcare workers, what if we're pulling paramedics, pulling ents, or residents alone that live here at a lower MMI. We need to work on the purpose of making sure that these individuals, when this scenario and this situation takes place in this city, we find a way to shift these individuals.

[Buzzer sounding] In better housing either equal or greater at the mmf that they were at. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Speaking on item 57, 58, Fred Fletcher, on deck, Lisa Fletcher.

>> Edgar Handel.

>> Is it item 68, speaking?

>> Yes.

>> Okay. I'm Candace fulls, and I am

[11:03:11 AM]

vice president of the Austin history center association board, and I'm here to speak in support of item number 68. And I wanted to thank councilmember Leslie pool, and her AIDS, Louisa ~] S maid for shepparding this resolution from the Travis county commissioners to our council. I wanted to thank councilmember Cathy tovo, including deflecting efforts by other councilmembers to dedicate space for nonarchival, nonlibrary city purposes for sponsoring city council action to increase 2018 bond funding for the Austin history center buildings, and for being a longtime Austin history center association member and supporter of its activities and events. Thank you, Leslie and Kathy.

[11:04:12 AM]

Thank you.

>> Mayor Adler: Thank you.

>> Edgar Handel? Speaking on items, 59, 62, and 80, on deck, Luke Metzger.

>> I'd like to say I'm strongly in favor of item 86, concerning urban renewal for eleventh and 12th streets, Austin resident who spends a lot of time on these corridors, I'm glad to see work to breathe new life into this entertainment district. I also strongly approve of changes to make ads easier to build, I would not have been able to afford my home if I did not share the lot with an Adu, on item 66 and 80, concerning housing on corridor, while I appreciate the efforts to alleviate the housing crisis, we should make the most of this opportunity, it's painfully clear that detached homes in Austin are attainable only for the rich, building homes for the

[11:05:14 AM]

average household means building multi-family housing, sadly, we seem to be held back in a part by an idea that multi-family housing is incompatible with families, I'm a second generation Honduran immigrant, and we were raised for many years in apartments. And at times our families were dependent on public transit. Apartments aren't something that needs to be kept from other homes, they provide opportunity to working class families. So I ask council to build abundant housing on our corridors to eliminate parking and compatibility requirements that prevent more homes for families like mine. Thank you.

>> Edgar, Edgar, one minute, may I have a quick question for the --

>> Mayor Adler: Go ahead, yes.

>> Edgar, I'm an immigration attorney represented many, many clients, many of whom live in district 4, large families, the vast majority of my clients working class families lived in apartments with their families.

[11:06:14 AM]

Is that -- I know that's your personal experience, but in terms of like the folks that you grew up with, is that what you see around you?

>> Yeah, I mean growing up, it was my whole extended family. I mean I had aunts, uncles, grandparents, cousins, lived with their families in apartments, families even across the us and California, I mean, it's just even today, we still have family and family friends, many of whom are immigrant families too, who are living in apartments and raising children. I mean, I -- I think in many ways maybe a more normal thing for immigrant families. Maybe -- I don't know why might be specific to them, I really think it's a thing for all families, but that's at least my experience.

>> I just wanted to say I appreciated your comments. I understand a lot of folks, you know, think of kind of the house, you know, and when we have kids, we're going to buy a home, but that is largely unavailable for huge swaths of our

[11:07:16 AM]

population, and I just want it not to be something extraordinary, a normal thing for families to live in apartments and grow up in apartments, I appreciate your input.

>> All right, thank you.

>> Mayor Adler: Thank you. Next speaker?

>> Luke Metzger, speaking on item 61, on deck, Blythe Randolph.

>> Good morning, Luke Metzger with environment Texas, as Austin grows, we're paving over more and morph 0 our natural areas, since 1997, we've lost about 30% of our open space in Travis county, in a two-year period, we lost 6% of our tree canopy, and as we pave over more and more, that causes significant environmental problems, including water pollution, flooding, urban heat island effect. On water pollution, we know that when it rains it doesn't absorb into the ground, when people swim in our creeks, they can get sick. Recent study found that 57 million Americans get

[11:08:17 AM]

water borne illnesses from swimming in creeks, Lakes, ocean, eye infection, skin rashes, ear infection and other problems, we know flooding is a serious problem here in central Texas, we have more flooding related deaths than any other part of the country, aside from Houston, in central Texas. And flooding is only going to get worse with climate change, and finally urban heat island effect with more and more concrete, just making it hotter and hotter in our cities which makes it more miserable this time of year, and also deadly for people who have to work outside. So as we densify, and we do need to densify, because sprawl is perhaps our biggest environmental crisis, as we densify, we need to make sure we're mitigating some of those impacts and item 61 is a critical measure to help make sure we reduce the impacts of storm water runoff, help cleanup our creeks, help reduce flooding, add more nature to our cities so that we can have both a natural and city and a healthier water, so thank you so much.

[11:09:17 AM]

>>

[Applause]

>> Mayor Adler: Mr. Metzger, before you take off, on the environmental ordinance, there was some question with respect to green field and slope. We obviously wanted -- we want to have green field development, and the question becomes difficult is if you already have a track that is 100% impervious cover, how do you actually incent them to redevelop that track if the rules in place would take away too much of the property to allow for that incent? We prepared an amendment with others, colleagues, councilmember Harper Madison, councilmember Ellis, to say let's figure out the best way from an environmental standpoint to actually make sure these protections come in place. And then councilmember tovo, you had asked yesterday, we've limited that just to the slope and the green

[11:10:18 AM]

field language, and I think we've worked on that language with you and your group, is that language that you support?

>> Yeah. I think it makes sense to take a little bit of extra time. I think the city staff are doing to need that time to actually develop the rule, and it is important that we get it right, because we do want to make sure that we are encouraging infill development, not sprawl, but at the same time working to make sure that we're reducing that runoff pollution.

>> Mayor Adler: Great, thank you very much. Okay. Next speaker.

>> Blythe Randolph speaking on 61, on deck, Roy Waley.

>> Stewart Carr speaking on 62, on deck Taylor Jackson.

[11:11:27 AM]

Taylor Jackson? Speaking on item 62, on deck, jc Dwyer.

>> Mayor, mayor pro tem, councilmembers, my name is Taylor Jackson, I'm the CEO for the home builders association of greater Austin, speaking in support of item 62. Focused on helping the construction of accessory dwelling units, ads, on behalf of our members, key elements for consideration yesterday. As we move forward. Flexibility and Adu construction is a starting point working toward a solution to a very complex issue with the goal for the city to add 135,000 housing units within a ten year period. Although it will not solve our housing supply alone, ads, do provide housing option and housing option, excuse me, to residents, even potential rent revenue,

[11:12:27 AM]

helping our growing population to stay in their homes and neighborhoods. Whether it's to help their families or age in place. Thank you to councilmembers Kelly, harper-madison, vela, kitchen, Ellis, and mayor pro tem with your amendment. And of course your staff members for your collaboration with the home builders association. Our organization's vision is to build communities that enable people to thrive and grow. Collectively, we must continue to be diligent and persistent to solve for housing. My staff member, hba staff member, David Glen, board president Scott, and I welcome the continued collaboration in this effort. Thank you for your time.

>> Thank you.

>> Jc Dwyer speaking on item 66. On deck Brittney Paxman.

>> I think Mr. Waley might

[11:13:27 AM]

have been skipped over, the person who was ahead of him didn't come to the podium, then he was on deck, but then we kept going --

>> Mayor Adler: Mr. Waley has already spoken.

>> He spoke earlier, we had him twice on the list.

>> Okay, thank you.

>> Mayor Adler: Next speaker?

>> Brittney Paxman speaking on 66, on deck Weiss Asar.

>> Hello, council, my name is Brittney Paxman, I'm a single family homeowner in district one, I also just started by own small business a year ago. And I'm here to speak about 66,ola, buenos Diaz.

[Speaking in Spanish] My grandparents lived on Loyola lane, I hope I said 70s correctly. I want to make a couple of

[11:14:28 AM]

points, I think the first -- the best time to build more and develop was 30 years ago, the second best time is now, and I really like us to be different and welcoming of new austinites, I think some of us who have lived here a long time think we are entitled to live in houses or we are entitled to not welcome new people. I fully reject that. We should be a community that welcomes new austinites wherever they come from. I also lived in an apartment, then I lived in a condo in councilmember Renteria's district, I moved across the street and bought a house in district 1 on ninth street, that was all possible because we had dense housing on the east side, and I'm eternally grateful for that, and I hope we can create that type of opportunity for more and more austinites. I also want to say to folks who might sue the city or things like that, I ask people to reconsider. I do really want to hear specifically from the earlier speakers, they said

[11:15:29 AM]

some things I hadn't considered, and I certainly, especially as a white woman, don't know all of the ins and outs of this. So I'm really open to being persuaded, but my perspective right now is that we need more housing. We need to build higher. We need to build closer to single family home, I'm here to say, yes, in my back yard, build apartments next door to me. Build condos. Make it so that people can live in my community. Thank you.

[Buzzer sounding]

[Cheering and applause]

>> Asar speaking on 66 and 80, on deck, Daniel cableman.

>> Good morning, mayor, mayor pro tem, councilmembers, my name is Asar, and I serve on the board of housing works Austin. Thank you for giving me this opportunity to speak today to you affordable housing and other housing related issues. In our April letter to y'all, housing works Austin, expressed its support for

[11:16:31 AM]

creating a vmu2 program, while also addressing the issues of compatibility and parking, asking you to modify and eliminate parking where possible with an effort to increase our affordable housing capacity. We thank council for their efforts to increase Austin's affordable housing, by program, linking housing to transit and creating more opportunities for tenants to have protections in this housing. We thank you all for your leadership when expanding housing opportunities including affordable housing opportunities throughout our city, and particularly working on item 66 and 80. While council has taken important steps address the impact of compatibility and parking requirements on housing, there is much more work left to be done, both in the present and in the future. We hope that we can work next year and beyond to further support housing and building out more affordable housing opportunities in our city, by buy right development center programming and tackling compatibility and parking

[11:17:32 AM]

requirements, on item 61, we hope that council can ensure that any impact on housing capacity is minimized while addressing critical environmental issues. This is a great opportunity for us to support both our affordable housing and housing goals, along with our environmental goals as a community. I thank the mayor's efforts to ensure that any unintended consequences of this item are minimized while ensuring the maximum environmental benefit for our community. Thank you all for your efforts. And lastly, on a personal note, I just want to say I'm very excited to see that confederate street is set to be renamed. Being from that part of the city, I walk on confederate street every day, I'm excited from now on I will walk on Maggie may street.

>> Daniel cableman, on deck, David Anderson.

>> Mayor Adler, mayor pro tem alter, councilmembers, thank you for the opportunity to speak, I'm a pro housing advocate.

[11:18:32 AM]

Today you have some choices to make about how we allocate the scarce land in the city, these allocations represent the priorities of the city. The current land development code prioritizes the protection of single family homes and the people in them. To make a gross generalization. Those in single family homes in Austin, represent in aggregate a privileged minority. Land use and zoning regulations have a very dark past. If we continue to cling to the vestiges of an inequitable and immoral system of land use regulation, the city of Austin makes a single and profound statement, you are not welcome here. So today, as you consider a few land use reform items in front of you, make a brave and necessary choice. Use the power vested in you by the people of Austin to choose to allow more people

to live here. The overly restricted land use regulations have created an affordability crisis. They are contributing to the climate crisis. They are perpetuating profound inequities among

[11:19:32 AM]

the people of Austin and the displacement that everyone is so worried about is occurring under the current code. So thank you for bringing these items forward and attempting to make some changes that will allow for the construction of homes for the residents of this city. However, you can and should and must make further changes to these items, including further relaxation of compatibility, the total elimination of parking mandates and buy right development to show us today that you are all indeed serious about addressing the housing crisis that we are facing. I'm not going to stand here and cite the numerous studies that show that relaxes land use regulation leads to more abundant housing for all residents. They will always be there for you to read and to learn from. There's not really any serious debate about why American cities find themselves in that crises, you all know why, you have the power to use this information to create the policies that will lead to affordable, sustainable and equitable development. So please, be brave, be bold, and don't let the threat of a lawsuit from a

[11:20:33 AM]

disgruntled minority scare you from doing the right thing. Help your constituents and make these urgent reforms to the code. Thank you.

>> Thank you.

>> David Anderson, speaking on 78, on deck Craig Neeser.

>> Mayor pro tem, councilmembers, I believe 78 has been pulled. I also end up on 79 -- postponed to July 28th. I also signed up on 79, I'm here representing the applicant and available for questions if you have any. Thank you.

>> Thank you. Item 61, Craig Neeser. On deck, Greg Anderson.

[11:21:35 AM]

>> Mayor and council, so thank you all for taking up item 66 and 80. Nothing costs us more housing units in the city than compatibility, it's almost like we hear that over and over again, the great thing is we're all talking about it, right? So where and when we find the leadership to finally do away it, maybe it's now, maybe it's not now. The longer we wait the more people who are hurt by it, right? Next slide, please. So compatibility, in a nutshell, pretend the far right is amazing transit corridor, 7th street,

airport, you name it, and then there's bill's house on the left, and this development now has how many units lost because of compatibility? Next slide, please. So all of these units -- next slide, are vacant, because we weren't allowed to build them because of compatibility. Next slide. So if bill's house costs \$2 million and all this land available to have an amazing density bonus program that could have yielded a tremendous amount of housing on transit, on our most

[11:22:37 AM]

walkable transit, you know, invested corridors, we don't let them get built, because it's more important to protect the multi-million dollars home from change than it is to legalize a tremendous amount of housing in the city. So when do we get the leadership to finally say we are beyond compatibility? Maybe it made sense in 1984 when all we were looking to do is build sprawl, but now we're not looking to do that. We're looking to build more compact and connected, more responsibly, we're not allowed to do that under outdated rules such as compatibility, next slide, please, last thing, actually I have one more after this. It's also important that we calibrate it correctly. Staff is recommending a 20% jump and we're all going down to below 60%, 80% for rental, if we arbitrarily say 50%, that could cost us a tremendous amount of units, I already had a couple of people reach out to me that are like, look, capital, these monies that build these project, if we're going to kill the deal by taking too much value, that money will go elsewhere

[11:23:38 AM]

so those homes never get built. Last slide, while you guys are looking at item 61, please be considerate of the fact that it will cost us a lot of housing, cost a lot of money if we don't take care of this one item. Thank you.

>> Craig Neeser on item 61, on deck solvaypraxis.

>> Hello, Austin city council, I'm Craig neese reinvestment, I'm the conservation chair of the lone star chapter of the Sierra club. Back in the early teens, I went to a whole series of watershed meetings that were some of the best meetings I've ever been to, where almost all the stuff in item 61 was covered. We had developers there. We had environmentalists there. They were fantastic meeting. Talked about incorporated in my yard in my house. This is really good stuff, and I just want to say that it's not true that we either do density or either we

[11:24:38 AM]

protect our city from flooding and water problems. That is not true. First of all, water is going to flow whether you have density or not, it's just a reality of nature. And you have to account for it if you don't

want people flooded and down the creek, and people damaged and people killed. So I also think that if you build density without close by parkland, from what I've seen, living in Manhattan island for years, is you build the ghettos of the future. People don't want to live too far away from some kind of natural environment. So the idea of maybe taking some parts of 100% impervious cover and creating a little bit more park land is going to make a more liveable, more sustainable city into the future and more equitable. It will make things more equitable. I know this is the long view.

[11:25:38 AM]

This isn't the short view, we have to have the long view in my opinion. So please, I want to see a strong watershed ordinance as we get on this stuff. This is good stuff here. Thank you very much.

[Applause]

>> Speaking on item 80, on deck Curtis Rogers.

>> All right, good morning mayor and council, my name is solve a. Y Rosa, today I'm here on behalf of the del valle coalition. We have shared a joint statement with council in which we ask you to do a deeper dive into the impacts of the vmu program in regard displacement issues prior to adopting this resolution, our concerns that equity issues for residents at risk of displacement, who are disproportionately black and brown and in the eastern crescent have not been investigated. We know this resolution has been in the pipeline for a long time, but the stakes are too high for residents facing displacement, and the fact that the city has had so long to do such a study and has not done so is

[11:26:41 AM]

alarming, you will be hearing from renters later today whose experiences can be viewed as a case study in the unintended consequences and perverse incentives created by vmu with the destruction of naturally occurring deeply affordable units and displacement of working class residents between ten and 40% mfi, including latinx immigrant families and veterans, pending the row zoning case, the property will be sold to the developer and demolished for a vmu development in which even the affordable units at 60% mfi are unaffordable to existing residents, we ask that council direct staff to investigate the affordability units and number of unions lost, by vmu and the pro mostly sunnied vmu two as well as impacts on residents displaced by such rezoning, finally, please review or several recommendations that we believe will somewhat mitigate displacement should council move ahead despite our significant concerns, firstly, we recommend that the affordability level required by vmu2 tied to whichever is lower of the

[11:27:42 AM]

following option, either 60% of the Travis county as proposed in the current resolution or 80% of the neighborhood mfi which can be determined by census block group or census tract if block group data is not available. This would mean affordable housing produced by vmu will be available to residents and residents will continue to afford their neighborhood.

>> Mayor Adler: Thank you. >>

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: Did you complete your list of recommendations?

>> No. There were actually two more recommendations.

>> Kitchen: I'd like to hear them.

>> Absoluteliment one is that we recommend that a study be done with residents who have been displaced by redevelopments and different scenarios for the compensation to prevent homelessness and displacement for them and this should also review the current tenant relocation ordinance which is weak and the tenant relocation fund which is unfunded.

[11:28:43 AM]

And our third recommendation was to basically preserve compatibility requirements, especially for working class bipoc neighborhoods vulnerable to and experience is active or chronic gentrification. We believe that these requirements ensure that developers communicate with local residents regarding the proposed changes and negotiate for community benefits, giving that away gives away the tool for communities to negotiate community benefits.

>> Kitchen: Thank you.

>> Mayor, I wanted to flag for staff when we consider item 80 if we could have staff share an update on the tenant relocation fund. Councilmember tovo, I believe you asked a question during our budget process about the tenant relocation fund and I was under the impression that there was funding in that fund. I would like to see if staff could be able to speak to that later today.

>> Tovo: I think it may be a couple of different things. One is that we have put in money for -- yeah, if the staff could come back that would be great.

[11:29:44 AM]

I think we put money into tenant relocation and tenant advocacy in response to some resolutions that I and others have brought and then I believe we were moving forward with a nexus study. We had money for a nexus study and that's the subject of where it got lost. But that is the next step. Thanks for

mentioning that, that we have a series of budget questions trying to figure out how to move that work forward. And what happened to the money that we had.

>> Mayor Adler: Council member vela.

>> Vela: We in response to a couple of situations right now in district 4, we've been looking at both the rules around the tenant relocation and the fund. And my office did confirm that there is zero dollars in the tenant relocation assistance fund. So that's where we are. We were trying to get folks some relocation assistance, but we were advised that

[11:30:45 AM]

there is zero dollars right now and there is no process to fund it. And again, I'll let staff speak to this in the future, but there's also I think that there are substantial both kind of administrative and legal concerns with the fees that were set out in it. So anyway, I think we've got a hill to climb with regard to tenant relocation attendance.

>> Mayor Adler: Morgan, I think we -- Ms. Morgan, I think we should put on executive session, the question of legal issues related to that fund so we can have that conversation.

>> Vela: I would appreciate that.

>> Kitchen: Yes, I would too.

>> Mayor Adler: All right, next speaker.

>> Speaking on item 80, Curtis Rogers. On deck, Jake Murdock.

>> Good morning, mayor and council members. My name isur cis and I'm a resident of district 3. Last time I was here I read a list of 19 American cities that no longer had a parking ratio for their homes and businesses, but I failed to mention what happened after these rules were changed.

[11:31:46 AM]

Not much. Not much changes immediately. This is a reform that drastically changes many things overnight. Minneapolis has had a few things. Jason whit enburg said that for site constraints reasons and economic reasons it would have been hard to park these buildings at one parking space per unit. He said we're clearly seeing that making a significant difference. Similar to all of these cities, downtown Austin has no parking rules. Yet we still have parking. And almost all new buildings are continuing to build parking. This change would simply give Austin the ability to evolve as transportation changes, as project connect comes online, as the electric bikes become more mainstream and as we improve our infrastructure for pedestrians, wheelchairs and bikes. The reality is this is not much of a change for us as it is for the next

[11:32:47 AM]

generation. Last would be 107 degrees this weekend, and I think allowing more -- we should allow more parking, but we shouldn't mandate it. We shouldn't be putting more asphalt and more concrete in Austin as a mandate. Thank you.

>> My name is Jake Murdock. I'm a renter in district 3 and I would like to stay in Austin. I love Austin. But we need more housing so I ask that we please update the rules to allow for more housing and stop requiring so much parking.

>> Mayor Adler: Thank you.

>> Augiestrock. Up next Paul.

>> My name is Augie. I'm a renter and a teacher. I've already been displaced

[11:33:47 AM]

this year because of rent increases and I'm worried that it is going to continue. And I feel like more vertical integrated housing is going to be the only solution to allowing more affordable housing in Austin. Teaching is a love of mine and a passion, but I find myself at a crossroads of whether or not I can continue to do my passion in Austin still.

>> Thank you.

>> Paul Saldana speaking on item 123.

>> Mayor Adler: Next speaker.

>> Zenobia Joseph. Moving on to remote speakers, Ana Aguirre.

[11:34:51 AM]

Ana Aguirre.

>> [Indiscernible].

>> Go ahead.

>> Hello, can you hear me?

>> Yes.

>> Hello? Okay, great. Good morning, mayor and council members. My name is Ana and I currently serve on the environmental commission. I've the [indiscernible] Of the contact team and the president of the Austin neighborhoods council. Today I'm speaking only for myself since I am speaking on items 39, 52, 66, 61, 69 and 80. I support the staff recommendation on item 39. I [indiscernible] Item 52 for reasons previously stated. I support item 61 and support on may the 18th. I support item 69, because there are so many areas throughout the city that do not have a plan. Working with residents who truly know what is working and needed enhances their overall quality of life. I hope that you will honor the plans proposed by this resolution as there has been instances in which the current plans and valid

[11:35:52 AM]

petitions are not honored even after residents' negotiation attempt to work with the developers fall apart. The proposed agreement regarding community engagement with have no teeth when residents with subsequent plan amendments are not honored as has been experienced with residents under current plans. I am opposed to items 86 and 80.

[Indiscernible] This proposal would have on vulnerable communities, particularly the areas within the eastern crescent. Careful consideration regarding the potential displacement and gentrification of residents along the current and proposed vmu areas has not taken place. This concern is being demonstrated by item 120 on today's agenda. I support the old homestead renters association and their efforts to not displace current residents. If these residents are forced to become homeless, then that would be a clear indication of what the rest of us can expect if item 66 and 80 are approved. People can't see that they're working towards mitigating homelessness and

[11:36:53 AM]

at a time add to the homeless population. Again, why hasn't the equity office been consulted? And how about the project connect equity tool factor into this? Thank you for your consideration and service to our community.

[Buzzer].

>> Paula Kaufmann speaking on item 39.

>> Hello. Yes. The south river city citizens approved this statement regarding land use labor day 2019. Quote, affordability. We believe that Austin needs more affordable housing

[indiscernible] As numerous affordable units and older homes, ads and multi-family homes today. However, we disagree with fee-in-lieu alternative for developers who receive greater entitlements in exchange for community

[11:37:57 AM]

benefits. There should be on-site affordable comments, unquote. My own comments, is it economically feasible to build on-site is unfair to the rest of Austin. You can build to the current height and density and yet services significantly increases cost. Experts have testified that fee-in-lieu rarely produces more affordable housing. It could be built on cheaper lots, if not logical when you first buy the lot. Fee-in-lieu rates do not core the glut, the argument that poor people want to live where they're comfortable defies Austin's goals of putting workers near employers. Let the builders build on their land. It not a mandate, it's a negotiation. If they don't want to build affordable housing, they can build to the current restriction. It's on the ownerrer to verify annually that the residents meet the affordability requirements and have the owners cover the hoa fees for the lower income residents, otherwise

[11:38:58 AM]

they can build to current code. And speaking on items 102 and 103, it's outrageous how much pressure council expects academy drive and surrounding neighborhoods to endure. This used to be 15 acres with a parking lot. I have walked from the parking garage at music lane to this venue. It's a long ways. This owner has never tried to help. He has a big empty parking lot that he charges for. So one of the council members says that it's cleaner to have --

[buzzer] -- 15,000 square feet for music venues, but I've driven her district. It's clean because no one parks on the street. Why should she give district 9 a poor quality of life while her constituents live in peace in their gated communities? So -- and also, I went to the place. The owner says that they can't move the stage. The stage isn't there now so it's not forthcoming.

>> Thank you, speaker, your

[11:40:03 AM]

time has expired.

>> The owner of the property husband compromise.

>> Mayor Adler: Thank you.

>> William bunch item 52 and 80.

>> Yes, good afternoon mayor and council members. Thank you all for your service to our community. On item 52, I want to ask that you please remove the extension of sh 45 southwest over to I-35. From the document you should have all received a letter from me about this on behalf of save our springs alliance. A very much appreciate councilmember tovo's taking that off of consent. I recognize that some

time back this stretch of highway was included apparently in the city's plan, but that was before it was taken out

[11:41:04 AM]

of the campo regional plan. It was also done in conflict with direct city council policy against this roadway. And as your backup shows very clearly, all of the public outreach this time around did not show that road in the plan. It was using the campo materials for that backup. If you build this road, if you support its building, you're basically supporting the conversion of mopac from a local commuter highway into an inner regional and interstate alternative for I-35 for trucks and cars. Txdot's told us we can't ban trucks on mopac if we make this link, and so whereas we have almost no truck traffic, including trucks hauling toxic materials on mopac. If this gets done that's what we have. This should not be done by

[11:42:06 AM]

staff in direct violation of council policy and through the back door and basically secretly. If you're going to do this, let's do it open and honestly through a real public process. So thank you so much. This should be a very simple, essentially a correction to the 300 page document that you have in front of you as the strategic mobility plan.

>> Mayor Adler: Thank you.

>> Thank you.

>> Natalie friendly, item 52 and 66.

>> Good morning, I'm Natalie and I live in d7 and am a the city of councilmember pool. Today I'm speaking for myself. I'm asking regarding item 52 for council to write formally into the asmp ordinance what council members Ellis, tovo and others as well as city staff members, kidman, spillar, have stated in public

[11:43:06 AM]

recorded meetings. Ms. Janis register enspoke earlier about proposed wording that the Alan Dale neighborhood association incorporated into their document. I urge you to adopt this wording. This council has followed public input procedures that are contrary to Austin's culture of inclusive municipal participation. We must mandate public access to information and time to deliberate it. Only two days ago a council member posted amendments to relax parking requirements aren't schools. This is a major

change, not a minor edit of the earlier posted draft resolution. How much time will you give the public to consider this? Only two days ago another council member posted graphics for arguments about corridor density on the council message board. How much time will you give the public to consider this

[11:44:07 AM]

new information? There has been no widely publicized town hall or other organized mass events for the greater public to find out about affordability projections' impact and evaluation procedures driving this specific resolution. As Carmen Ilanes-pulido said earlier this morning, it's hard to keep up with you on land use. As Ms. Preas said earlier this morning, the city has not provided a deep dive to the displacement impact of vmu compatibility and parking relaxing changes. Austinites deserve better than merely reacting to policy positions posted at the last minute.

[Buzzer]. Please repair the harm to good governance by giving all austinites deep, complete and validated information and the time to deliberate it. Thank you for your time, thank you for your service.

>> Mayor Adler: Thank you.

>> Megan masonbach, item 62,

[11:45:13 AM]

66, 82 and 80.

>> This is Megan and thank you, council, for hearing what I have to say today. I'm concerned about the asmp be a change in land use, for the future I understand, but still for the 28,000 blocks that have been listed in the asmp project, those residents have no idea that in the future if they change their zoning that many feet will be taken from the front of their property to be used differently. So it's a land use change and I object to it for those reasons. For the other items, I think that relaxing parking and compatibility is really a bad idea. It especially affects the eastern crescent with their ability to negotiate with

[11:46:14 AM]

developers and get a more equitable plan. I think that's all I'm going to say today, but we've had a wonderful lot of speakers, 31% higher building rate in Austin than anywhere else. We're doing really well with our building. I don't think we have to change these rules. We need parking for ads. Thank you for your time. Have a good day.

>> Chip Harris, item 66.

>> Mayor and council members, my name is chip Harris. Our taller buildings promise some benefits, they also come with their own set of issues. Here are a couple of points illustrating these issues and arguing for buildings five stories or less.

[11:47:14 AM]

Urban planning expert Michael buckston has stated, quote, what hi-rise does is separate large numbers of people from the street so what we end up with the city is detached from street life. We end up with a city that is based on enclaves and gated communities, end quote. According to Suzanne Leonard, co-founder and director of making cities liveable international council, tall buildings off increased profits for developers. However, the higher a building rises, the more expensive is the construction, therefore the tallest buildings tend to be luxury units. Tall buildings inflate the price of the adjacent land thus making buildings and affordable housing less achievable. In this way they actually increase inequality. Thank you for the

[11:48:15 AM]

opportunity to speak.

>> David king, item 69 and 80.

>> Thank you. Can you hear me?

>> Yes.

>> Thank you. My name is David king and I'm speaking on items 69 and 80. 69, district level planning for imagine Austin activity centers and corridors. Please direct the city manager to reserve and distribute at least 10% of the city's annual budget for displacement prevention, financial support directly to low and middle income renters and homeowners and small community-based businesses located in or near planning districts and planning areas for project connect, transit oriented development and imagine Austin activity centers and corridors. Item 80, vertical mixed use zoning code amendment. Please stop driving wedges between homeowners and renters. In order to facilitate land

[11:49:16 AM]

development projects that displace low and middle income renters and homeowners and small community-based businesses to clear the decks for wealthy and high income families and their high end businesses. Please see concerns expressed by the ANC president that taller and likely more expensive vmu developments could further drive up property taxes in nearby neighborhoods who renters and

homeowners are struggling to stay in their apartments and homes. The increased height will impact the value of surrounding property. Again, another way that we're going to be displaced Aguirre said. She recommends that future vmu projects require individual approval by the city to lieu for community input. I implore council to comply with the state laws regarding public notice, public notice and protest rights for zoning changes. Compatibility should not be waived or reduced by right as it will facilitate rapid inflation in property values and property taxes on properties on or adjacent to corridors, there by increasing displacement pressures on low and middle

[11:50:17 AM]

income renters and homeowners and small community-based businesses. Parking requirements should not be waived or reduced by right in areas experiencing overflow parking in commercial uses.

[Buzzer] Chronic safety issues, inadequate infrastructure or involuntary displacement of low and middle income renters and homeowners and small community-based businesses. Please implement the vmu recommendations expressed earlier by Carmen Ilanes-pulido, Monica Guzman and silva [indiscernible].

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

>> Scott turner, item 61, 62 and 69.

>> Good morning, mayor and council. I'll speak on item 61 first. As a green builder I'm all for environmental stewardship, new developments always provide more environmental benefits than what was there before. This is not only because I choose to participate in the Austin energy green builder

[11:51:18 AM]

program, but also because of code requirements like the ones in this resolution. I was glad to see the amendment regarding green fill retention, however because it's already hard enough to develop smaller tracts for housing much less than doubling or tripling the green field size. That would be another barrier that would keep most tracts on corridors as car lots or strip centers and leave us with little or no new housing and new of the environmental benefits that come with with it. Many of the proposals in this resolution were included in the Idc rewrite, but the goal was there was to help the environment and increase the housing supply. That was a win-win and that is not in this resolution but it should be. We can achieve that goal, but we have to approach this holistically the way we did with the Idc. For item number 69 I agree we need an update on the planning process and one that is actually accountable for meeting the city's goals and most of its residents, the majority of which are underrepresented in planning efforts. For example, the word tenant is not even included in the resolution, yet they are the

[11:52:19 AM]

majority of austinites. The current planning process is dominated by people who have time to come to planning sessions and know how to influence the outcome and this is reflected in the city's own study. Without requiring an equitable and accountable planning process, this resolution will process the same inequitable neighborhood planning outcomes that has had for many years and still does today, which is little or no plans for more housing. Please make housing the top priority in any planning process or the city will forever be unaffordable for most of its residents just like it is today. Thank you very much.

>> Ryan Johnson items 62 and 69.

>> Yes, hi, this is Ryan Johnson. I'm here as a lifelong resident of district 10 and urban planning professional and a former city staff member. While I do support these efforts due to updates our

[11:53:20 AM]

city code is better than nothing, I'm concerned that they won't make a meaningful dent in our housing prices and that they will actually burden services.

[Indiscernible]. Some people today have talked about the value of public process, which is important, but it's also abused, disingenuous by those very same people to fight against the only intervention that will prevent displacement in the long-term, building more housing. In short I've lived in Austin my entire life. I love it here. I want to buy a home, not necessarily a house, here one day, but unless you finally enact real reforms and allow a variety of housing everywhere in town, I will never be able to. That just makes me profoundly sad. Thank you.

>> Andy McKenna speaking on

[11:54:22 AM]

item 8 and 80.

>> Hello, I am with the old homestead renters association. I am speaking for myself, but some that others may agree with. When I learned of this proposal to make vmu 2 a lot easier for developers to kind of run roughshod over the process of notifying tenants, I had to talk about how I didn't even hear about the process where I'm living because of the utility bill situation. I don't yet have a utility bill. It comes in with my rent. I had to go to planning commission, the people there heard my story, got involved and now we are going to be talking about item 120 later on, but yesterday I got a notice about something that was stuffed in a handrail. I didn't see it. It was a week late. It wasn't put on my door, it wasn't mailed to me. So I'm just saying the notification process is already broken, it's still

[11:55:22 AM]

broken. Forget telling neighbors who live beyond 500 feet what's going on. When I talk to them on my walk they say we'll have all this new traffic because of this huge development. I've been here 25 years total since the early '90s on and off, but the last time 22 years. I'm looking at homelessness, having to live in crappy Craig's list renter roommate situations which never last. The last one involved somebody with almost assaulted me. That's not tenable. I've been in this apartment for a year. And it feels like home. Literally there's a sign out front that says that. Council member vela had to get involved to get the developer to even come to the table. They haven't come anywhere close to meeting our warranted needs. They're not even demands, they're warranted needs because we're going to land on our asses. Many people have been living here for years, as has been mentioned they're veterans. I support what the speakers with gave and others have said, that you can change the policy, you can build

[11:56:23 AM]

more, but it has to be actually affordable, not this capital a mfi baloney. That doesn't work.

[Buzzer]. We're allowed to move back here in a few years but we won't be able to afford it. Let's get real. The process is broken noun and you're talking about making it less democratic and that offends me deeply as a person who lives in Austin. I am a community volunteer --

>> Thank you speaker, your time has expired.

>> Mayor Adler: Thank you.

>> Zenobia Joseph, items 27, 39, 49, 53 and 68.

>> Mayor, may I ask a technical question first?

>> Yes.

>> I signed up in person for the vmu item, 51 and 52, and went to the clerk's office first. Can you just tell me if they

[11:57:23 AM]

merged the two sets of items?

>> You can speak on those zoning items.

>> I'm asking if it was set for 52, 58 and 80. I didn't hear the clerk say it a minute ago.

>> Yes.

>> Okay. Thank you, mayor, council, I'm Zenobia Joseph. Just wanted to make a few comments as it relates to 51. That's the metrorapids. I actually am opposed to that item. I want to call to your yesterday, the neighborhood association chair, Barbara Scott mentioned that the colony park area will not benefit from the expo park and ride. That will eventually be in

[11:58:23 AM]

that area. But not people in colony park. We doesn't think they will get in their cars and ride downtown on the bus. As it relates specifically to the Austin strategic mobility plan, I just want to remind you that title VI as specified on page 225 which prohibits discrimination based on race, color and national origin. So when you're talking about 80, the vertical mixed use, I just want to call to your attention that 80% area median income on the median family income is more than most African-Americans earn. That's about give thousand dollars. Your study in 2020 for economic development said African-Americans earn about \$42,000. So I would ask you to update the code to ensure that essential workers who earn about 60% area median income can actually own homes as well. I am for the Faulk library expansion and sent some information to ask that you actually designate an area for African-Americans based

[11:59:24 AM]

on the erasure of African-American history. As for 27, I am supposed to the money for kazi. I appreciate you want to stream the council members on air, however, they are beholden to council and play propaganda as related to project connect on the air and they refuse to put an anti-rail ad based on their bias towards the city. I would lastly just add that as you look at the vertical mixed use that you include parkland dedication. If you do down yager lane, which I did this morning,

[buzzer]. It's a concrete junk gel which was once dense forest. So height is one thing, but let's not actually exacerbate the problems that African-Americans and low income people have as comes to social determinants of health. As relates lastly to number 49, that's the Leander ISD --

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

>> I wanted to thank the staff for sending me the

[12:00:25 PM]

information yesterday, but it doesn't say how Austin and traffic residents would benefit from Leander pre-k. If you have any questions I'll gladly answer them at this time.

>> Mayor Adler: Thank you.

>> That concludes remote speakers.

>> Mayor Adler: All right, colleagues. It is noon. On the consent agenda, as I see it, we have items 1 through 74 and 121 through 124. The pulled items I have are 10, 14, 52, 56, 57, 61, 65, 66 and 69 and 124. Is there a motion to a-- a

[12:01:25 PM]

motion to approve?

>> Kitchen: Mayor.

>> Renteria: Mayor?

>> Mayor Adler: I will give people a chance to comment, I just want a motion on the floor. We'll have comments and give people a chance to change things. Is there a motion to approve the consent agenda? Councilmember Harper-Madison makes the motion. Council member Fuentes seconds it. Now let's discuss the consent agenda? Councilmember Renteria.

>> Renteria: Yes. I still have some concerns about item 39, so I request that we postpone that until next week.

>> Mayor Adler: This is the plaza saltillo tract. Is there any objection to postponing this item to next week? No? Staff's fine with this. So 69 will stay on the consent agenda, but it is postponed until next week.

>> Kitchen: It's not 69. It's 39.

>> Mayor Adler: 39 rather, thank you. To postpone until next week. Further discussion on the consent agenda? Councilmember Kitchen.

>> Kitchen: I don't want to speak for councilmember Ellis, but -- I don't know if she has her hand raised,

[12:02:27 PM]

but she might be ready to put 69 back on consent.

>> Ellis: Yes, my only intent was to be able to speak more directly about your message board post. So if we can knock that out before voting on consent I'm happy to keep it on.

>> Mayor Adler: Okay. It's noon so if there's going to be a discussion on it we're going to pull it so we can get to the noon things. Speakers obviously went long today. So 69 is going to be pulled. What else? Are you okay -- there was another one you were going to be taking a look at, councilmember Ellis, to see if you were okay with. 59, are you okay with the. Fuentes and alter amendments?

>> Ellis: Actually. I posted on to the message board revised language for one of council member Fuentes's. I'm not sure if she's had a chance to look at that, but we're also merging them into a version two and it would incorporate one more whereas

[12:03:29 PM]

and then incorporate council member Fuentes and mayor pro tem alters so we may want to hold on that.

>> Mayor Adler: We'll pull item 59. We'll handle that quickly when we regather. Anything else on the consent agenda?

>> Tovo: Mayor, I'm not sure whether or not you said item 14 was being pulled. That's the one I have direction. I'll pull it but again with the understanding we don't need staff for that.

>> Mayor Adler: Staff not needed. Thank you for that. Councilmember Kelly.

>> Kelly: We're making comments on the consent agenda, correct?

>> Mayor Adler: We'll do that later. That way we can get to the speakers and music.

>> Kelly: Before we do that may I just say that I'm abstaining on one item on the consent agenda? And that would be item number 38, which I will make comments about and explain further when we have that time. Thank you.

>> Mayor Adler: Great, thank you. Council member vela.

>> Vela: With regard to item 3, Austin resource recovery, I don't think they're here on that item --

[12:04:30 PM]

I'm sorry, they are. I just had a couple of questions on that item before consent.

>> Mayor Adler: So the question is -- let's pull item number 3 and we'll handle that after lunch. Okay. Yes, councilmember tovo.

>> Tovo: I need the record to reflect that I am recusing myself on 10 and 81 and I have an affidavit over with the clerk's office.

>> Mayor Adler: Great, thank you. If you have a question if you could just see the clerk, please. All right, so I'm showing the consent agendas 1 through 74 and 121 through 124. The pulled items are 3, 10, 14, 52, 56, 57, 59, 61, 65, 66, 69 and 124. Anything else?

[12:05:31 PM]

>> Ellis: Mayor? I would like to put 69 back on consent, please.

>> Mayor Adler: All right. 69 is back on consent.

>> Ellis: And could you please read through the pulled numbers again? I'm sorry.

>> Mayor Adler: I will. The pulled items on the consent agenda is 1 through 74 and 121 through 124. The pulled items are 3, 10, 14, 52, 56, 57, 59, 61, 65, 66 and 124. Okay. We have a motion to approve the consent agenda. Is there a second to that? We've already seconded it. Any further discussion before we vote? Yes, mayor pro tem.

[12:06:31 PM]

>> Alter: I just want to confirm that my amendment for 62 with respect to the utility regulations was already accepted as part of the base for 62 earlier?

>> Mayor Adler: Yes, it was accepted earlier and part of the item on consent. Okay. Item number 39 is staying on the consent and it's being postponed. That's correct.

>> Alter: And mayor for item Tennessee.

>> Mayor Adler: As is item 122 and item 73 and maybe some others.

>> Alter: I wanted to confirm --

>> Mayor Adler: They were called off in changes and corrections. Mayor pro tem?

>> Alter: Sorry, I didn't mean to speak over you. I thought you finished. So for item number 10 we have to pull that anyway for the later item?

>> Mayor Adler: Yes.

[12:07:32 PM]

>> Alter: And just to clarify what I was saying earlier, what I've talked with staff about is that we would move to negotiate and then they would come back to execute. I'm not expecting a problem with the management plan that comes back, I just want to -- I do want to review it and at this point there's not enough information for me to fully understand the scope, but again, I'm not expecting a problem, but I want to review it before we execute it.

>> Mayor Adler: Not a problem. We'll talk about that when we get to item number 81. All right. Let's take a vote. Those in favor of the consent agenda please raise your hand? Those opposed? So it's

unanimous on the dais. Good. We don't have any housing and finance corporation meeting today, to let everybody know. We have now public comment

[12:08:55 PM]

.

>> Ward Tisdale. Ward Tisdale. Kristen Kelly. Mario Cantu. Bobby Breeden.

>> Mayor Adler: Hang on a second. Thank you. Come on down.

>> Good afternoon, mayor and council. I represent regency health care, which is a big agency here in Austin. We own 14 of our nursing and rehab centers. We came up with a new program and we're trying to

[12:09:57 PM]

get the information out as much as we can on hiring seniors and juniors and training them and getting them that career they want to pursue. Right now we are currently hiring the six on the left side of that flyer you have, and we train them, we pay for it so it's a good program. If they want to go to cna school and they show that they are dedicated we'll send them to school and train them. Same with the medical assistance to pass meds and stuff. We'll send them to school and train them. Currently I have a nurse in school that we're supporting and she's working flexible hours at night and that way she can still support her family. It's a good program we started and we're just trying to get the information out to the greater city of Austin. We have 14 communities right here, nine in Austin, two in bastrop, one in he will begin. And we're just trying to get the information out.

>> Mayor Adler: Thank you.

>> Harper-madison: Mayor,

[12:10:57 PM]

I don't see the flyer he made reference to.

>> This one?

>> Mayor Adler: Why don't you give it to the clerk and she will make sure we get copies.

>> Harper-madison: Thank you.

>> Mario Cantu?

>> Go ahead.

>> Good evening, council.

>> Mayor Adler: I'm sorry, I didn't know you were waiting.

>> I just want a bit of silence for these individuals in mental health --

>> Mayor Adler: By the way, it's a three-minute time on public speaking.

>> Thank you. Just a little bit of time for these individuals that were in uvalde, getting impacted with the children, having to work on them. Working on children is very,

[12:11:57 PM]

very difficult. It's not easy work at all. Next public hearings. So mental health, the top three stressors contributing to a poor state of mental health include career, finances and lack of sleep. If you look at the bottom it says currently many agencies utilize a time frame of 12 hours, 16 hours or 24 hour shifts. You know, those shifts, we really can't change a lot of that. The career we might, finances we could. Lack of sleep we really don't change because you have to have health care workers working at night. They can't all go home and then come out of their house to go to work and pick you up. They're working 24 hours a day all year long. Next. So it's no secret that the occupation with the ems results in a high stress work environment. Ems workers are regularly exposed to the realities of human sufferings and

[12:12:57 PM]

strategy, including death. Stressors can be grouped into three general categories, routine work demands, critical incidents involving serious harm or death, and social conflicts. Social conflicts often you would encounter on a scene with family arguing, interaction with family members or neighbors, something like that, where someone has been shot, stabbed, hurt. So that's what that would include. Next. And I think this one is really important because in addition to many providers seek overtime hours outside of their normal scheduled shifts or employed with multiple agency resulting in work, backup shifts. And this is largely reported due to the pay discrepancy within the ems community. Many providers report feeling as though the additional hours worked on a necessity to obtain a comfortable financial

[12:13:59 PM]

standing. So some individuals, mainly a lot, have to work another job in order to pay the bills. Again, career finances I think is a very important thing to look at. Can that be fixed? Yes, we can fix finances

and hourly wage for ems, paramedics, emts and the 911 dispatchers. Again, lack of sleep, they have to work through that on their own because of the shifts. And the dedication that they give. Also I wanted to include that a lot of the ems paramedics, emts, are required to have continued education hours with a lot of training every four years for their certification, and paramedics often have to do 120 hours or more.

[Buzzer]. Thank you.

>> Mayor Adler: Thank you.

>> Jordan Perez.

[12:15:08 PM]

Moving on to remote speakers, pat valles-trelles.

>> Thank you for letting me speak. This is pat. Mayor, mayor pro tem and council members, can y'all hear me?

>> Yes.

>> Okay, thank you. I am a former member of the animal advisory commission and current president of district 9. In 2015 the city auditor published a report that stated the animal services office continues to meet the city's 90% live outcome goal, however animal services does not have sufficient facilities and resources allocated to meet the goal and remain in line with the state requirements and industry best practices. As a result the city's animal shelters are overcrowded, animals are not consistently receiving the

[12:16:09 PM]

recommended level of care and response times to calls for assistance are untimely. In addition, animal services does not have sufficient processes to record and prioritize all, reducing their ability to manage field operations. I have sent you the link for this report in an email and I want to continue by saying that animal services continues to be underfunded in 2022. The city's animal shelter continues to be overcrowded. Animals are still not receiving the recommended level of care and calls to 311 continue to not be answered in a timely manner. You recently received an email from a city resident, I believe he lives in district 3, and I believe the -- and I know the email a dog that was killed on the street because of lack of 311 response to that call,

[12:17:11 PM]

the report about loose dogs. The animal advisory commission to date has not made time to discuss the request by animal services for additional staff. Choosing instead to call a last minute special called meeting for this Friday night to discuss stray hold times, an issue that hasn't been discussed prior to this week. The animal advisory commission also has a meeting on Monday evening. I hope the commission will recommend additional staff for animal services at that time to address the underfunding and overcrowding. If the commission fails to recommend additional staffing, I request the council ask the city auditor for an updated report and ask for a fair and unbiased review of animal shelter staffing. Thanks very much.

>> Frances Acuna.

[12:18:15 PM]

>> Can you hear me?

>> Yes, go ahead.

>> Okay. My name is Frances. And I have lived in southeast Austin for about 25 years. Today I want to speak about neighborhood stability. And I do want to say that my stability is compromised. I was impressed when I visited the city of Austin web page and it has a place for developers to put affordable housing but I've noticed that most of the time the 10% affordable housing available is for the 60% mfi and up, including -- excluding low income communities. I hear that some people must be displaced. I now realize that the

[12:19:17 PM]

people who must be displaced are the people that earn 60% and below. Which is all of us who have made positive changes in our community. I was told that if I wanted to fight for my home, I need to get my representative's attention. I need to know how they think or how you think, how you speak, your language. I need to learn if you're Republican or democratic. In other words, I need to become an expert in your job. Why do I need to learn your language? Why do I need to learn about vertical mixed use, equity transit oriented development, project connect, Austin strategic mobility plan, land development code, and imagine Austin just so I could try to fight to stay

[12:20:19 PM]

in my home. You are working on our behalf. Why does it look like you are against us? All the low income communities, why do we feel that you're trying to get rid of us? That's what we're feeling, especially the renters and the very low income communities. We feel that you are trying to get rid of us. And this is our

homes. And I just want to stop there because I do want to say before the time is up that there's two other residents that are in the queue that they don't have translation, and I don't know if anybody there to translate for them, but I'm willing to.

[12:21:22 PM]

And that's all I have.

>> Mayor? I think Ms. Pulido raised her hand that she would be able to translate if necessary. Perhaps.

[Buzzer].

>> Perla Rodriguez? Perla Hernandez.

[12:22:31 PM]

[Speaking Spanish].

>> Irene Hernandez?

>> Speaking Spanish].

>> [Speaking Spanish].

>> Good morning, my name is Irene Hernandez and I live

[12:23:32 PM]

in zip code 78744.

>> [Speaking Spanish].

>> Today I am speaking because I was disappointed the last time that I came to speak with the communication services and the interpretation when we came to speak about our needs.

>> [Speaking Spanish].

>> When we signed up to speak last time, the way that things were interpreted didn't communicate everything that we said.

>> [Speaking Spanish].

[12:24:34 PM]

>> It's very important that when we speak that we're actually heard, especially because the time it takes for us to work to come here.

>> [Speaking Spanish]

>> When we speak it's very important to the things that we say are heard and that you pay attention to the process so that we understand what is said and we're able to speak.

[Speaking Spanish].

>> That's severing that I have today. Thank you very much.

[12:25:36 PM]

>> Mirna Rodriguez.

>> [Speaking Spanish].

>> [Speaking Spanish].

>> My name is Mirna Rodriguez. Good afternoon. And I live in 78744 zip code in dove springs.

[Speaking Spanish].

>> Today I'm speaking because I've been extremely disappointed with the services of interpretation when I've come to speak before about our community's needs.

[12:26:41 PM]

[Speaking Spanish] We want you to make sure that you interpret for speakers well so that you understand what it is that we're asking for our community's needs.

[Speaking Spanish] The last time we came to speak we weren't given enough time and the things we said weren't interpreted well and we need to make sure that when we come to speak that we are heard and listened to.

[Speaking Spanish]

>> We take our time out of

[12:27:41 PM]

work to come and testify, but without good interpretation if you can't hear what we're saying, it's impossible for you to understand the obstacles that we face as a community.

[Speaking Spanish] So I ask of you that you make sure that we are interpreted for and treated with dignity, respect and complete understanding for what we're saying.

[Speaking Spanish]

[12:28:49 PM]

>> We are a working community and we deserve to have the right to be heard and to be treated with respect. When you don't listen to the things that we say or when we can't understand what you say, then you're not respecting the word of the community and we deserve the right to be heard.

[Speaking Spanish] A lot of us actually understand the language, we understand what's being said in English, we prefer to speak in our own native language because we can more

[12:29:50 PM]

comfortably express ourselves and you can hear what we're going through and we are no less deserving of the dignity and the respect of being heard.

[Speaking Spanish] I'm very proud to live in this community, I'm very proud of what I do for my community and I am proud to come here and to talk to you about what my community needs. It's essential that you treat us with dignity and respect so that we can continue to speak on behalf of our community.

>> Perla Hernandez?

[12:30:55 PM]

>> [Speaking Spanish]

>> [Speaking Spanish]

>> My name is Perla and I also live in zip code 78744.

[Speaking Spanish] I'm speaking today because I feel somewhat disappointed and on behalf of my community I feel we've been done a disservice.

[12:32:15 PM]

When we come to speak to our community sometimes our words aren't well translated and we're not able to advocate for our community well.

[Speaking Spanish] The last time that we spoke there wasn't enough time to correctly state the things we were asking for and to correct what we spoke on for our community.

[Speaking Spanish]

>> We have the right as a community to come and speak on what we need and be listened to since we know what is happening.

[Speaking Spanish]

[12:33:24 PM]

We've taken the time out of work to come and speak and to speak on behalf of others in our community for their needs. When we come to speak and our words are translated, if they're not translated well, then it's impossible for you to hear the obstacles we're facing as a community.

[Speaking Spanish]. We ask that you listen to us with respect, that you work on better translation and you take into account our concerns as residents as we speak. I also wanted to say I missed a line from Mirna. This is a tough translation, this is Carmen speaking.

[12:34:26 PM]

For increased transparency was one piece. It's very important for transparency. Thank you.

>> That concludes remote speakers.

>> Mayor Adler: Carmen, thank you. Colleagues, there are a couple of items that I think we can handle here real quickly that I would like to do so we can let some staff go. We have three eminent domain cases, items 75, 76 and 77. With respect to these three items, these three non-consent condemnation is there a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for the public use as described therein? Mayor pro tem makes a motion. Councilmember pool seconds it. Any discussion? Those in favor please raise your hands?

[12:35:26 PM]

Those opposed? It's unanimous on the dais. I'm sorry, you're in favor. Unanimous on the dais. All three of those items pass. Council member Fuentes.

>> Fuentes: I wanted to make a comment based on the testimony we just received from our community that I will follow up with our city clerk and with our city manager to look at ways that we can improve our translation services. Thank you.

>> Mayor Adler: That would be good, thank you. And then I think we have some public hearing items that also I think may be able to move quickly. You might want to check me, but the public hearing items that I think might be able to move quickly beginning with item number 78.

[12:36:29 PM]

Also 78, 79 I think will move quickly. And items 82, 83, 84 and 85. Anybody have any questions or need to hold on any of those? Councilmember harper-madison?

>> Harper-madison: You said item number 78, but it says that one is postponed until 7-28. Are we still discussing it?

>> Mayor Adler: No, but we can postpone it. We have to take the action now to postpone it.

>> Harper-madison: Thank you.

>> Mayor Adler: But you're right, 78 is a postponement. Councilmember pool?

>> Pool: I would take a motion to -- let's do that just for the record. I think it might be easier. 78 being postponed as we announced earlier. Is there a second to that? Mayor pro tem seconds that. Those in favor of postponing the item please raise your hand? Those opposed, 78 is

[12:37:30 PM]

unanimously postponed. Item number 79 we've called all the speakers. Anybody else here to speak on that? Is there a motion to approve item 79? Councilmember pool makes the motion. Second. Councilmember harper-madison, any discussion? And we're closing the public hearing and voting to approve. Those in favor please raise your hand. Those opposed? It's unanimous, hearing is closed and the item is approved. Item number 82 is there a motion to approve item number 82 to close the public hearing. Sorry, so 82 being postponed to 6-16. Councilmember pool moves to postpone this item to 6-16s there a second? Moratorium seconds it. Those in favor of the postponement please raise your hand. It's unanimously proposed.

[12:38:31 PM]

Item number 83 is also a postponement to July 28th is there a motion to postpone. Councilmember tovo makes the motion, we coulded by councilmember Renteria. Any discussion? Those in favor of the postponement please raise your hand. Those opposed? Unanimous on the dais as proposed. Item number 84, is there a motion to approve this item and close the public hearing?

>> Alter: Mayor, I think it's just closing the public hearing for 84. I move to close the public hearing first.

>> Mayor Adler: Is there a second to that motion? Councilmember harper-madison seconds that motion. Discussion? Those in favor please raise your hand. Those opposed? Item number 84 we've conducted and now closed the

[12:39:31 PM]

public hearing on 84. I think 85 is the same way. Is there a motion to close the public hearing now on item number 85? Mayor pro tem makes that motion. Councilmember kitchen seconds that motion. Those in favor please raise your hand. Those opposed? Okay, thank you. We've now taken care of 78, 79, and 82 through 85 as well as eminent domain items 75 through seven. Mayor pro tem?

>> Alter: I would like to move to passage of item 10 with just a be negotiate. And I think 81 is the [indiscernible].

>> Mayor Adler: Let's take them up separately. There is been a motion to pass item number 10, but just negotiate only. Is there a second? Councilmember pool seconds that. Any discussion? Yes, councilmember kitchen.

>> Kitchen: I'd like some further discussion on this

[12:40:32 PM]

one. So this one is --

>> Mayor Adler: Let's hold off then. Then we're going to hold off and not act on number 10 yet, okay? Anything else before we move forward, colleagues? We have some music that we're going to be calling up here in a second and we have executive session. Yes, councilmember kitchen.

>> Kitchen: I don't know if it's quick, but we had -- I think we pulled 56 and 57.

>> Mayor Adler: We pulled 56 and 57 because it sounded like there needed to be some discussion on one or either of those. So let's hold off on those. It's 12:40 right now. Colleagues, we should go into executive session -- we're going to recess the general meeting here and do into executive session --

>> Pool: I had a couple of quick remarks to make on item 68, please, which was part of the consent.

>> Mayor Adler: Because we're going into executive session, go ahead.

>> Pool: Great, thanks.

[12:41:32 PM]

I want to thank my co-responders, which is mayor Adler, mayor pro tem alter, Kathie tovo, this is the Faulk building item for the archives. I want to thank my co-sponsors for joining me on item 68. This asks the city manager to explore a shared archive facility at the Faulk library building with Travis county --

>> Mayor Adler: Councilmember pool, that's just a comment on the consent agenda?

>> Pool: Yes, a comment on the consent.

>> Mayor Adler: We'll have all those when when he come back.

>> Pool: Okay. I'll start again later.

>> Kelly: I was going to suggest since she already started. I really liked what she was saying.

>> Mayor Adler: I didn't know that other people would object to that since I've stopped three other people from trying to do it already. Commode, did you have something that you wanted to -- councilmember tovo, did you have something you wanted to raise?

>> Tovo: I wanted to ask if we could have five minutes to go by our offices and grab lunch to get up to

[12:42:33 PM]

executive session.

>> Mayor Adler: I think we need more time than that. When we leave here we'll first do music. In terms of when we actually convene the executive session I'm going to suggest we try to do that at 1:30 and then let us go from 1:30 to 2:00 in executive session. That sound reasonable? Everybody gets a break. At 2:00 we'll break and come back out for speakers as close to it as we can. Yes, councilmember tovo.

>> Tovo: Mayor, I think we have probably too many items on executive session to deal with in 30 minutes.

>> Mayor Adler: I think we will, but I think we can probably start in executive session because I think there are questions that people want to have answered because that might dictate how they do or evaluate some of the other items that are coming up.

>> Tovo: I'm trying to lose our time as efficiently as possible. We lose a lot of time when we shift from exec to here back to exec.

>> Mayor Adler: I thought some of the legal professions would be necessary for people in drafting things for the afternoon. I'm getting some head nods

[12:43:34 PM]

here as well. So we'll be able to see that. Okay.

>> Kitchen: So mayor?

>> Mayor Adler: Yes, there will be consent comments later, I promise. Councilmember kitchen.

>> Kitchen: So we're going to reconvene at 1:30, right?

>> Mayor Adler: Yes. Okay. All right, city council will now go into closed session to take up three items. Pursuant to 551.086 and .071 of the government code we will discuss issues related to item 65, which is community workforce agreement. Pursuant to 551.071 of the government code we'll discuss legal issues related to items 66 and 80. Which are the land development code issues with respect to compatibility, parking and the other vmu. Item number 90 has been withdrawn. Without objection we'll go into executive session on items announced. We'll see you all in

[12:44:35 PM]

executive session at 1:30. We're doing that remotely. I urge everybody to if they want to take a moment here and listen to music with Cynthia Lee Fontaine, a TV star in our community. So with that we are in recess.

[12:55:32 PM]

>> Mayor Adler: We want to be sure that we bring live music into this space. It's not Carnegie hall, but it's like really close to Carnegie hall. And I really -- and I really do think that music gets impressed in the walls in this chamber. And there have been multiple times when this council has been in session and I'm sitting up there like 11:30, 12:30, 1:30, when I try really hard to pull that music back out of the walls and

into my head. So it is a gift that you bring to us to bring music here. And we're just really fortunate to have with us today Cynthia Lee Fontaine.

[Cheering] Yes, yes. A singer, song writer,

[12:56:34 PM]

actor, activist, drag artist. Cynthia and her cucu gone the hearts of fans on season 8 of the Emmy award winning television show ru Paul's drag race.

[Cheering] Where she was awarded miss congeniality. She was a fan favorite. She was actually asked to come back and be part of season 9. In 2018 Cynthia released her hit single with an accompanying music video. In 2021 she wrote and released a holiday single, bring me the holidays. And most recently she released the single tonight featuring austin-based singer Shannon seona. Cynthia more importantly here part of Austin and its culture and its values is a

[12:57:34 PM]

volunteer for the communicate aunt AIDS resources and education, which is also known as the care program, as a peer support specialist and outreach worker. She provides services to HIV patients who experience problems with substance abuse or mental health issues. Cynthia is also a national drag ambassador for drag out the vote. So without further adieu I present to you all Cynthia Lee Fontaine.

[Cheers and applause]

[Music]

[1:01:02 PM]

[Applause]

[1:03:27 PM]

[cheering and applause]

>> Thank you. More peace, you know. That's my neighbor message and main message and my focus, especially in my career. So, thank you so very much.

[Applause]

>> Mayor Adler: That was beautiful. Thank you. Thank you all. We have people here, we have people that eventually may be watching this, so if they want to be able to find you on social media, I guess it's@cynthialeefontaine on most of the platforms?

>> Yes, if you want to know where I'm going to be performing

[1:04:30 PM]

next, cynthialeefontaine.com. Next weekend -- this is pride month for all of us, so I'm going to be in Alabama celebrating pride over there. Then after San Antonio. Then at the end of the month, I'm going to represent Austin, Texas, in New York City. So I'm very excited.

>> Mayor Adler: Oh, wow.

[Cheering and applause]

>> I have the opportunity to represent our beautiful city.

>> Mayor Adler: When do people get to see you here, not in Alabama or New York?

>> They can always have the opportunity to see me Fridays or Sundays.

>> Mayor Adler: Okay. Great. Thank you. Well, we have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because Austin

[1:05:30 PM]

audiences support good music produced by legends, our local favorites, and new comers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, together with my colleagues here present today, councilmember harper-madison and mayor pro tem alter, together with the entire city council, do hereby proclaim June 9th of the year 2022 as Cynthia Lee Fontaine day in Austin, Texas.

[Cheering and applause]

[Laughing]

[1:08:51 PM]

[1:55:25 PM]

♪♪ music playing ♪♪

♪♪ music playing ♪♪

♪♪ music playing ♪♪

♪♪ music playing ♪♪

[2:00:42 PM]

strategic mobility plan prime face prima face

[2:01:53 PM]

Mathews lane . E bike.

[2:02:59 PM]

Q2. Cornell street poquito poquito, force

[2:30:24 PM]

Johannesen. Johannesen.

>> Mayor Adler: So we are going to go ahead and get started. Is our TV feed run something good? All right. We are out of closed session, in closed session we discussed competitive legal issues related to item 65. We have not yet discussed item 66 and item 80. It is intent to go back and address those after we handle the zoning consent agenda. Councilmember kitchen.

>> Kitchen: If it is appropriate I would like to make a motion to postpone 65 to next week. I don't think we actually did that yet.

>> Mayor Adler: Motion to postpone 65 to next week. Second by councilmember Kelly. Those in favor of the postpone testimony please raise your hand. We have seven votes here.

[2:31:24 PM]

Vela, Kelly, pool, Renteria, kitchen, Ellis, harp mad harper-madison and me, so that is approved. All right. Let's .. Go through, before we get to speakers that have signed up. About how many speakers do we have?

>> Mid seventies.

>> Mid seventies. We are going to give each speaker one minute. But before we get to speakers. So that the speakers know eighties that may be postponed, that they don't need to speak on because of the, they will be brought back and speak on the merits when the case is actually being considered. What are we looking at?

>> Yes, please.

>> We have slated for postponement today items 94,

[2:32:24 PM]

which would be staff postponement to June 16, item 95, a staff postponement to June 16, item 96, staff postponement to June 16. Let's see. On item 106 will be a staff postponement to June 16. Number ten accept will be a postponement to June 16. Number 108, will be removed from the agenda. Number 109 is the neighborhood postponement request to June 19 at is 110, neighborhood requested postponement, to June seeks, number 11 staff requested postponement, 112, July 28, 114, staff postponement request to June 16. Number 115, applicant postponement request for July 28. 116, applicant request for postponement to July 28. 117, staff postponement request to June 16. And the addendum item 125 has neighborhood postponement request to June 16.

[2:33:30 PM]

>> Mayor Adler: 94, 95, the 96, 106, 107, 108 is replaced by item 125. Also postponed 109, 110, 111, 112. And does it skip then to 114?

>> Yes.

>> Mayor Adler: Okay. 114, then, postponed 115, 116, 117, and 125; is that correct?

>> That's right.

>> Mayor Adler: So the discussion items, the zoning cases are 92 to 120, and 125. The discussion -- those are all of the postponed cases. I think that's all we are doing now. Okay? So if you signed up to speak on 94, 95, 96, or 106, 107, 108, 109, 110, 111, 112, 114, 115,

[2:34:32 PM]

116, 117 and 125,.

>> If you signed up on those cases please know that we are not going to reach the merits and you can come back next week. Most of those cases will be set in July. All right. With that, let's hear from our speakers. Call the ones, please, that are with us first and then we will call the ones that are remote.

>> First up, Edgar happened on Jack Susan or Ringer.

>> ..

>> Hi. I am a resident of East 13th Street and I live in my home with my son who has special

[2:35:33 PM]

needs and my husband. I come here to speak because I am very upset by the changes being proposed for East 12th Street with zero community input from impacted neighbors. I speak for the majority of our neighbors on the East 13, whose yards back up to 12, they cannot be here due to having to be tested positive for COVID, work or elderly. I have knocked on almost all of the neighbor's doors and collect additional petition that will be impacted and spoke to them personally and none of them were aware of a survey gone around with only 18 percent. Even do not even use social media so how is it fair? We are a wonderful neighborhood that has a lot of history and still a lot of long time residents. We want East 12th to be developed. We have been begging for this for years. No more empty lots. Please give us community services, housing, green space. Our current neighbor's, neighborhood's biggest complaint there bars we do have from the noise, traffic, with no

[2:36:34 PM]

help from 311. Please vote no to expanding alcohol use on East 12th. Thank you.

>> Edward win with son, items 86 and 118 on deck, Carmela Green. >>

>> Good morning. Thank you for listening to me. My name is Edward Winston, a resident on 16th, 1,600 block of New York avenue, I am here on behalf of my family and a to ask that you vote against the items 86 and 118, specifically for expanding the use of alcohol permits on 12th street between

-- and I-35 and po can I can toe. As for me, like I said, I live on 1,600 block of New York avenue with my family. We have been there for about ten

[2:37:36 PM]

years since we moved back to Austin. Prior to that, I am actually living in my grandmother's house and I grew up about two miles away from the current residence so I am actually a native austinite and I have lived most of my life in east Austin. I don't oppose redevelopment of east 12th street but we would like it to be developed in such a way that the families that live there would be able to have a place to walk to, to enjoy, thank you. You. >>

>> Mayor Adler: Thank you.

>> Carmela green on deck, Joe Palo Connolly.

>> Hello, my name is Carmela green and I am a resident on east 13th street. Please support councilmember harper-madison's motion, I would like for everyone to consider the cultural significance of this area of east Austin, the impact of gentrification to this neighborhood is inevitable but if we can maintain and the last

[2:38:36 PM]

vestiges such as cocktail and the like the cultural impact will weigh heavy within our marginalized communities that so often frequent these places. Thank you.

>> Mayor Adler: Thank you.

>> Paulo Connolly, on deck, Ryan mascout. >>

>> #01: Test

>> Ryland max out, item 92.

>> Emily drauffin, 92 and 93.

>> Sally gaskin. Speaking on items 92 and 93. On deck, joy Horack brown.

>> #01: Force.

>> I am in favor of items 92 and

[2:39:39 PM]

93. And in 2019 Austin collectively made it illegal to camp outside and so it is now time for us to collectively make room for everyone to live inside. Permanent supportive housing projects like Cady lofts are specifically designed to include an array of services aimed at helping folks to successfully retain housing. I have attended like 80 or 100 public hearings in my career as a city planner and never before seen the voices in support of a project like this outweigh those opposed to it. And that's exactly what I saw at the pnc hearing. The hearts and minds of your constituency are with this project and based on their comments projects like this, given the dual crises of homelessness and affordable housing, every affordable housing project should be celebrated and this project is only the beginning. To really make a real difference we need 30 more projects just like this in Austin a. There is something like 3,100 people experiencing homelessness so this is only the start. Thank you for your time.

>> Mayor Adler: Thank you.

[2:40:42 PM]

>> Jao Paulo, speaking on item 92.

>> I am sorry, I am Sally gaskin, I am one of the principals and codeveloper of Cady lofts and I am only here if there are questions of the applicant.

>> Mayor Adler: Thank you.

>> I don't want to take up your time. Thank you.

>> Good afternoon. I am joy brown, I am the president and CEO of new co housing in Houston, Texas. I have been working with the homeless, housing the homeless and offering services since 1996. New hope housing has supportive housing in Houston 1,500 units strong and 700 of those units are dedicated to permanent supportive housing, housing the chronic homelessness. This is our expertise .. It is our focus. It is our mission. And it is my honor to be

[2:41:44 PM]

supporting Cady lofts here in Austin .. Offering consulting and guidance in aspects having to do with building design, with services and with the management of the property once it is open. I commend the prior speaker who spoke out in support. It is wonderful and inspiring that you would -- you in Austin are realizing and taking action. Thank you.

>> Mayor Adler: Before you leave, I really want to thank you and new hope for coming into our community. We have a challenge here and we have many wonderful service providers and property

managers and our community is asking each of them to scale, because we need to meet the challenge and we have set a goal to house 3,000 increment tall additional people in three years. It is going to require them to scale but it is also going to require us to bring in additional providers and participants and you coming into

[2:42:46 PM]

our market and our city is something that is greatly appreciated. Also greatly appreciated is your willingness to work with some of the organizations that we have in town, like the Austin area urban league that have indicated a willingness to also put their shoulder to this challenge, so that if you work with and mentor and teach and we can get to more equitable community of service providers in our city, it is something also that I want to thank new hope for participating in.

>> Well, I very warmly thank you and let me mention the only way this works is as a collaborative effort. The only way it works. And in Houston new hope housing works with more than 43 services partners. So we have some idea how to make

[2:43:47 PM]

that work. We know it always must be adapted for the specific property and the city and we are here to do that and thank you so very much.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Jao Paulo Connolly, speaking on item 92.

>> Hi, councilmembers. Sorry for the confusion there a little earlier and I will keep this brief. I just want to thank every single one of you who has, from the beginning has added your names to the statement in support and helped us form a rallying cry around this project in our community. We know this is just one project. It is very important. It is 100 units and we need so much more, but the similar follow like value of this project and getting everyone to stand behind it is to say this is an absolute priority for our community and we can't afford to lose even a single one of these deals. And I also wanted to say that,

[2:44:48 PM]

you know, I think there have been several housing items on the agenda today, some big discussion around ads, around updating our vmu ordinance, around parking and setbacks and compatibility and I want to say that, you know, if you look at cities throughout the country the cities that have the most constrained supplies of housing have the worst crisis around homelessness. So don't think that we can get out of homelessness simply by focusing on permits of support housing but we need affordable at every tier and we need to think radical, radical and big how we will increase the housing supply in the city.

>> Mayor Adler: Thank you. And Mr. Conway, thanks to you too on this effort with this property, which I think was el inspiring to see a neighborhood that stepped forward. This is a neighborhood at was alerting us to challenges they were having with encampments,

[2:45:49 PM]

but this is also a neighborhood that stepped forward not just to do that but to really step forward and be a part of the solution. You and the Austin justice coalition helped to organize that effort to make sure that community had the available information. So thank you as well.

>> Thank you, mayor. And I also want to thank Jen, the folks from the neighborhood, folks from the neighborhood association for being willing and open to this dialogue about this promise and for being willing to reconsider their initial position on the project, and we look forward to having much more dialogue with the neighborhoods about these projects in future. Thank you.

>> Mayor Adler: Thank you.

>> Ryland maxout on item 92.

>> Emily drawn, item 92 and '93. .. >>

>> Mayor Adler: Next speaker.

>> Megan lash, item 92 and 93.

[2:46:51 PM]

On deck, Susan short never. ..

>> Hello, mayor and council, mayor lash, I am here as applicant for Cady lofts I don't need to take more of your time and will only present if the item is pulled but I appreciate all of your continuing supporting the efforts and all O, all the efforts you do on a daily basis to continue to allow affordable city in the, affordable housing in the city. Thank you.

>> Mayor Adler: Thank you.

>> Good afternoon, Susan short NER with the housing authority of the city of Austin.

>> I just want to say we are excited to partner on Katie lofts. We need permanent supportive units .. And I think we have gotten an incredible team to make this happen. If you have any questions I am available, thank you.

>> Andrew Crawford, item 100, on deck, Ellen brave.

[2:47:54 PM]

>> Ellen Wray, item 101.

>> Brian Beady, item 103.

>> I am sorry. Item 102.

>> The same thing. I am Brian Beady. My wife Valerie Fowler and I live and work at our home at 1211 Ravine Drive. The only exit for the businesses is proposing for 200 Tobacco. I know what we need is some sort of compromise but we have been agreeable to all increases in housing density. We support the drive for affordable housing, we have agreed to a 60-foot office building. Our only objection to large event size venue. Charter Academy has a proven history of being a dysfunctional location for a large club. It never has worked for neighborhood, the concert goes or the club's financial success. Now it is less connected to South Congress than it ever was. Every neighbor and every

[2:48:55 PM]

neighboring objects only specifically to the large nightclub and projected slow motion drunken gridlock on Academy. This is plainly a disruptive and dangerous in the middle of a neighborhood. I also feel it is important to point out that historically in every discussion about the functional and, functionality and safety in all of its iteration it is neighbors have proposed making the entrance on the and Chris had and the opportunity to buy the access to Congress in the nineties and he didn't. And I think, I don't know why we should suffer for his lack of planning that way.

>> Mayor Adler: Thank you.

>> Eric van Heigt, item 103, on deck, Will Bridges.

>> Items one does, 103, Will Bridges. On deck, Zach Ernst.

[2:49:58 PM]

>> ..

>> Hello, I am Will Bridges, co-owner of Arlen Studios and Angelo nightclub and some other classic brick and mortar like Cisco's, Cabaret and Lamb Berths and speaking in items of 102 and 103. I have given testimony several times now to both you and the city planning commission about the importance of adding a 1,200 capacity venue back into our local live music ecosystem. I believe that we have established that the Austin Opera House is a historical and cultural significance and should be saved. The only question that remains is that what size and capacity? If we make it too small, it is no longer the Austin Opera House. In order to do this project right, and recreate the experience of the original Austin Opera House as 1,200 capacity music venue, we need at least 12,500 square feet of the original structure to work with. Because of that fact, I sincerely ask that council recommend and approve the venue be that size. Thank you.

[2:50:59 PM]

>> Zach Ernst, on deck, Michelle Key.

>> Hello, council. I am here in favor of items 102 and 103. I am an Austin music industry can employee since 2007 and a property owner the Travis Heights neighborhood since 2014, currently I am the buyer at the theatre and Anton's but before that a musician. Honey Bears grew in stature this 2008, 2009 we grew from red delivery selling out 1,200, sofa Rosa, the when it was around. Giving an opportunity to local musician is important to our ecosystem and important to our success. In hosting multiple venues I can say our calendars are generally full from September through May and we pass on a lot of music shows by local bands because we don't have the dates available. There is a need for another 1200 capacity room in Austin a,

[2:51:59 PM]

especially one with a commitment to local artists like to Opera House will be. Thank you. >>

>> Michelle Cahey, also speaking on items 102, 103, on deck, Laura Tu pes.

>> My name is Michelle Cahey. I live on Melissa Lane across the street from the parking lot of 200 Academy. I am a native Austinite and I have lived in my 1928 bungalow for the past 20 years. Having lived in Austin for 53 years now, I know the history of Austin and all of the wonderful nightclubs. I am in opposition of the proposed music venue, on 200 Academy. The neighborhood has been inundated with the impact of visitors that come to enjoy the new development along the north end of SoCo, living in this newly developed area has added many challenges to our daily commute as we only have two ways to access our home from Academy and the other -- from -- refer

[2:53:00 PM]

six Riverside. Constant traffic jams on parked trucks, scooters zooming through at high speeds and pedestrians on their phone crossing the road. The congestion leaves cars hanging into on coming traffic on south congress.

>> Bringing back the opera house will only add to the congestion we are already experiencing. Thank you.

>> Mayor Adler: Thank you.

>> Item 102 and 103, Laura tupes, on deck, April brown.

>> Good afternoon. Laura tupes representing neighborhood working groups. We have gone from asking for no music venue to something the size of nearby local clubs to now accepting 10,000 square feet. We do still have numerous concerns about this increased size, safety to pedestrians, emergency access and compatibility. Based on the access from just a 30-foot wide neighborhood

[2:54:02 PM]

street. Most recently we met with Patrice pike, a long time musician and member of the music commission. We weighed her input around the size that will serve local musicians versus the applicant's request that will just serve large names. We struggled to increase our proposed 3,000 square foot venue to over three times that to the proposed 10,000. It is difficult for us to say we support this, but we can say we accept it. And we believe it serves the local music community and the developer while not really serving the neighborhood. Today I ask you to vote in favor of the 10,000 square foot cap along with other conditions. Thank you.

>> Mayor Adler: Thank you.

>> April brown speaking on item 103, on deck, Michael well Len. .>> Mayor, council, April brown

[2:55:06 PM]

on behalf of the applicant. I would like to take a moment to highlight what is lost earlier. The biggest question before you today is the venue size, but the crux of that question is really the venue capacity. So as you know the original venue was 17,500 square feet and we are asking for 12-5, what is most important is it does not equate to pure audience area. You have to account for stage, backup house, bathrooms, et cetera, so in other words the occupancy is calculated differently depending on the use within the space, for example, the audience area would be one person for seven feet, the stage would be one person for 15. And then the backup house and the lounge and the museum area would be 30 feet per person. Additionally other areas are not in the calculation, all stairs, egress, bathrooms, so all

that to say it is not a simple seven to one or nine to one. An example we are familiar with is Dumont's. The area is 2,700 square feet and the gas is 63 people so that

[2:56:07 PM]

is really 42 square feet per person. So I would like to say it is not a simple venue of capacity to be impacted by the design. Thank you.

>> Mayor Adler: Thank you.

>> Speaking on item 103, Michael well Len, on deck, Sean garrison.

>> Michael on behalf of the applicant. A lot of negotiations going on here and really, really close. Might not be able to close the gap. We have agreed to accept the neighborhood -- they asked us to remove some permitted uses and agreed and are amenable to those, communication services pats, local utility services, outdoor sports and recreation, safety services and also agreed as they requested that any outdoor sports or entertainment be conditional uses and I think where this all ends up is on the 12,000 - right now 17,500 square foot venue with a stage and a lobby area. The audience area is 10,000 square foot. We are amenable to reducing that by almost 30 percent.

[2:57:09 PM]

Almost 28.5 participant to 12,500 square feet and a men to believe that as a compromise to be done with this. And we know that mid size venues are important in this community. We know that for live music. I think this will, at least provide some, to some extent some of that. The last thing is that the compatibility setback be moved from 75 feet to 65 feet to allow for a little bit more housing on the track 3. Thank you.

>> Mr. -- I am sorry, mayor -- >>

>> Tovo: I know the neighborhood, as you've described, has moved a great deal from asking you to consider no venue to now not supporting, but standing alongside a 10,000 square foot veep ewe. Venue. What is your response?

>> I appreciate that. The irony is 10,500 is the mid-point between where they started and 17,500, which a 30%

[2:58:12 PM]

reduction, means that the stage, which is 4,000 square feet and the lobby will have to be physically modified as will the audience area, which is currently 10,000, to make it work. We'll have to modify all three of those aspects in order to make it work, because you have to include everything. You have to include the bathroom, lobby, stage, all gets included in that 12,500.

>> Tovo: You don't have the ability to do it now. It's not a reduction. You don't have the ability to have that use.

>> That's correct. Absolutely.

>> Tovo: So, we're in the middle of a council meeting. There's a lot going on. There's not an agreement. Do you want time to talk with the neighborhood to think this through? If there is a valid petition and the valid petition is not supporting your request.

>> We've talked and talked. We're still talking. Maybe we'll have an opportunity in the next few minutes while the remaining folks are talking for us to talk and reach that

[2:59:15 PM]

opportunity. I know there's mixed support and a valid petition. I'm aware of what that means. I appreciate the reminder.

>> Tovo: You're welcome.

>> Life is a bowl of cherries. You've got to take them one at a time and spit out the pit.

>> Tovo: Thank you. It seems like the neighborhood that's come forward with what is more than a reasonable proposal and I look forward to hearing if you have a different response a little later in the meeting.

>> Cool. Thanks.

>> Tovo: Thanks very much.

>> Sean, item 104. On deck, Jennifer long. On deck, Roger Taylor.

>> This is for the em Franklin project. Are we in the right place? I'm Jennifer long, director of

[3:00:17 PM]

casa Mari Ella, we're trying to find affordable housing for people to move into the community. Alma loaned us a house rent-free. He's helping us develop two nine-bedroom houses that will help us greatly and I fully support the idea of more affordable housing housing in east Austin. We have been struggling to find more houses and it is incredibly difficult. Nothing is available under \$500,000 in east Austin. I greatly support this project. Thank you.

>> Mayor Adler: Thank you.

>> Roger Taylor, 104 and 105. On deck, Chris Gannon. Chris Gannon?

[3:01:26 PM]

>> Hello, Chris Gannon, I live on em Franklin, just down the street. I'm across the street and a few houses down to the south. I support this project hole wholeheartedly. The developer has been responsive and listened to the neighborhood, has done a great job of encouraging the neighborhood to use the property while it's vacant. I think that we need as much affordable housing as we can get and I think that our street is pretty unique. It's an old industrial street. This is four acres of green field that there's no displacement. I think it's a pretty slam dunk project. Thank you.

>> Mayor Adler: Thank you.

>> Alma, item 104/105. On deck, chase Wright.

>> Good afternoon. My name is Emil, developer of

[3:02:28 PM]

the Franklin project, I live a mile from the site. I work on real estate protest projects with a focus on affordable housing, but providing housing for artists, immigrants and refugees, those seeking to stay sober and the homeless. This project will produce 143 for-sale residences, 30% of them affordable housing. Of the 100 market rate, some will be two-bedroom for under \$400,000. The elusive missing middle. Today there's only one house for sale in east Austin under that price. This Greenfield project on an empty lot will focus on teachers, nurses, city employees, as well as those at risk of being displaced or have already been displaced. They want to live close to where they work and play and not drive an hour to the city stuck in traffic. Only 25% of Austin households are married parents with children. We need to build housing for all types of households -- silk people, aging grandparents, single parents, and couples

[3:03:29 PM]

without children. Not all of them need a single-family detached home. Thank you.

[Buzzer sounding]

>> Chase Wright. On deck, Deon Na.

>> Good afternoon, chase Wright, president of the Springdale park neighbors where I work with unhoused residents. We're in the process of building a pilot program. Every day we work on

rehabilitation. A lot of these unhoused residents suffer from mental health issues, chronic homelessness, long-term substance abuse and at the end of the day as we rehabilitate them, they are moving towards structured lives. The problem is we have nowhere for them to go. A lot of them live in tents. They don't have any history. I do a little research and we come across projects like em Franklin. I live in this neighborhood, 202 Greenwood. It's a no-brainer. We need supportive housing units, affordable housing units, and when these unhoused residents and people that are

[3:04:30 PM]

high-risk need somewhere to go, these are the homes they're going to use. Right now on my block, there's only a 3,000 square foot home that is being built right now. If we get a couple of those there's no more room. Density and worrying about --

[buzzer sounding]

>> Getting the maximum out of this property would be appreciated. We appreciate y'all's consideration. I'm in favor of em Franklin. Thank you.

>> Item 120, Vera Bello. On deck, Mario Cantu. Mario Cantu. On deck, Brian.

>> Speaking on item 120.

>> Good evening, council. You know, earlier I spoke about displacement.

[3:05:30 PM]

And I also did speak about item 52 in regards to promises. And when promises are made, I mentioned that things need to be in writing. These individuals here at this apartment complex -- and why am I standing up here speaking about these individuals that are not even in my district. But I was born and raised in Austin. And I know a lot of the parts of Austin. And so we have to take care of ourselves here for the ones that have been born and raised here in Austin. And I feel that it's really important that we take care of these individuals and figuring out we do not displace these individuals. And things need to be in writing with these individuals as well as conversations and discussions with the applicants and the buyers and the developers. And so I ask councilmember vela to make sure that this takes place, and that if a postponement is needed, honor

[3:06:30 PM]

that postponement for the neighborhood. Thank you.

[Buzzer sounding]

>> Brian Mcgovern. On deck, Paul saldaña.

>> Hello, members of council. My name is Brian Mcgovern. Some of you may know me, an attorney with the Austin community law center. I'm here -- I've been working with the residents association on a pro Bono basis around this issue. And I think the point among the others that I would like to emphasize is that this really is -- although at a superficial level and could look like an issue between development and preservation, it's about tenant displacement. It makes me think back to the tenant relocation ordinance, which is not applicable here, nothing is being demolished yet.

[3:07:33 PM]

But the findings and the spirit built into this ordinance are directly applicable. They talk about the huge burdens caused to residents when they are displaced from their homes and the resulting community-wide impacts. And I hope that there is a broad consensus for helping renters. I look back on the vote on the relocation ordinance --

[buzzer sounding]

>> Well. Thank you for your time.

>> Mayor Adler: Thank you.

>> Paul saldaña speaking on item 123. On deck, Megan Phillips.

>> Megan Phillips, item 118.

[3:08:39 PM]

>> Good afternoon, my name is Megan Phillips. I live near the 12th street corridor and I just wanted to speak on 118 and 86. I am concerned about music -- live music venues that have outdoors. Our neighbors -- we're new to the neighborhood, but our neighborhood almost everybody has been there for decades, and there are a lot of single-family homes. It seems like if there's going to be development that's different than what the neighborhood had agreed to, it should be focused on affordable housing rather than live music venues. Thank you for your time.

>> I believe that concludes our in-person speakers. Sorry, one more speaker. Lauren Stanley.

[3:09:41 PM]

Items 4 and 5, 94/95.

>> Lauren Stanley, I'm an architect, I build and design for a living. This project entails such a jump in zoning from sf3 to mf4 it's hard to imagine it as anything but a shape-shifter for the block and the neighborhood. We know Austin is trying to house itself. We must also try not to unhouse ourselves. Many jic residents are concerned a singular focus on adding housing stock will be the dissolution of a neighborhood fabric physically, socially, and environmentally. If we go down this path it will come at a cost and risk unintended consequences. After many hours considering this project for almost two years and in full accordance with the need to grow, we still see this project is too much for this site. It's perfect for a grayfield corridor site. It's scraped now, but three years ago this was a green field lush with fruit and oak trees. The proposed impervious cover

[3:10:43 PM]

would increase with entitlements to 75%. Branch two, a creek, would undeniably suffer impacts from pavement, people, excavations, and pets.

[Buzzer sounding]

>> There's traffic. There's already a thousand unit of influx of affordable housing and other new housing. And we agreed to compromise to lower mf and we really ask for moderation on this project. Thank you.

>> Mayor Adler: Thank you.

>> I believe we have two more in-person speakers. First up, Monica. On deck, Carmen.

>> Mayor. Before we turn to that, I know you called a speaker just a little while ago for 123. I believe 123 passed on the consent agenda, at least it should have. It's not a zoning item. It's the item I brought forward to fund the Rainey street historic preservation fund.

>> That is correct. We misspoke.

>> Tovo: When we noted it at lunchtime it also hadn't updated

[3:11:43 PM]

that that had passed.

>> Correct.

>> Tovo: Thank you.

>> Good afternoon, mayor and council, Monica Guzman speaking as a district 4 resident. I support the old homestead renters in opposition to 120. The item must be postponed until developer jci provides their requested needs. The residents are open to negotiating in good faith. Since the planning

commission meeting, jci has referenced a tenant relocation assistant program, but there's no money. It's a doorway to nowhere. Jci follows site plans stating zero inhabitants on the property, no vmu zoning change needed, therefore not triggering the tra program. The tra program is unfunded because the developer has yet to write a check. I want to clarify about the program lacking a process. I was an active community participant in the work done

[3:12:44 PM]

resulting in the tenant relocation ordinance. It does have a process, but it's a broken process. Honor the residents by listening to what they have to say. Have a discussion.

[Buzzer sounding]

>> I demand you not take a vote tonight, not even a first reading. Thank you.

>> Carmen Pulido.

>> [Laughing] I'm going to be as quick as I can. There are actually at least 16 households at Clayton lane, item 120, that stand to be displaced. I want to make it really clear on may 31st, the old homestead renters association met with chito vela's office. He was kind enough to come to their property. They requested they wanted this pulled for discussion and they wanted the vote postponed. It was a lot of confusion. One renter not speaking on

[3:13:45 PM]

behalf the association communicated with staff about first reading, second reading, it got confusing because the renters association was not able to discuss that. They would like you to postpone the vote on this item. It's really important to give them the leverage they need so they can get these very minimal, basic things that will mitigate the harm, because we have -- you heard about veterans. There's also an entrepreneur who employs an additional dozen veterans. There are substitute teachers. There are at least two tenants caring for elderly parents and family members who live in the Windsor park area. There are immigrants.

[Buzzer sounding]

>> Bipoc folks, and what you hear from jci not a solution. They can't afford the new rents. There is nowhere for them to go. They need your support and a little bit of leverage to come to some kind of win-win. Thank you.

>> Moving on to remote speakers, Carrie slater, item 86.

[3:14:46 PM]

>> Hi, I live on New York avenue and share an alley with 12th. I've lived here over 20 years. I'm asking you to oppose conditional use for bars. We've been working for years to align the nccd and allowing bars last-minute undermines the good faith intentions to align the documents. Alcohol was never a permitted use. Who is asking for this? I beg you to reach out to non-ureka residents and ask how they feel. It's been implied only people opposing this are newer light-skinned neighbors and longtime minority residents should have a substantial say, I agree. Has council asked them? I have. I have not found one neighbor in favor. This won't be the old airport lounge. It will be an overpriced hipster hangout with houses converted to airbnbs. The main ones benefiting are eureka and those working on their behalf. It's disingenuous to imply the majority of old or new residents support this. I'm asking you to take out the

[3:15:48 PM]

conditional use for bars. Whether the intention is to displace residents or not, the results will be displacement. Thank you.

>> Mayor Adler: Thank you.

[Buzzer sounding]

>> Eric Johnson, item 86 and 118.

>> My name is Eric Jansen, 1703 New York avenue and a resident of the keighley neighborhood. I'm asking the council today to vote no on allowing cocktail lounge as a conditional use along 12th street. I've been active in zoning discussions along this area going back to 2006, and the nccd was structured as a compromise where neighbors would agree to increase density and a reduction in building compatibility protections in exchange for restricted uses along 12th street. Allowing cocktail lounges will undo the compromise we agreed to

[3:16:49 PM]

many years ago. We just completed the two year-long community process trying to align regulatory documents for this area. Neither the urban renewal board nor the planning commission, nor city station nor ocean recommended this change. Please, I ask the council, I implore you to vote no on this amendment to the urban renewal plan and the 12th street zoning.

[Buzzer sounding]

>> In general, I am for the urban renewal plan as it stands, but it's unclear to us why we need more bars in this area. Thank you very much.

>> Lee Sherman, items 86 and 118.

>> I live with my family near 12th. We support recommendations from the urban renewal and planning commission to align the urp and nccd. The amendment strengthens that intent. Please vote no on expanding

[3:17:50 PM]

cocktail use permission in the area. More bars are not needed to support the goal of a vibrant African American cultural and heritage district. We have six or seven already. Historically there were fewer. How many more do we need and what's to stop proliferation that ultimately distracts from black lives history in favor of partying? Why is the zoning at 180,112th street shown as cs1? Collar with 1806, are those typos? 78701 there were 186dws last year, most centered around Rainey. We don't want those coming to east 12th or a resumption of inebriated people around homes that come from a concentration of bars. Think of Rainey street if you look at conditional use permits, all were approved. Thanks for listening.

>> Tracy white, items 86 and 118.

[3:18:50 PM]

>> Council, this is Tracy Witte, today's second reading. I appreciate that the nccd draft ordinance posted, but the urp land use portion is yet to be updated. This process has been years in the making, alignment - for review and last-minute amendments on first reading that undo significant planning compromises around which our community coalesced. Staff informed us yesterday 20% of the area around the nccd must be represented in a petition to be valid. It would be helpful to understand why and whether there are similar negotiated plan areas that follow that same limitation. Why should adjacent owners protest rights be diminished because changes apply to the entire district? Neighbors are uncomfortable with cocktail lounge use. I agree with everything that Lee and Carrie just said. The land use table does not capture the indoor specifications discussed last time. Please vote no on the cocktail lounge piece and please ensure

[3:19:51 PM]

complete text of the urp and nccd are posted within ten days of anticipation before third reading. Thank you.

[Buzzer sounding]

>> Mitch orenger, 86 and 118.

>> Vote no on expanding permission on east 12th street and the nccd. Show the current venues and bars. Thank you very much.

>> Bradley price, items 92 and 93.

[3:20:52 PM]

>> Yes. I'm a Hancock neighborhood resident, four blocks from the proposed development since 1984. I have supported this development since I first became aware of it. Permanent supportive housing is the way out of homelessness. As consultants on this project at new hope housing have proven and similar developments in Houston. Katie will reduce the number of chronically homeless by around a hundred, so it's a great move not only for the target population, but also for the city as a whole. I want to congratulate also the Hancock neighborhood association for recently voting to support this project. After consulting with city staff, elected officials, and advocates for the homeless, the association decided not to be part of the problem, but part of the solution. My neighbors and I look forward to ensuring that Katie Voss lives up to its promised potential. Members of the council, please

[3:21:53 PM]

approve Katie loss.

[Buzzer sounding]

>> Zenobia Joseph, 86, 118, and 119.

>> Thank you, mayor, council, I'm Zenobia Joseph. I just wanted to make some comments as it relates to 11th and 12th street as I've made in the past, specifically related to the preservation of east Austin's cultural history. I'm opposed to the unlimited

[indiscernible] Northbound. It's been amended many times for density development, but density doesn't equate to diversity. I asked you about the black embassy when I spoke the last time and there has been a memorandum from Brian on March 11th, 2022 that says

[3:22:55 PM]

that -- university would be studying the economic implications to African Americans and there would be a study report in the late spring. Well, here we are in the summer. So mayor, last night, David Chapman,

you know where African Americans are in east Austin when it comes to the churches. But what have you done to help us with the economic development?

[Buzzer sounding]

>> I would ask you to please stop kicking this can down the road and do something for African Americans before your term expires. And lastly, I would just say that as it relates to transportation, I have said before, 12th street, the bus that runs there interlines with the 60-minute bus that goes to northeast Austin and African Americans wait 60 minutes for the bus which goes against the contract that you've had since 2020. If you have any questions, I'll gladly answer them at this time.

>> Mayor Adler: Thank you.

[3:23:57 PM]

>> Joshua ellenger, item 92.

>> I've lived -- I live right next to the Katie loss development. I'm probably the neighbor who's been paying the most attention to it. Originally I was opposed to it. The basis for opposing it really is that it didn't -- we were approached late and I didn't have enough detail. But over time I got to where I kind of changed my opinion and now I support it because yes, I want it in my backyard because it's going to be awesome. I do have a couple concerns left. The first one is the developers do not own the property. And if the zoning change goes through and the tax credits don't, there's a risk that it will get turned into market development. I'd like you -- haca to shut down that risk by moving ahead with the property purchase, the land purchase. They're planning to do that

[3:24:58 PM]

anyway. The second thing if I may be so bold is I would ask the mayor to give a call to Michael and Shannon long who are the two doctors who own a lot of property --

[buzzer sounding]

>> Near this development. We could have had a bigger development if we had worked together six months ago potentially, but I'd like him to call them and see if they're interested in selling that property for a phase two of kitty loss. So, anyway, it's going to be awesome. The neighborhood's going to be behind it. It's taken us a while to get there, but welcome to the neighborhood.

>> Cohen, item 92.

>> Hi, everyone, I'm the president of the Hancock neighborhood association. On June 2nd, 95% of members stated we're no longer opposed

[3:25:59 PM]

to the zoning change. These hundred units would help address the need for 3,000 units in Austin and the mf4 zoning requested is more compatible than the originally proposed, and Katie loss would only be 48 feet tall. We request a conditional overlay limiting market rate to 50 feet if this project is not built. We have a few outstanding concerns with the project. Katie needs an analysis to make it safe, since 39th street is a narrow cut-through with no sidewalks and parking on both sides, making it difficult to reach transit networks on red river. This should be addressed. The project to build psh relies on developers to identify sites. There's an opportunity to make this less contentious to accelerate the building of units. Hna looks forward to working on the site plan and ensuring the best outcome for this project.

[3:26:59 PM]

Thank you.

>> Chip Harris, item 100.

>> Mayor, mayor pro tem, my name is chip Harris. I'm requesting that you deny this rezoning that allows additional vehicular access tomorrow street, agenda item 100. Current accounts done by the city show 1990 vehicle trips on morrow, already over 50% higher than the level of 1200 trips for residential streets based on the city's land development code section 25616. The crestview neighborhood association has always been opposed to opening to more traffic due to concerns that traffic will revert to prior levels of over 9,000 trips per

[3:28:01 PM]

day. Please pause this process of changing the ordinance in order to engage with those morrow residents who will bear the brunt of traffic in order to develop and approve the city plan that monitors the traffic and outlines specific actions the city could take to reduce volume and protect the residential integrity of morrow street --

[buzzer sounding]

>> By identifying roadway modifications to be made should traffic volumes on morrow exceed certain thresholds. Thank you.

>> Sarah Campbell, item 102.

>> Hello. Can you hear me?

>> Yes.

>> Okay. My name is Sarah Campbell, and I'm the chair of the planning and zoning committee, srcc neighborhood association. I'm speaking about the 200 academy old opry house project.

[3:29:03 PM]

This project is within south river city neighborhood association boundaries, as well as the south river city combined neighborhood plan. A special committee has worked diligently trying to protect a part of our neighborhood that has already been greatly impacted by the successes of south congress rejuvenation. The committee is fighting for a compromise for a concert venue in the redevelopment project. Srcc supports and I ask you to please support them on this last point of negotiation, a maximum of a 10,000 square foot concert venue. Thank you for serving and for

[3:30:05 PM]

listening to me today.

>> Sarah Welsh, items 104 and 105.

>> The southern edge of the property on Anne Franklin and I am in support of the development and the required rezoning. This kind of thoughtfully designed housing is needed everywhere in Austin and particularly in jjc, which has become out of reach. This is a neighborhood where we often see homeless people living in their cars next to the park, where our friends have had to leave to afford enough space to start a family, where 50% of the homes are listed at over a million and all at more than \$500 per square foot. This neighborhood is a shoe-in for projects, with sustainability on a micro and macro level, aiming to reduce sprawl, by allowing nonprofit workers to live near where they work. Mr. Mera has worked with the neighborhood to take into account our values of sustainability and neighborhood

[3:31:06 PM]

character. We couldn't ask for a more conscientious developer and I hope the city council will grant him the rezoning. Thank you.

>> Layla shams, items 104 and 105.

>> I'm calling in on em Franklin. I live on em Franklin. My husband and I are architects. Our street is a unique street that has a preschool, medical facilities, red cross, and is located between two high-density corridors next to the Mueller development. We have lovely neighbors that are supportive of diversity and inclusiveness and so many I talk to are in favor of this project. We're in a unique position to have this type of project and I'm so excited about it. The developer has been open-minded and receptive to

[3:32:08 PM]

talking to residents. I think it's a unique, good faith developer that will be responsible with the housing crisis. I'd like to welcome density and look forward with a -- forward to this opportunity to welcome new neighbors. I hope that you vote in favor. Thank you.

>> John Hagar, items 104 and 105.

>> Thank you. I am also speaking today with the development on Franklin, residents -- contact team -- approached us about this project two years ago. This will bring affordable homeownership opportunities to an area that has good jobs and wonderful neighbors. It will give the people who work in the area a chance to build development. Our naturally occurring

[3:33:09 PM]

affordable housing is disappearing quickly and most new affordable housing options -- additionally, the internal ads could offer opportunities for older residents to age in place. This is the type of project we need to encourage in Austin and I hope that you approve it. Thank you so much.

>> Stephanie, items 104 and 105.

>> My name is Stephanie, in favor of items 104 and 105. I'm a sociologist and I have been working with the developers since February of last year. We've opened the space to community use, offered a little free library, picnic tables, a community garden, several community events and upcoming artist residency and partnering to produce a mural. I see this project as part of the solution to providing affordable housing -- not just

[3:34:09 PM]

more of the same million-dollar single-family homes and separate rental ghettos for low-income folks, but integrated housing where people of different incomes can live together. This project embraces right to return and remain, and effort to resist displacement. This is an unusual project run by a nontraditional developer who wants to build affordable housing for purchase connected to nature and public transportation. I'm in favor.

[Buzzer sounding]

>> Matt Welch, items 104 and 105.

>> Good afternoon, council. My name is Matthew, I'm here to speak on items 104 and 105 regarding 2011 and 2015 em Franklin. I live in Franklin grove, a community that directly abuts 2011 em Franklin. I'm the president of the

[3:35:10 PM]

homeowners association of Franklin. I'm speaking today to express full support for the rezoning. The developer seeking the zoning change approached our neighborhood two years ago to begin sharing the project. We were impressed not only with his vision for the property, but also with his sincere commitment to consistently engaging with us, taking care to listen to our hopes and concerns. As a result of this constructive dialogue and his willingness to compromise in order to help protect these things that we value, including the creeks that run alongside our neighborhoods, we voted in favor of supporting his project. We hope that you will vote to approve the zoning necessary to bring it to life. Thank you.

>> Hogan.

>> Hi, for 20 years.

[3:36:10 PM]

And our house is next to the alley between 12th and 13th street, so any bar or live music venues would literally feel like they're in our backyard. Years ago there was a lot of illicit activity in the alley and that scenario has improved, but now with this proposal, the former problem would be replaced by a new one so we feel this would be a big step backward for our neighborhood and we ask you to please vote no on the proposal to put bars and live music venues on east 12th. Thank you.

>> Carl milligan, item 118.

>> Hello, I'm in sport with the city staff's urb recommendation for the vision of my community in regards to items 86, 118, and 119. I am in district one and have lived in east Austin for over three decades. I have been impacted with the changes in my neighborhood and I will do all I can to make sure the support goes where it needs to. I'm in support of the urb's

[3:37:12 PM]

initiative and hope that everyone else is on board. Please support councilmember harper-madison's motion. Thank you.

>> Daniel Nelson, item 118.

>> Council, thanks for allowing me to speak. My wife and I live in a house we own on east 13th street. We've had careers teaching in public schools in east Austin as well as being members of the artist and musician communities. I have lived in the neighborhood since 1992 when I rented a house nearby on San Bernard street. In 2002 we were fortunate to be able to purchase a property on east 13th street, where we've lived for 20 years. Our property shares an alley with properties on east 12th that would be affected by the changes. I am against proposals that would allow bars, cocktail lounges or live music venues on

[3:38:14 PM]

east 12th street. One thing that I can say I have never heard any of my neighbors express in my 30 years in this neighborhood is a need for more bars on east 12th street. Again, bars are not something that are lacking in Austin in general. They are not something that are lacking in east Austin specifically. And bars are not something that are conducive to the family friendly neighborhood that this has been in the past and I hope will continue to be in the future. So, please vote no on this proposal. Thank you.

>> Jane weber, item 20.

>> That's Jake weber. Thank you, council, for letting me speak. I have been asked to relay that vela has promised to postpone the vote until third reading on the 16th. Past that, I am the organize

[3:39:15 PM]

working with the hold homestead renters for a few weeks. There are several renters who will be displaced to the level of homelessness with some. This is an extremely important issue. It's not just about preserving the property. There is need for housing in the area, but it cannot be done at the risk of causing more homelessness. So as the deal is a \$5.5 million deal with over \$1 million in parkland dedication funds and over \$100,000 to remove two heritage trees, we are asking for less than \$100,000 from developers. So we ask that you value human beings and please demand the developers keep their current promise.

[Buzzer sounding]

>> And push them to offer more for these displaced tenants. If the city is not willing to allocate funds to tenant relocation, the developer has to step up and offer compensation to displaced tenants in this

[3:40:16 PM]

case. So please step up to bat for tenants who are being displaced, uprooted, made homeless. I was priced out of Austin this year. My rent went up by 40% in oak hill and I had to leave the city I grew up in. That is a cause dear to my heart. I believe that Austin needs more housing, but not at the risk of causing more homelessness. So, please, council, step up. Thank you.

>> Mayor. Just -- Jake, is he still on the line?

>> No. Would you like us to get him back?

>> Vela: No. I just wanted to tell him thank you for his efforts with regard to the tenants. And I wanted to say that it is my intention to hear the presentation and discussion, but postpone -- to request a postponement of the item without

[3:41:17 PM]

a vote. I wanted to let council and the audience know. Item 120.

>> Zachary zayier, item 120.

>> Yes, hello, city council. My name is Zach, I live on hillcrest drive near the parcel of land considered for item 120. I support a delay of the readings of this property to provide more time to the residents to work through determining a plan for relocation if this change is approved. It is my understanding the property is seeking fee in lieu, rather than parkland dedication. The most direct way to ameliorate the lack of parkland is requiring parkland dedication when it is required rather than allowing fee in lieu. Fee in lieu would make seasons sense if we had parks, but our

[3:42:18 PM]

neighborhood is in need of parkland. As far as the density this project is bringing, I would be supportive if it could be worked out with the current residents and included parkland dedication. Thank you.

>> Ken Purcell, item 120.

[Buzzer sounding]

>> Hello, members. Thank you for allowing me to speak to you today. I am a resident of the old homestead apartments at 1124 Clayton lane. Just a short view, I spent 20 plus years in the United States Navy. I did two tours in Iraq, five in Afghanistan. In 2015, as part of my last tour, I returned home to Austin, Texas, where I got a job at the state health agency in Austin. When I am forced out of my home after Christmas with my state paycheck, I can not afford to live in Austin. I'm being forced to look north of Round Rock or spicewood.

[3:43:21 PM]

All we, the old homestead apartment residents, are looking for, our bottom line is we're looking for fair assistance from jci, the purchaser of the property. We're asking for assistance in our transition from our homes. We're looking to possibly move our move-out dates to February 28th. We're asking that after the sale of the property, jci does not charge rent from the day of the sale until February 28th. This will allow us to save up money for apartments, down payments to bring down the price of the apartments.

[Buzzer sounding]

>> We are asking the city council to ask jci to negotiate with residents and our request for assistance. We are asking council to please agree to postpone today's vote until June 16th to give jci time to speak with the residents and to negotiate with us. Lastly, my greatest fear is that when I'm forced out of this apartment I will be the face you

[3:44:24 PM]

see underneath the overpass. When the apartment closes down, three bedrooms will be forced out of their home this year -- three renters. Thank you again for allowing me to speak with you. Have a good day.

>> Loretta Tubbs, item 120.

>> Good afternoon, I'm co-chair for the old homestead renters association along with Ken. I have lived here for 15 years. I moved here to be near my parents as their caregiver. This has been an oasis and very much feels like home. I agree with what Ken stated that we are asking and also I'm not against further development of this property, but the size proposed would bring hundreds of people and cars to an already stressed, narrow block of Clayton lane, affecting hundreds of lives. We have requested just compensation, months of rent

[3:45:25 PM]

waived and moving costs covered since there is no fund. As we mentioned to jci in our proposal, setting the precedent of compassion would go a long way in helping Austin go forward with development while recognizing the humanity involved in forced displacement. I am being priced out of the neighborhood I grew up in. I'm on six waiting lists for apartments. I have no idea when or if I will qualify.

[Buzzer sounding]

>> Thank you for your attention and please consider postponement.

>> Nancy Harris, item 100.

>> Nancy Harris.

>> Can you hear me?

>> Can you please speak up?

[3:46:26 PM]

>> Can you hear me?

>> Yes. Go ahead.

>> Hello?

>> Go ahead.

>> Hello. My name is Nancy speaking on item 100. This intersection was never hadn't -- meant to be a street. When the tod was planned, only emergency access would be allowed. The bad behavior started almost immediately when the developer put in a full-blown street. When they began to tell homes they told buyers the gate was only temporary. Then social media got involved as people made up theories of why the gate was there, ridiculing the people who only wanted to protect their families. The bad behavior continued as some people began to resort to vandalism then complaint about the money the city spent to repair it. Residents finding other ways to deal with it when the city removed the gate. The study was done during covid and a holiday season before anyone in the city was aware the

[3:47:27 PM]

gate was open. How does this end? No one can say, but cars back up for blocks and people are subjected to the pollution of idling cars and blocked driveways. It doesn't bode well. You are stripping us of one of the few things we were able to negotiate with this developer.

[Buzzer sounding]

>> If this council votes to rescind the ordinance the neighborhood negotiated, it will be rewarding past bad behavior and will join a long line of deceitful promise-breakers. Please don't do that. And I hope that you will read my full speech, because one minute is really not enough to go into a lot of the details that go into this case. Thank you.

>> Mayor, that concludes remote speakers.

>> Mayor Adler: Thank you. Colleagues, those are all the remote speakers. Let's see if we can do the

[3:48:29 PM]

consent items. Jerry, you'll take us through those. The consent agenda appears to be zoning cases 92-120 and 125.

>> That's correct.

>> Mayor Adler: Tell us -- why don't you take us through that, what needs to be pulled.

>> Sure. Jerry rusthoven, housing and planning. 92, case 0019.01. Sh. This case I can offer for consent approval on all three readings. Item number 93, C 1420220019. Sh, consent approval on all three readings. Item 94, case 2021.02, a postponement request to June 16th. Item number 95, 2021, a postponement request by staff to June 16th. Item number 96, 288, this is a postponement request by staff to June 16th.

[3:49:30 PM]

Item number 97, case 2022-0033 for consent approval on all three readings. Item number 98, constituent approval on all three readings. Item number 99, offered for consent approval on all three readings. Item number 100 is case c1420220031, consent approval on first reading only. If there's no objection from the council, we can bring this back for second and third on the 16th. Item number 101, c1420220045, consent approval, all three readings. 102 and 103, the 200 academy cases, still negotiations going on. I'll hold those for discussion. Item number 104 is case 2011 -- sorry, npa20200015.02.

[3:50:32 PM]

I can offer it for consent approval on first reading only. Item 105, case C 1420220008. Sh, this case does have a valid petition but I can offer it for consent approval on first reading only. Item number 106, case c14, I can offer this case with a staff postponement request to June 16th. Item number 107, npa2021.03, a postponement request by the neighborhood to June 16th. Item number 108 has been replaced by item number 125 on your agenda, so 108 is withdrawn by the staff. 109 is case 20215.04, a postponement request to June 16th. Item number 1010, c1420210157, a postponement request by the neighborhood to June 16th. Item 111, 194, a postponement request by the staff to

[3:51:34 PM]

June 16th. Item number 112, c140143, a postponement request by the applicant to July 28th. Item number 113, case c140179, for consent approval on all three readings. Item number 114, case

c1420220013 a postponement request by the applicant to June 16th. Item number 115, case c1420210161, a postponement request by the applicant to July 28th. Item number 116 is case c1420210189, a postponement request by the applicant to July 28th in .

>> Mayor, I'd like to move for an indefinite postponement on that one.

>> Mayor Adler: On which one?

>> On 116.

>> Indefinite postponement on

[3:52:36 PM]

116. 117, c140188, a postponement request by staff to June 16th. Item 118, c1420210037, I can offer this case for consent reading on second reading only. This case does have a valid petition. This is one of the 11th and 12th street cases. Item 119, c1420210033, same story. Offer this for consent approval on second reading only. There is a valid petition. Item number 120 is c142022003, I believe that councilmember vela would like us to discuss that case. And finally, item number 125 on the addendum, c140158 is a postponement request by the neighborhood to June 16th.

>> Mayor Adler: I have some questions about what we went through. I'm seeing that you told us discussion items are 102, 103, and 120.

>> That is correct.

>> Mayor Adler: On 116 we had said earlier we were going to

[3:53:38 PM]

postpone that to July 28th. Is everybody in agreement that it be postponed indefinitely?

>> I'm happy to explain. This is the third postponement request by the applicants. They have done nothing in the interim. And I think it is time to postpone it indefinitely. They can still restart their zoning case and pay the \$300, but they are wasting our time right now because they are not following through on things.

>> Mayor Adler: Are they here with us? They're here? Okay, good. All right. Can we -- so we're going to pull 116 so they have a chance to address the council.

>> That's fine.

>> Mayor Adler: Okay. So the pulled items are 102, 103, 116 and 120. Our next question is we had pulled item 86. We're not moving on until we

[3:54:38 PM]

hear 118/119, is that correct?

>> We're going to be postponing those, mayor.

>> Mayor Adler: 118 and 119? Okay.

[Off mic]

>> 86 will have a staff postponement request to 7/28.

>> Mayor Adler: I'm confused. 118 and 119 are -- have a valid petition second reading, but we're talking about postponing 118 and 119?

>> Yes, one is a public hearing for the urban renewal plan. The other two are the zoning cases.

>> Mayor Adler: Okay.

>> So what we're proposing to do right now is approve the two zoning cases on second reading only, and postpone the urban renewal plan public hearing again. When we came back for the case on third reading for the zoning cases, we would offer up a renewal plan for all three readings.

>> Mayor Adler: Okay.

[3:55:40 PM]

Yes, councilmember Renteria.

>> Renteria: Yeah, on item 113 I recommend that we just vote on the first reading only. We got some late backup, some concerns from capital metro. And I just want to have a discussion with them to see what is their concern.

>> Mayor Adler: Okay. So 113 being just on first reading only. Is the applicant here?

>> Yes.

>> Mayor Adler: Are they okay with that or do they want this pulled for discussion?

>> They're okay.

>> Mayor Adler: Okay. So, 113 would be just first reading only. 118 and 119 are consent, second reading only. Okay.

>> With regard to the govalle

[3:56:40 PM]

case, councilmember Renteria, would you like us to bring the case back on the 16th for second and third?

>> Renteria: Yes.

>> Okay. Thank you.

>> Mayor Adler: Okay. Back on the 16th of June. Mayor pro tem.

>> Alter: Councilmember Renteria, I appreciate you making that for first reading. I'm uncomfortable with voting on this within 300 feet of the daycare, so I'd like to be seen as voting no on that for now, and I will also like to get, you know, additional information for that case for next week. Thank you.

>> We did receive the cap metro letter today and uploaded it today so it's in the backup.

>> Mayor Adler: Okay. So, is there any motions? We're going to continue to discuss it, no vote. Is there a motion to approve the consent agenda, zoning consent is 92-120 and 125, pulling 102, 103, 116 and.

[3:57:44 PM]

Councilmember harper-madison makes that motion. Is there a second to that Mo motion.
Councilmember Renteria seconds. Motion on the consent agenda O councilmember tovo.

>> Tovo:. Yes this may necessitate going back to the minutes we approved this meeting but I am looking at how 118 and 119 were captured in the minutes here and it does not reflect my vote against, vote against, I understand that it is

-- that it was passed on approval and it was an amendment, but if there is a way to make the minutes reflect my disapproval on first reading of the amendment that was offered for cocktail lounge, allowing cocktail lounges on 12th I would like that to be reflected and mayor, I will vote against that portion of this item as well, this time. I agree with the speakers and with the other folks who have commented that adding in cocktail lounge as a conditional use along 12th street is just not something I can support.

[3:58:46 PM]

>> #02: Councilmember tovo is being recorded as being a no vote on 118, 119. Further discussion?

>> Mayor, no vote just on the bees of that what reflects the cocktail lounges on 118, which is 12th street, which is the 12th street piece.

>> Mayor Adler: Okay.

>> Tovo: I am not voting against it entirely but registering my formal objection to the piece of it that was added in as an amendment last time on the dais for cocktail lounge.

>> Mayor Adler: Right. So the record will reflect, there is just one vote on this, not in pieces.

>> Tovo: I understand but this is contentious enough I would like to vote against that portion of what we are approving here today. I mean, I can split the difference, I mean, I can split it out, I could make an amendment, but unless there is other support on the dais for removing that portion I am simply going to ask the minutes reflect my opposition to the cocktail lounge use on 12th street.

>> Mayor Adler: So noted. Thank you. Councilmember Kelly.

>> Kelly: If it is okay, I

[3:59:46 PM]

would like councilmember tovo how you got to that conclusion. I know you mentioned it was contentious but for our understanding and the constituents it may change my mind as well.

>> Tovo: I talked more about it last time and can certainly talk about it more between second and third reading off the dais but as I mentioned last time I think there is, I mean, as the councilmember who represents several entertainment districts I also share the concern that some of the nearby neighbors have expressed that allowing that, you know, originally the ncd did not have that as a use, that was encouraged on there. The encouragement is for neighborhood services, for other kind of things, supporting the residents of that area and that there is a electronic interest in making sure that this area does not turn into an entertainment district and I am supportive of that in the original planning objectives for that area, and the Mr. Jansen talked about that was an amendment that was added by not by the renewal board or the approval processes that happened before it came to the dais, that

[4:00:47 PM]

was something that was added in.

>> Mayor Adler: That was an interesting debate, as I recall, some of the residents of that area that go back a little bit earlier than the current residents on that talked about the history of that area, culture of that area having small clubs in that area and was asking that neighborhood be allowed to return to what had traditional by been. So we have different generations of residents speaking of saving different neighborhood characteristics. Councilmember --

>> Pool. >>

>> Pool: I was out of town for the first reading but I wasn't here for this conversation but I tend to agree with councilmember tovo with regard to the entertainment aspects. If, mayor, there were a way that we could ensure that in fact how these small owners, if they are

[4:01:48 PM]

small owners, I think there is a big owner that owns all of those properties, it is not, in fact, mom and pops owning those properties anymore, but if there were a way to ensure we get back to the way it was that the resident was discussing, that might be, that might really be significant and I don't -- I don't know how we do that, but I join my colleague in pressing concerns about a potential for the entertainment district that circles around, having a proliferation of bars and I know that is something that we are trying to address on sixth street, for example, amend we have got some cases in front of us that will -- that will be attempting by their use of those properties to make the areas less violent and maybe more family friendly. So in the context of some of these other cases we are looking at I tend to agree with councilmember tovo. So for that portion I would like

[4:02:49 PM]

to also urge my objection and have a -- I am not voting against the entire case, just.

>> Mayor Adler: The record will note your opposition to the alcohol there as well.

>> Pool: Thank you.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Thank you, I a# I appreciate it, councilmember Kelly I would like to expand on some of the characterization that has taken place currently, I would say that respectfully it is inaccurate. Including the over 500 people that completed the survey, I would like very much to put some emphasis on the fact there was in fact some deep community engagement and I have heard from some folks here today that neighbors on 13th street have their doors knocked on and as sure you I didn't get mine knocked on. I think some folks who live on the main street literally don't know they are my neighbors, which is interesting. With that said, though, I want to put emphasis on the fact of what we are saying we are going to do there is the conditional

[4:03:49 PM]

use permit. There is literally nobody asking to turn an establishment on 12th street into a bar or a cocktail lounge, what we are attempting to do with this addition is open up the opportunity to do so,

which also includes a process, a public process and a process where council has the opportunity to say yes or no. And this is the same, same, it reflects what is happening on 11th street and literally only one bar on 11th street. I want to make sure people are not confusing the opportunity for people to have this conditional use as a carte Blanche permission for, for establishments on east 12th street to become bars, it didn't happen on 11th and won't happen on 12th either. I do think as time progresses. Progresses I hope this item passes and as time progresses their fears will be assuaged and recognize what they were afraid of is not what is going to materialize.

>> Mayor Adler: Couples kel.

[4:04:50 PM]

>> Kelly: Thank you for your, councilmember Kelly .. Now that I have a picture of what is going on, I think there is that fear that is what is happening in our current entertainment districts could happen in other places but not at the point that could happen and I think as a city once we get to address the issues that we are currently having, we can use that as a way to prevent it from happening in other areas so I really appreciate the conversation here about this.

>> Councilmember Renteria.

>> Renteria: Thank you, mayor. And the person that actually, as the person that actually, you know, grew up in that area and knew that area very well, you know, right there on 12th and Chicon, two blocks either way with the, was the entertainment area of that neighborhood, and I hate to see it disappear. I think that we should, you know, provide the option for that community to have the

[4:05:51 PM]

entertainment and activity that they are happy for and I think it would be -- it will be a positive step. I mean, where we have these bars there on 11th street, you have big -- and you don't hear anybody -- there are houses right behind there. And we don't hear that kind of protest there, so I think we are making a big mistake if we don't allow this to happen.

>> Mayor Adler: Okay. Councilmember mayor pro tem.

>> Alter: Thank you, I am going to vote for this today but I did want to just ask if I could get some clarity from councilmember harper-madison. I think last time I had asked you, I believe on 12th street it is limited to 3,500 square at that feet but let street, 11th street doesn't have that limit and I am trying to understand why that choice was made, understanding in both cases it is a conditional use permit which I appreciate provides the

[4:06:54 PM]

opportunity and perceivably with the rest of the changes, there is an opportunity to have more uses than simply bars in this area, so it is a different type of area that results. But could you explain that difference or, if you don't feel comfortable explaining it today can you please be sure to have that ready for when it comes back for third read something.

>> I would absolutely appreciate the opportunity to explain and answer any questions when it comes back. I am hesitant to continue the conversation, though, because over a dozen people who wanted to come today and speak in favor of the item I encouraged them not to, because we recognize that the item was going to come back again on the 26th in which case I think the robust discussion and dialogue should happen then.

>> Mayor Adler: Yes.

>> That's fine if you -- I just want to make sure I did get an answer before we have the final vote. Thank you.

>> Mayor Adler: It has been

[4:07:59 PM]

posted.

>> Okay. The record will note this there has been a motion and a second to approve the consent agenda. Any further discussion? Then let's go ahead and take a vote, those on the consent agenda, please raise your hand, those opposed, it is unanimous, with the notations of those specific items noted. Colleagues, let's take a break here now and go into executive session to discuss the last items. We are not going to closed session to take up two items pursuant to if 51.071, city council discuss legal issues related to item 66 and 80, which are the compatibility and vmu. Item number 90 has been withdrawn. Item number 65 was addressed this morning. Without objection, we will go into executive session. We are going to do that remotely.

[4:08:59 PM]

Let's see if we can all be online in five minutes.

[Executive session]

[5:44:31 PM]

>> Mayor Adler: Hey, guys, come on in. Yeah, stand behind us here. All right. So we're in the city council meeting all day, and we probably have another 20 things to get to, started about 10:00, who knows how late we're going to go. But it's really important for us to stop what we're doing to recognize real significant

[5:45:33 PM]

achievements happening in our city. And we have a team here that just made the entire city proud. We were all following along as you were working your way through, and we want to recognize that here today, coach. Whereas lake Travis high school is a Travis county school that prides itself on achieving academic and athletic excellence, and whereas the city of Austin values the promotion and support of students athletes in the community that represent fair play, hard work, and achievement, and whereas the city of Austin is home to the professional soccer club Austin fc which is supported by the most vibrant soccer fans in the country, and whereas lake Travis high school men's soccer team has been one of the most consistently successful high

[5:46:34 PM]

school soccer programs in the highest soccer division in the state of Texas over the past decade, and whereas lake Travis high school men's soccer team, the cavaliers under the leadership of coach David bammel and his coaching staff went 24-3 during the 2022 regular season, winning the district and regional championship and winning the 2022 uil 6a Texas state championship.

>> Mayor Adler: And whereas the soccer team became the first Austin area boys team in the history of uil high school soccer to win a state championship at the highest level of high school soccer; and whereas 15 varsity players on

[5:47:35 PM]

the lake Travis cavalier men's soccer team earned all-state academic honors, and 21 varsity players earned all-district academic honors; and whereas the lake Travis cavaliers' historic achievement serves as an inspiration for young students and soccer players across the city that has united the city in support of the team and their success both on the field and off of it, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleague, councilmember Pio Renteria, other members, colleagues on the city council, do hereby proclaim June 9th, 2022 as lake Travis high school cavaliers men's soccer team day in Austin, Texas.

[5:48:35 PM]

[Applause]

>> Mayor Adler: Coach.

>> Sure. Thank you so much, mayor and city council. It's an honor to be up here and to be able to represent the Austin soccer community in such positive manner and I can't say thank you enough to the athletes and all their hard work academically and out there on the field. And thank you to their parents for all of their time and efforts of making sure that these guys have stayed dedicated over the years and have come to me with the drive and dedication to want to be successful. And so I couldn't be more proud as a coach to be able to represent them and to be able to lead them through such a great monumenttous occasion and the success of this season. We hope the legacy we're leaving

[5:49:37 PM]

is something that can continue on down the road and that everybody can be proud of. So, thank you very much to everybody for their support.

[Applause]

>> Take a picture.

>> Guys, let's scoot together a little bit. The taller guys go to the back.

[Laughing]

>> So that we can make sure we have everybody.

>> All right. Looking good.

>> Smile.

>> Hang on a second.

[Laughing]

>> There you go.

[Laughing]

[5:50:48 PM]

>> I think we're okay.

>> Sure.

>> Parents can come on up.

>> Parents, do you want to jump in?

>> Yes, no, maybe?

[Laughing]

>> Come on, parents. Come on in. Have the parents get in there.

[Applause]

[Laughing]

>> That's all right. Come over here.

>> All right.

[5:51:53 PM]

>> Thank you guys so much. Thank you.

[Applause]

>> Good evening. If you are here for gun violence awareness month, if you want to come join us up here, please.

>> Changing the order on me?

>> How are you?

[5:52:56 PM]

>> Hey.

>> More and more people here. Okay. Good evening. My name is Alison alter, and I'm proud to serve as mayor pro tem of the city of Austin and to represent district 10, central northwest Austin, on the city council. Today and tonight we are going to mark gun violence awareness month in Austin. This has been a challenging time. You know, the last several years have been challenging, but the last several weeks have been really heavy for those of us who are concerned about the proliferation of guns and the increased gun violence in our community. As an elected official, I'm stunned by the fact that I can

[5:53:59 PM]

no longer name the number of mass shootings where I've had to offer condolences for the other cities and I've only been in office a little over five years. My first week at city hall, one of my staff members lost a close relative in a horrible gun and domestic violence-related incident. As a friend, I have had to find the words to console after a mentally ill parent twice managed to get a gun and with the second purchase hurt her husband before taking her own life. As a mother, I've had to hold my breath when my teenage daughter stepped out of my car in the school parking lot as I figured out how to let go after an active shooter threat at her high school. The last several weeks with the mass shootings, with uvalde, Buffalo, and the dozen -- I don't know how many over the last weekend -- it's been tough.

[5:55:01 PM]

It's been really, really tough to look at the gun violence. But I am choosing hope. And I am choosing action at the local level. Each of us is committed and will continue to advocate at the state and federal level for gun responsibility and for gun safety, but we are going to keep marching on the path that we have set for ourselves as a community over the last several years and take local action. Yesterday I took hope in the 65+ elected officials law enforcement members and community leaders who joined us during the day for a summit on gun violence that I hosted with D.A. Garza, who is with us, with mayor Adler and judge brown. We talked for hours frankly about the challenges that we have in our community and the

[5:56:01 PM]

opportunities that we have to move forward with a strategy based in data, grounded in our survivors, looking to what we can do to interrupt violence, and making sure that our law enforcement efforts to effect gun violence are strong and moving everyone in the room -- we had the superintendent of the school district, we had several councilmembers and we could not include everyone, but I'm sure that all of my colleagues would have been there, the court commissioners, judges, we had councilmembers from other cities in Travis county and we had the county attorney. Lots and lots of folks were together. And everyone is united in our efforts that we need to build up our ecosystem. We each have our part but we also need to do it collectively. And I'm proud that we at the city of Austin are leading the

[5:57:02 PM]

way with our office of violence prevention, which was launched after recommendation of our gun task force from 2019. And a process they initiated with my colleagues in the 2020 budget. We are already making those adjustments and we will guide our strategic plan so that we can be focused and strategic

begun violence in our community. And the thing begun violence in our community is that it looks more like domestic violence, suicide, interpersonal conflict that escalates to a shooter leading to a death or an accidental discharge of a gun. Those are problems that we begin to tackle and continue to tackle. Yes, it would be easier if there weren't access to guns but s-t-l-l-c-h-r-e-a-l-p-r-n-t-w

[5:59:04 PM]

and the many other people who are here today to recognize this do hereby proclaim June 2022 as gun violence awareness month in Austin. I'd now like to invite up Kimberly to say a few brief remarks. She'll be followed by robin of moms demand action and Nicole golden, all of whom are going to be brief.

>> Thank you. Thank you for having me here today. My name is Kim and I work for the community justice action fund. I live in Austin and our work at cjf is to build power with and for communities of color to end gun violence. I want to first thank mayor pro tem for her leadership and constant support for the issue of gun violence over many years.

[6:00:08 PM]

Our team is honored to work with you and the creation of the office of violence prevention in 2022 and we're grateful for the comprehensive efforts that we are starting to put forth. As you know, incidence of gun violence have been constant. The massacres in recent weeks are examples of this. Community justice action fund works round the clock to ensure that the folks most impacted by gun violence are centered and are elevating the cures and specifically have worked hand in hand with partners like the Austin office of violence prevention to support their efforts and advocate for local state and federal dollars to build an ecosystem of community safety through community-led strategies. We do so because we are grounded in the lived experience to know that doing nothing has never been an option for people who look like me in my community.

[6:01:12 PM]

Doing nothing has not been an option for communities affected by gun violence. Thank you for continuing to meet the moment and resourcing the city of Austin with the violence prevention and cvi-specific support. We look forward to continuing to to increase the collective efforts to build this ecosystem of public safety, thank you.

[Applause]

>> Hello, thank you, mayor Adler, mayor pro tem alter and city councilmembers for proclaiming June as gun violence prevention month in Austin. My name is robin breed and I'm a mother of two and a

volunteer with the local chapter of moms to action for gun sense which is part of every town for gun safety, the largest prevention group in America. June is also national gun violence awareness month, a time to demand a future free from gun

[6:02:12 PM]

violence and honor the 110 Americans killed by gun violence every day in this country. The world is watching what is happening in the aftermath of the tragic shootings in uvalde and Buffalo and we cannot look away from the pain and the heartbreak that we are all feeling. We applaud the efforts that the city and local leaders have taken to prevent gun violence in Austin and save lives. For example, the gun violence community meeting yesterday it was a positive step in communicating across organizations to reduce gun violence in our city. But we also know that in many ways your hands are tied by state preemption laws so it forces you to be innovative. In the wake of mass shootings and daily gun violence that ravages our communities, we must tell our state and federal lawmakers, especially those in the U.S. Senate, it's time to do your job. We are calling on the senate now to take real meaningful action

[6:03:13 PM]

that will save lives. From our fellow austinites I say don't look away from the tragedies that have recently happened. Our country is experiencing a gun violence crisis and we cannot let our lawmakers continue to do nothing. Gun violence is now the number one cause of death for children. This cannot be our new norm. We deserve better. Our children deserve better. And it's going to take all of us to enact meaningful change. Thank you again to the city of Austin for doing your part to help end gun violence. Thank you.

[Applause]

>> Thank you, everyone, for being here and to be part of this. I'm Nicole golden, the executive director of Texas gun sense. We're the only prevention non-profit organization founded here in Texas. We have been fighting on this issue for nearly 10 years. We were founded in the wake of

[6:04:14 PM]

the sandy hook school shooting and I became an advocate at that time. I know that many of you may be wondering -- you may feel right now that this country is broken and I have been there and that's what made me stand up to be involved. There is a system that is broken. When something is broken it calls us to stand up and to be fixed it and that's what I have been committed to and Texas gun sense is committed to. We work primarily at the state legislature applying pressure there and letting them know that inaction is not an option and that we have a crisis that requires them to act immediately. And we

also work in communities. We work to end gun violence, the daily gun deaths, that you don't often hear about -- suicides and deaths that disproportionately impact communities of color and intentional shootings and domestic violence. Gun violence has a lot of faces and we're here to apply strategies to end all of those. The meetings that took place yesterday that I got to participate in, really gave me hope that even though we -- we have a long way to go with the

[6:05:15 PM]

legislature to see the change that we need to end this crisis, communities like Austin with leadership from mayor pro tem alter and her colleagues here at the council and Garza and others locally are banding together to -- to have a coordinated effort to end gun violence here in our community where it's happening the most. I think that it could be a model for other cities. And I'm here to do whatever I can to make sure that that -- that spreads all across Texas. It also sends the message to our state and federal lawmakers that we're going to act even when they won't, and that this is what our communities want and deserve and we're not going to wait. So, I really, really thank my friend, mayor pro tem alter and she's been committed to this for a long time. And I -- and I'm so -- hopeful to stand with this group which I think that shows the growing intersectionality of the movement and something that I'm committed to at Texas gun sense. And I'm, you know, I'm hopeful and we're going to keep moving ahead. So thank you for honoring gun

[6:06:16 PM]

violence prevention awareness month today.

[Applause]

[6:08:00 PM]

>> Come on up. Thank you.

>> Good evening, everyone. My name is Mackenzie Kelly and I'm the city council representing district 6 in far northwest Austin and today I'm presenting something pretty special. I'm actually really excited about this one. We are presenting a distinguished service award to officer Scanlon presented by me. I had the honor of knowing officer Scanlon for a few years, even before I was elected to represent district of. But her action at the police department started before I got to know her. The first citizens police academy was launched in Orlando

[6:09:02 PM]

in 1985 and the idea spread throughout the United States. Reaching Austin, around 1987. Since then more than 2,700 austinites have completed aepds course and I happen to be one of those that completed the course and completed the 1 100thth with officer Scanlon as the lead instructor. During the 14-week-long citizens police academy I learned quite a bit about what the police department does and how each department is integral to the overall success of the mission of the Austin police department. I got elected by my peers in that class as the class president, which was a surprise to me, I didn't think that anybody liked me. But -- but with that came the opportunity to give a speech at graduation, which I had never spoken in front of a group that loud so it was very nerve-racking. And officer Scanlon actually had to approve my speech ahead of time. Now that I'm elected, nobody

[6:10:03 PM]

reviews my speeches. I get to say whatever I want, but I can say that officer Scanlon was able to give me feedback that I carried with me into what I do here today. For that, I am eternally grateful. It's clear to me that with officer Scanlon's retirement the police department is really at a loss as we celebrate this momentous occasion. So on behalf of the Austin city council I want to present this distinguished service award to officer Scanlon. And I'll read it out loud for you. Officer Scanlon is deserving of public acclaim and recognition for her dedication to the Austin police department, and the citizens police academy. Having served for 20 years as a police officer for APD and the driving resource behind the academy, officer Scanlon is the personification of a public servant. This certificate is presented in acknowledgement and appreciation thereof, this 9th day of June in

[6:11:05 PM]

the year 2022. And it is on behalf of the entire city council but it is signed by the mayor of our great city. So, please join me in applause and recognizing officer Scanlon.

[Applause]

>> And you want to say a couple words and before that I want to acknowledge that we have past graduates of the program here today behind us in support of this, but if officer Scanlon would like to say a few words.

>> Thank you. My only regret this evening is that I'm not wearing our uniform right now. I am retired. But I would just like to say thank you to the mayor and council, and thank you, councilmember Kelly, for initiating this award and for acknowledging the citizen police academy. The citizen police academy is a program that fosters understanding through education and it helps to build rapport and relationship

between the police department and the community members of Austin. It has been a privilege to serve as an Austin police officer and

[6:12:05 PM]

to wear the uniform and I'm proud to say now that I am a retiree with 23 years of service under my belt. I have greatly valued serving as the coordinator of the citizen police academy and working closely with so many participants and community members and all of the folks here this evening are representative of the alumni for the cpa. The program would not have been as successful without the efforts of all of these community members. Volunteering for cpa. Sorry, I lost my spot. I hope to be able to consult and to assist with cpa in the near future and I look forward to seeing the program becoming even more successful in the future. Finally, there are so many officers of the Austin police department that do their job daily with servitude and excellence. My hope is that the Austin community continues to see more awards and acknowledgement like this one this evening presented by the mayor and council.

[6:13:07 PM]

Thank you all. Thank you, guys.

[Applause]

>> Kelly: That's my hope too and so we'll take a picture quick and get the next proclamation going.

[6:14:21 PM]

>> Next, if the Hanberry family could join me.

>> Kelly: Thank you. Okay, we've got everybody back here. Y'all can come closer. I don't bite.

[Chuckle] Wow. This is a very special proclamation. The proclamation from the city of Austin is one of the highest honors that can be bestowed upon anyone, but before I get started I want to say happy birthday to

[6:15:22 PM]

mykayla carpenter who is the sister of the individual that we're presenting this proclamation in honor of. Her birthday was yesterday. And it's -- this is near and dear to my heart because I attended middle

school with the Hanberry family and that was what is now district 6. When I learned about their family's loss it was very heartbreaking. And as such, I wanted to bring forward action, which is why I'm bringing forward this resolution today and presenting it to the family in honor of Ben Hanberry. I could think of no greater way to show honor to Ben's memory than doing this, and I'll just read the proclamation here. It says proclamation, be it known that whereas, loyal are those who enjoy being around the majestic scenery that nature provides us to experience. And whereas, observations of such exquisiteness is only accompanied by the enjoyment of

[6:16:23 PM]

our natural springs, waterways, Lakes and oceans. And, whereas, various outside activities are enjoyed by millions of people each year allowing for the experiencing of such beauty and, whereas, existence of safety measures while enjoying our environment is one of the utmost of importance for those in our community, and, whereas, broad landscape should be accompanied by broad safety awareness. And, whereas, embracing this empowerment is how we will remember Benjamin James Hanberry, and, whereas, notoriously known for his love of family, smoked brisket and music and nature's waterways, and, whereas, this proclamation will serve as a memorial to Ben and a reminder to those that will also enjoy nature's beauty. And, now therefore I, Mackenzie Kelly, Austin city councilmember for district 6, along with the other

[6:17:23 PM]

councilmembers and the mayor of the city of Austin, Texas, do hereby proclaim June 9th, 2022, as water safety day in honor of Ben Hanberry. I'd like to show something very special about this proclamation to the family. In drafting it, we were able to put a message from Ben in there and so every other line, if you look at the first letter of the word that starts the proclamation sentence right below whereas, it spells out love, Ben. And I have never been able to do something like that before. And I really wanted you all to have it as a special memory of how special Ben was. So, absolutely, if someone from the family would like to come up now so that I can dry my eyes and we'll find some tissues. Thank you for letting me do this.

>> Thank you. We miss Ben's explosive laugh, the way that he made us each feel unquestionably seen and his presence at every family

[6:18:24 PM]

gathering. There's nothing that could ever make losing Ben worth it, but being able to give our pain any sort of purpose and possibly keep others from feeling the same pain helps to soothe that hole that has

been left in our family. An excerpt from a poem reads, so when all that is left of me is love, give me a way. We're honored to be able to give part of Ben away with this loving reminder to stay safe out there on the waterways, even the familiar ones.

>> Kelly: Thank you.

[Applause] You want to take a picture? Okay, let's get a picture.

[6:19:39 PM]

>> Thank you very much.

[7:00:15 PM]

[Music]

[Music]

[7:04:03 PM]

[Music]

[7:09:23 PM]

>> Mayor Adler: We're ready with the public feed. We're going to reconvene here, June 9th, 2022. It is 7:09. This is a continuation of our meeting. We are out of executive session. In closed session we discussed legal matters related to 66 and 80. We had previously discussed items 65 and item number 90 was withdrawn. All right. Now we are back. Colleagues, we have a series of pulled items. And first thing we're going to do is going through the pulled items list for those things people think can be handled really, really quickly. Means we think we can get them up and down in three or four minutes. We have several of those. Council member tovo, do you want to take us through item

[7:10:28 PM]

103.

>> I do.

>> Mayor Adler: The universe at this point is -- the pulled items were 3, 10 -- 3 is ar rules. 10 was a downtown bid. 14 was convention center garage lease. 52 is asmp. 56, 57 were speed limits, 59 were e-bikes. 61 -- environmental. 66 -- corridor. 124 is 6th street. We also have public hearings, 79 needs to be reconsidered. We left out a word so we're going to pull that back up and get that back done right. 80 is vmu. 81 goes with number 10. We have three zoning cases --

[7:11:29 PM]

102, 103 academy -- which has been resolved. Spice wood springs -- resolved so that will be fast. And 120, Clayton lane. Yes.

>> And comments on the consent.

>> Mayor Adler: And we will make sure we get that too. Let's let some staff call. All right. So council member tovo I think is taking us through item 103.

>> Thank you. I have distributed an amendment sheet -- motion sheet for 103 after additional conversation between the applicant and the neighbors. There is a resolution on the 200 academy site. So I will move the ordinance as it is. Under part 3-a, removing the following uses -- and I just realized I don't know that I have enough copies to distribute but I'll make sure you all get one.

[7:12:30 PM]

I see some of our neighbors are here. Move to amend alternative financial services, communication service utilities, telecommunication tower, services. 3-b -- indoor entertain. Delete part C. 3-d -- change to cocktail lounge and combined square footage on tracts one and two may not exceed 10,000 square feet of gross floor area. I know we have a representative from the applicant here as well as -- there she is. And we do have some of the neighboring parties but it is my understanding that there is agreement from all on this.

>> Mayor Adler: Good to see everybody here. Anybody want to object to this? Anybody here not feel that that is the agreement? Okay. Thank you for that.

[7:13:31 PM]

Council member tovo moves passage.

>> I'll second.

>> Mayor Adler: 103 with the conditions that were read. Jerry, want to call that, take us to that.

>> Mayor Adler: Let me get the motion first and a second.

>> Sure. For 103 would be on third reading with conditions read in. And 102 would be to prevent third reading as well.

>> Mayor Adler: That's the motion seconded by council member pool. Any discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? Who are we missing? We're missing Natasha. She hasn't signed on yet. Other than with Natasha off the dais that passes unanimously.

>> I want to express my real gratitude to all involved. This has been a conversation

[7:14:32 PM]

going on for several months. I appreciate really the very large concessions that the neighbors made to work toward a project that they could not object to.

>> Mayor Adler: Okay.

>> Thank you to the applicant as well.

>> Mayor Adler: I think we can also resolve 116. Mayor pro tem, was that yours?

>> Alter: Yes. I would move to postpone indefinitely 116. I spoke to the applicant and they're not objecting.

>> Mayor Adler: Is the applicant or anyone here wanting to testify? Hearing none, the motion is to postpone indefinitely item 116. Is there a second to that motion? Council member Kelly seconds. Discussion? Those in favor, please raise your hand. Those opposed? Unanimous on the dais with council member harper-madison

[7:15:34 PM]

off. Again, we are looking for things that will be resolved, like really, really quickly. Council member vela, you think number 3 is in that group?

>> Vela: I believe so.

>> Mayor Adler: Let's call item number 3.

>> Vela: Okay. If -- Mr. Snipes.

>> Good evening, mayor, council.

>> Vela: Just want to clarify this administrative change is just to -- if you could briefly explain the administrative change that item number 3?

>> Sure. I think there's a bit of confusion around the intent and purpose of that particular item. It is only an administrative change. It does not change service

[7:16:34 PM]

delivery at all. Basically what we had or discovered as part of our work is throughout several of our documents code and administrative rules we refer to the same practice or same topics using different language and we're just chewing up the language. For example, in this case city code 15611 refers to the break between what city services cover in terms of multifamily dwellings and what the private sector covers as five or less. Administrative rules say 1 to 4 dwellings. We're applying consistent language.

>> Vela: With regard to the four-plexes -- I know we've had discussions with the dumpster service some of them get. I was wondering, does staff have the video? If you could show it on the screen -- 1001 brownie.

[7:17:37 PM]

There we go. Right now -- and I believe on ray burn right now -- Austin resource recovery is servicing those with the dumpsters in the picture right now.

>> That correct. As part of the work we're doing to review those particular communities we are looking at options to remove the dumpsters by switching the communities to curbside service so they can -- curbside service so they can take advantage of recycling.

>> Vela: I understand you started a pilot program close to brownie with regard to recycling. You're providing recycling canisters now.

>> That is correct. We started the pilot in December of 2021. This will be the six-month mark for that particular pilot.

>> Vela: How is it going.

>> It's going extremely well.

[7:18:37 PM]

The residence have a low contamination rate, which is something we're proud of. They're putting items in their carts which are recyclable.

>> And if staff could walk us -- brownie -- I wanted to show council, you know there are four-plexes -- you're going the right direction. There you go. There's another one. And honestly most of these right now that we're capturing -- it's a good day for them where there's not a lot of trash surrounding them. Often times that is blocking the sidewalk, right of way -- that's a common situation. Lot of times people will throw old mattresses and TVs. They see the dumpsters -- it's an on going concern. This is in district four and I wanted to highlight that aspect. I know it's not necessarily related to the item but I know we've been having on going

[7:19:38 PM]

discussions and I would appreciate Austin resource recovery as quickly as possible moving those four-plexes over to the can. It's a negative symbol to have the dumpster. It just destroys the character and I think it really kind of creates an environment where, you know, a lack of respect really -- kind of a lack of dignity for those folks. Anyway, that's a good one. We can see a bunch of trash around the dumpster. It's a difficult situation, and I wanted to highlight it and I appreciate the pilot program there on San Rayburn and I would encourage Austin resource recovery to move them to the cans everybody uses. One final question -- on the four-plexes are they served with cans.

>> Some are, some aren't. A four-plex like this where you

[7:20:41 PM]

see a quad or bank -- if we supplied carts that would be three per unit. For a pod of four, that's 48 carts you would have on the street on collection days, so we're kind of working our way through that, trying to figure out how do we get customers to share carts as we move to a program like that. One quick note about this is that to address the issues with blight in these communities we have increased the collection service in these communities from twice per week to three times per week and then we've doubled both collection as well in these communities from twice per month to once per week as well to help address the issues with the blight as we look at the cart program.

>> Vela: That's all I have. Thank you, director snipes. I appreciate your information and your efforts. And with that, mayor, I would move passage for item three.

[7:21:44 PM]

>> Mayor Adler: Second? On item 3? Council member tovo seconds that. Any discussion? We still don't have council member harper-madison with us. She has technical issues I think and was trying to get in. She's asked us not to wait for her. I think she's still going to be trying, though. So take a vote. Those in favor of item 3, please raise your hand. Those opposed? Now on the dais with council member harper-

madison off. All right, colleagues. We're going to reconsider item number 79 in the findings, number C -- item C said the district desire to extend as amended by five years -- that's where it stopped. Should have "First amendment" not included.

[7:22:44 PM]

We're going to reconsider as to add "First amendment" to complete the sentence. There is motion to reconsider item 79? Council member tovo makes the motion. Council member renterria seconds. Any discussion? Those in favor of reconsidering raise your hand? It's unanimous. Council member harper-madison is off. Item 72 adds a "First amendment" at the end. Council member tovo makes a motion. Council member Renterria seconds. Discussion? Unanimous on the dais with council member member harper-madison off. What about item number 10 at this point? Is that going to take us a while? I don't think it will. We'll be public hearing 81.

[7:23:47 PM]

We have now had. Says conduct a public hearing and approve a resolution -- that revolution is what -- I mean resolution

>> We will not be a revolution. It will be a resolution.

>> Mayor Adler: Is that number 10.

>> For number 81 I respectfully request the mayor and council to take up 81 for the public hearing so we can consider item 10 after the public hearing.

>> Mayor Adler: Right. 81 is to conduct a public hearing. Is the resolution called out in item 10. Or are there two.

>> Two resolutions, sir.

>> Mayor Adler: Okay.

[7:24:49 PM]

So let's first pick up item number 81. What is the resolution associated with 81.

>> Item 81 -- on 81 or 10? I'm sorry.

>> Mayor Adler: 81 is on you are agenda and says to conduct a public hearing and aprv a resolution.

>> Let me go through my talking points to open the public hearing.

>> Mayor Adler: All right. Go through your talking points.

>> This is the formal opening. I'm with economic development department. One is to conduct a public hearing on authorization of the downtown public improvement district with new geographic boundaries. Teched is to aprof -- now you have me doing it -- approve a resolution authorizing downtown public improvement district designating the downtown alliance to be the entity.

[7:25:49 PM]

State law requires council hold this hearing to give the public an opportunity to comment. Notice is required by state law and was mailed to property owners and published in the Austin American statesman. Council created the district in 1983 and designated the Austin alliance as the management entity. It has been authorized three times and the boundaries have been incrementally expanded over the the years of the request of the property owners. Today's action was triggered last March. The clerk has certified meeting the state requirements in April. Without council action the downtown public improvement district expires on October 11, 2022. The owner's petition to continue the downtown public

[7:26:49 PM]

improvement district structured as similar to in the past assessment right of 10 cents per \$100,000 in assessed value. The exemption on the first 500,000 of value of all properties liable for assessment. Exemption of homestead, civic, nonprofit, and religious properties and as the downtown Austin reliance as the management entity per petition. Council would consider item 10 for approval to negotiate and execute a management agreement with the downtown Austin alliance for a period of five years. If there are any questions I'll be happy to answer them. If not we're ready to open the public hearing and we do acknowledge that that conversation would be -- staff would be open to negotiate the

[7:27:49 PM]

contract, the management service contract and bring back the contract for consideration to execute. Just wanted to acknowledge that conversation.

>> Mayor Adler: To clarify -- just a couple of things. First is we opened the public hearing this morning and opened it at 10:00 o'clock and we called everybody who signed up to speak. Just to double check, is there anyone here who did not speak when we had speaking privileges that wishes to speak on this issue? Hearing none, as part of the resolution we'll close the public hearing. So is the resolution associated -- forgot item 10 which we'll get to in a second but focusing on item 81, are we approving an

Thor -- approving a resolution that authorizes the downtown public improvement district to be the designate -- and designated Austin dmo inc.

[7:28:51 PM]

Doing business as downtown Austin alliance to be the management entity.

>> Correct.

>> Mayor Adler: Is there a second to the motion to approve that resolution together with the closing of the public hearing? Council member pool makes that motion. Is there a second? Council member Renteria seconds. Those in favor raise your hand. It is unanimous. I may have counted wrong. Council member tovo, how do you wish to be recorded.

>> I mentioned -- council member harper-madison is here.

>> Mayor Adler: Good to see you.

>> I filed an affidavit with the city clerk. I'm a manager of -- at the advice of law I'm rekuzing on these two items. Mayor pro tem?

[7:29:53 PM]

>> Alter: Have we voted on 80.

>> Mayor Adler: I'm trying to call the vote on 80.

>> 81.

>> Mayor Adler: 81, rather. Council member tovo is recusing herself. Item 81 appears to be unanimous. This is authorizing the entity and the -- identifying the management.

>> As well as the creation of the actual pid.

>> Gidseg: .

>> Mayor Adler: It closes the public hearing. My count was unanimous with council member tovo rekuzing herself. That passes. Let's go to item number 10. Okay? Yes? Mayor pro tem?

>> Alter: As I understand item 10 it is a management agreement

[7:30:53 PM]

and they are still writing that. My request is that we move to just negotiate, which doesn't slow anything down and have them come back with the management agreement for our approval for execution.

>> Mayor Adler: Staff okay with just authorizing negotiation without execution? Seconded by council member Kelly. Any discussion? I would raise the issue. Something on this has been pointed out to me that I haven't been able to follow up on so I want to discuss in the negotiation and explain to council. We had the homeless wellness center partnership that the da has initiated that was being supported by this. Certainly the da is doing a lot of great work with respect to homelessness in the downtown area. But I'd like to know what

[7:31:54 PM]

happens to that initiative as well as the other initiatives that the da is taking with respect to homelessness so we're able to elevate and celebrate those efforts.

>> Mayor, if I may, we have representatives from the downtown Austin alliance that can address that question if you would like or highlight that perhaps in a memo.

>> Mayor Adler: That would be fine. I'm asking when it comes back before we vote I'd like to see that. I don't think we need to do that tonight. We have a lot of things on the agenda. I'm just identifying that as an outstanding issue.

>> Sounds good.

>> Mayor Adler: Yes, mayor pro tem?

>> Alter: I wanted to negotiate not because I'm expecting a problem but it seems with respect to transparency this is a lot of money that will be spent in our downtown and we're Dell grating a lot to -- delegating a lot to this pid, so I think it's

[7:32:56 PM]

important we see management agreement when it comes back. Thank you.

>> We'll do.

>> Mayor Adler: Okay. Take a vote on item number 10. Those in favor, raise your hand. Those opposed? I'm showing it to pass 10-0, with council member tovo recusing herself.

>> Thank you.

>> Mayor Adler: Okay. Thank you. All right. Colleagues, what else do we have that's fast?

[7:33:57 PM]

Is 14 fast? The garage question.

>> I think 59 would be fast. We haven't done that yet.

>> I agree. I think 59 should be fast.

>> Mayor Adler: Say that again.

>> 59.

>> I agree. I think 59 should be fast.

>> Mayor Adler: Let's do 59. Council member Ellis, do you want to make a motion.

>> I move passage of version 2 of item 59 that incorporates amendments from mayor pro tem and council member Fuentes.

>> Mayor Adler: Okay. Council member Ellis moves passage of 59, which is incorporated the Fuentes and altar amendments. Is there a second? Any discussion? Those in favor, please raise your hand. Those opposed? I'm showing that as being unanimous on the dais. 59 passes. Council member tovo, are you set on the garage, 14.

[7:34:57 PM]

>> I think I am. First I'll move passage.

>> Mayor Adler: Is there a second to the motion. Item 14 -- council member vela seconds that.

>> I had an opportunity to sit with real estate and got additional information. There were a couple of interesting elements of this I wanted to point out and I would ask and have asked our real estate staff and am asking the city managers to make sure this information is provided in the future. So as part of their newly negotiated rent, they are getting two months free and part of that is because of the existing standing council resolution, which I'll provide direction if my colleagues support me to stop making abatements on rent because that was really intended on city property. That was intended to help out the businesses that were on city-owned land during the height of the pandemic. Cook book was one. Wild about music was another.

[7:36:01 PM]

Apparently our hostel was unfortunately not one around which there was communication. As many of you know, after decades of operation they went under and are no longer on city-owned property. So the

-- in any case I want to make sure that the direction -- if that's the will of this council, that we no longer ask that your city staff understand we're no longer abating rent agreements. I think in the future we should have some stop-gap. So there were -- when this -- the term actually started about 18 months later than was authorized by council or then was expected by council. So this is a tenant that has been -- I'm glad to have them there, but they have gotten, you know, an ability to start many months after it was intended to start. They got two months rent free. Their contract, like others,

[7:37:01 PM]

was needed a unilateral -- they had an unilateral opportunity to extend. That's changing which is a good thing. If anybody is interested in working on the real estate issue with me -- I think a couple of you have expressed interest -- make sure the lease comes to council, make sure we have a clear sense of the tenant when they're going to start paying rent and if that is not met, you know, that there's something else happening. We can't afford to have our properties standing empty as long as as sometimes they are when we're expecting to get rent for all those areas and we need to stop having unilateral ability to have extensions because that has prevented us from keeping up with the market on our city-owned property. I'll leave it there for now but that's -- I also think for our convention center properties we need to particularly look at shifting the paradigm, where we're not just looking at

[7:38:01 PM]

leases that support convention center visitors but we're looking at how those uses can help us transform those areas so that those quadrants of downtown become places where Austin residents want to go as well so all the uses in the convention center properties are not just supporting our convention uses. My intention was that you wouldn't have to stay. I apologize if you're here for this item. With that I'll conclude.

>> I want to clarify the direction is we're not doing abatements. The rest?

>> That's right. Yeah. The direction is that we no longer -- we no longer provide abatements.

>> Alter: Okay. Thank you.

>> And that -- I mean, I had mentioned earlier I would be

[7:39:03 PM]

making a direction today that leases come to us but I think that is the current practice so that's fine and we're not opposed to it anyway, is my guess.

>> Mayor Adler: All we have in front of us is this particular lease. Yes. Council member Kelly?

>> Kelly: Just to clarify and for my own understanding, it's no more abatements on the current lease but you'll bring something forward in a future resolution to not have abatements in future real estate transactions.

>> The abatements are more general. During the pandemic we passed the resolution asking staff to work on city owned properties on different kinds of arrangements that would allow them to stay as tenants. Staff have continued that now for all this time. What I'm providing us by way of direction is to say please stop because we're out of place where those businesses are allowed to be open and functioning. We no longer want to abate rent based on the council resolution

[7:40:05 PM]

that was meant to be an emergency measure during the pandemic.

>> Alter: I guess that predated by time on the dais but my question to legal -- we're only posted for this item -- does that apply to all the agreements or will that need to be in a future resolution.

>> That's a great question. We have a resolution directing city staff to do something. We'll need a resolution to stop it. Sometimes we have sun set provisions in them. This does not. So I think you'll bring back several different items and that will be included in this. The direction you're giving today is to move forward with this item, stop the abatement of rent.

>> Council member tovo if you would like to include me, I think what you're trying to present is worthwhile and would be of great value to the city and I support it. Thanks.

>> Mayor Adler: Really what we have is patz ingpassing this item and acknowledging you'll bring a

[7:41:06 PM]

resolution to end the practice of the abatement and other items as well.

>> I think we've sent a strong message to our staff that we don't want to continue that. So hopefully that will be sufficient until we get to ifc.

>> Mayor Adler: Okay. I'll join you in getting that and probably should do that as quickly as we can so they have authority to stop. Those in favor, please raise your hand. Item number 14. Please raise your hand. Those opposed? 14 passes unanimously. Okay. Do we anticipate a long time on the asmp amendments.

>> I don't think so.

>> Mayor Adler: You think that might be fast? I'm [indiscernible] We have on

[7:42:08 PM]

that. Okay. Let's hold that for one second. I think it's going to be several different things. What about on 56 and 57, which are the parking.

>> That will be fast. Colleagues on 56, 57 I passed out an amendment sheet which is basically added direction. This would direct city council -- council direct the manager to conduct an engineer Ng study and extend speed limit reduction on east slaughter lane and also like to include the addition of -- and on Bradshaw road. If we can add on "And on Bradshaw road" that would include a school in the etj. This is important because what we've seen -- especially for districts like mine, we have segments of the road that are city and segments that are county. And it reverts back to city and in particular this is east

[7:43:08 PM]

slaughter lane and we have two schools that are in the county etj that deserve and desperately need speed reductions, and so this would direct staff to coordinate with Travis county in taking a look at reducing our speed, especially given that a portion of the segment will receive a speed reduction.

>> Mayor Adler: Okay. So the motion is?

>> Do you want me to read it out again?

>> Mayor Adler: No. The motion is as read. Is there a second? Council member Renteria seconds it. Any discussion? Mayor pro tem?

>> Alter: I would like to ask legal or -- my understanding is that we have to do the study and the study determines whether we can reduce the speed. We can't just -- like, by state law just change speeds because we want to, so I'm wondering if

[7:44:09 PM]

it would be better to say consider extending the speed limit reduction. Did you want to speak to that.

>> Yes, ma'am. You are correct. Richard Mendoza -- yes, all speed limits have to be set by city traffic engineer and a result of a traffic study. We have conducted a study on this road and have forwarded some of the results to our county counterparts and look forward to partnering with them on slaughter lane.

>> So does our study say it should be reduced? I'm wondering if we have to change the language to consider so you're not bound to do something you can't do based on the study.

>> I'm going to ask my traffic engineer who conducted the study and oversaw the work to come up and address that question, please.

>> Good evening. Austin transportation -- just as a clarification, the city

[7:45:12 PM]

did not do our own study on those two segments of the county, so it would ultimately be up to the county to conduct their own studies but we could work with them for the reductions that you're seeking.

>> Yes, to my understanding they should have conducted the study this year or are they committed to doing it early this year? I'm not sure where they're at but I know?

>> We can follow up on that. We did our study within portions of the city limit but not the short segment.

>> Mayor Adler: Let's focus down. What's the verb in your deal and is it the right one? The resolution is doing what.

>> It says to coordinate with Travis county to conduct an engineering study and extend the speed limit reduction on east slaughter lane.

>> Mayor Adler: Can we authorize the extension at this

[7:46:13 PM]

point or do we have to wait to authorize the extension.

>> If delaying is the intention to work with the county to do their own study -- that language can be interpreted that the city does its own study and?

>> The county has committed and I know is in the works of doing their own study.

>> Right.

>> Mayor Adler: I don't have the wording in front of me. I think the question is to do the study seeking to extend or was to extend a separate thing that we're authorizing at this point.

>> Or to support the county in its efforts to lower the traffic speed limit because I think the point here is we don't have the authority to lower the speed limit ourselves but we can by resolution support the county's efforts to do that very thing because we would like them to do it.

>> Sure. This language was shared with

[7:47:14 PM]

transportation staff in advance but I'm happy to make changes so the intention here isn't lost.

>> Mayor Adler: Would you read it one more time, just that first part.

>> Directs the city manager to coordinate with Travis county to conduct an engineering study and extend speed limit reduction.... .

>> If I might offer that we're actually supporting the county doing that speed study.

>> Mayor Adler: I think it may be more than that, though. Who ultimately extends the speed limit.

>> If it's in the etj that would be the county to do its own studies. I'm -- the Bradshaw addition is new to me. I don't know if we want to add the specific extents of Bradshaw or leave it?

>> It's the county's portion of Bradshaw.

>> Mayor Adler: Right now we're -- the resolution says let's coordinate, conduct a

[7:48:14 PM]

study, and extend the speed limit. I don't know that that is wrong.

>> It indicates that we are -- well, okay. If we are developing the intention here that city of Austin is not doing the study Wu besupport and -- but we support and will coordinate with Travis county as they do the study because we're not putting our staff or expenses in the study. I think that's the bright line here.

>> I think you're right. We have relationships with the county and can certainly work with them and explain our procedures and if needed for the county.

>> Mayor, I'm sorry to bring up a can of worms but my question is it says we're extending the speed limit reduction which I believe by state law you can't do unless the study shows that. So -- and so --

>> Mayor Adler: Is it as

[7:49:14 PM]

simple as just saying city council directs the city manager to coordinate with Travis county to conduct its engineering study to extend its speed limit reduction.

>> Sure.

>> Mayor Adler: City council directs -- is this okay with you.

>> If that makes everyone more comfortable and if the intention here isn't lost. I understand it's a complex issue. There are segments of slaughter lane that are city, county, and city. The city has conducted our study and we're changing our speed on our portion of the road. We know Travis county has their own study that they're working on -- is just trying to coordinate with them to make sure it gets done in a timely manner.

>> Right.

>> There are two schools in the county portion that need the speed reduction desperately. I'm happy with changing that.

>> Mayor Adler: If it's both -- if you're happy, let's change "And" to "Its" and

[7:50:17 PM]

change "And" to "Two."

>> Fuentes: Perfect.

>> Mayor Adler: Is that okay? Any objection to the amendment? Hearing none, that amendment is made. It's been moved and seconded. To pass items 56 and 57 as stated and amended. Yes, mayor pro tem? Those in favor, please raise your hand. Those opposed? It's unanimous. Those two pass. Thank you.

>> Thank you.

>> Mayor Adler: Council member Kelly, you pulled item?

>> 57 -- I didn't mean to pass 57. I wanted --

>> Mayor Adler: Okay.

>> Did we already postpone it? I thought we said we were going to postpone it and council member kitchen had questions.

>> Mayor Adler: We did not. So?

>> I would like to postpone that --

>> Mayor Adler: Let me call the item differently.

[7:51:17 PM]

Because there's confusion about what I was calling and not calling. Council member Fuentes offered the language on item 56 as amended. Let's take a vote on that. Those in favor? Unanimous on 56. Let's call up 57. You want to make a motion on 57? Or do you want to let council member -- council member

Fuentes makes a motion. Council member kitchen seconds the motion. You want to address it before I ask council member alter -- let her make her motion to postpone? Council member kitchen?

>> Kitchen: I mentioned earlier I had a question on it, but I got my question answered, so I'm okay with proceeding with it.

>> Mayor Adler: Okay. Mayor pro tem? Is.

>> Alter: So I would appreciate postponing until next week. I had three streets that were on the original map as having

[7:52:18 PM]

speed reductions that are now apparently not having speed reductions and I need to understand that better.

>> Mayor Adler: Okay.

>> Kitchen: Can I ask a question about that?

>> Mayor Adler: Yes.

>> Kitchen: I'm assuming you looked at the corrected map. The reason I had a question is there's a map and corrected map in the background. Is your street not on the corrected map?

>> Alter: The reason there's a corrected map is I looked at the map and resolutions and I had three streets in my district that were receiving speed reductions not in the resolution. They told me they put the wrong map in.

>> Kitchen: Which streets?

>> Alter: Spice wood,

[indiscernible] And lake Austin boulevard. I don't know what happened because I assumed there was a speed study that said they should be reduced and now they're not being reduced, so I want to understand that. That was not something I was

[7:53:18 PM]

able to figure out today.

>> Kitchen: Is it possible -- maybe we don't -- let me ask the staff a question.

>> Alter: I don't think it's going to make a difference one week if we -- it takes them quite a while to --

>> Kitchen: Does it make -- I assume the timing doesn't make any difference if we wait until next week, right.

>> No, it should not make any difference.

>> Kitchen: Okay. I assume it doesn't make any difference -- I started to say why don't we adopt today what we have and then just add for next week, but I guess it doesn't make a difference if the timing doesn't make a difference, so -- okay.

>> Mayor Adler: Any objection to postponing this item until next week? Hearing no objection, 57 is postponed until next week. Thank you. I think that gets us then to item 61. Council member Kelly, you pulled this.

[7:54:19 PM]

Council member tovo, do you want to make your motion.

>> I brought forward a motion sheet, mayor.

>> Mayor Adler: Okay.

>> May I make that motion? It was circulated this morning.

>> Mayor Adler: It's her ifc. I'll let her make her motion.

>> That makes sense.

>> Mayor Adler: And then I'll come to you. Council member tovo.

>> I move approval, please. I'll move approval with council member Renteria's amendment in it and I had some -- let me leave it there. Apologies to him because I intended to have that as part of the base motion.

>> Mayor Adler: Okay. Were there any other amendments that you incorporated in -- I'm

[7:55:22 PM]

not sure I have the.... .

>> I have not distributed a new. Let me just say this. I have not distributed a new version. It is the version as in the back-up. And when you get to line 165, it would shift to council member Renteria's highlighted his motion -- his amendment has highlighted language providing a little bit more details around that. And I'm totally fine with that.

>> Mayor Adler: So it's as you originally offered it with the exception that now it adds council member Renteria's language.

>> Yes.

>> Mayor Adler: It's been moved. Second to that? Council member Renteria seconds

[7:56:24 PM]

that.

>> I think I can accept a lot of the other amendments, but we -- if we could go through them bit by bit. I had rewritten council member vela's to the point I could accept those into the item two but he just distributed a new version that has some additional wording. Well, in any case, I can accept council member vela's as I have rewritten it. I think -- I'll let him explain what he's done but he's gone back to his original language and added in the word "Imprefsh yous cover" in a couple of places.

>> Mayor Adler: I don't know how you've rewritten it unless I have the language.

>> You have it in front of you. I handed out a yellow copy a moment ago. It's stapled to a marked draft so you could see how I rewrote it and what the resulting

[7:57:25 PM]

change is. However, he just distributed a new version of his and I can --

>> Mayor Adler: Okay. Let's hold off?

>> -- Probably accept some of it.

>> Mayor Adler: I'll give you a chance to read it while we're not?

>> I know where we're going on it.

>> Has that been distributed.

>> Mayor Adler: I'm trying to give you time. Before we do that, I'd like to know -- you took Renteria's. There was one offered by harper-madison, Ellis, and me. Are you okay with that one.

>> I have a date change to offer on yours. But I believe -- let me take a look at that again. I'm okay with that but not okay with the final date of November 8, 2022 and I believe we talked to city staff about an earlier date and I would like to

[7:58:25 PM]

propose it be November.

>> Mayor Adler: No later than November 2022.

>> Yes.

>> Mayor Adler: Okay. All right. I understand your desire to change that. We'll check with others and then there was the vela amendment you're going to look at in a second. And then there's a Kelly amendment. Are you okay with hers.

>> That one I'm going to need to find and discuss. I looked at it and think I had some concerns but I need to find it. Here it is. I have a question, council member Kelly. Can you help me understand what is -- how does this differ from -- what is your intent here? Is it to come back with recommendations? What's the timing? Why don't you explain what your amendment does.

>> Kelly: Absolutely. I had some questions to lead down this pathway. I'll explain it.

[7:59:25 PM]

When I read through the resolution I saw a lot of great things in it, but it seemed to be a little resource heavy for me in the sense that I know that it will take a lot of staff time, so I want to have that expectation of how much staff time it might take and I didn't know if you had talked with the city staff about how long it would take to complete this resolution so we as a council could have an expectation of some of the soft costs of getting this completed in a timely manner but also not putting too much on their plates. I want it

>> Sure, I think that is a really important question to ask, especially with a project like this. And so my intent -- mayor, sorry to bounce backward but it was November 3, 2022, to be clear. And my understanding and I would ask our staff and I know that Katie Coyne is here and maybe others to verify this. But most of the amendments that

[8:00:26 PM]

we're initiating -- I will stop and put my hands down so that I don't break my microphone again. So most of the amendments that we're initiating are drafted and are ready to go. And so because of the work that councilmember kitchen and others have already initiated, most of that work is drafted, we're just saying, please, revive it, and pull it forward. Ms. Coyne, Katie Coyne.

>> Katie Coyne, environmental officer. That's my understanding and recognizing that there's a huge amount of work that went into this and we'll need to visit with any data or new analysis that has occurred and going through the process of making sure that we're engaging through boards and commissions, but these are important amendments to code that we believe that we did have support four years ago. And we're looking forward to pushing forward.

>> I appreciate that answer, city manager. Have you had a chance to really go through and understand what it might take for staff to be able to complete? And if the timeline that we have

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outlined in this resolution will set up staff for success in returning it to us in the time that we've laid out? Or that councilmember tovo laid out.

>> Thank you, councilmember. We have much more to add than our environmental officer mentioned and obviously there's a big contingent on what happens today or during the deliberation process. So there are additional things that do get added and we would want to come back and make sure that council is aware of what resources are used to execute that and if we are able to meet those time lines.

>> Kelly: I think this is probably part of a larger discussion that I'd like to see us have on the dais about the expectation and the resources that we're asking of the city staff when we bring forward resolutions. Just kind of holistically, so that we do set up staff for success and we're not overburdening them with different projects on top of the work they already have to do to make sure that the city runs properly.

>> Mayor Adler: And with respect to the data, I'm okay, if you guys are okay with this, um, and -- but I want to make sure

[8:02:35 PM]

that -- and that I'm okay also with the November 3rd date and that other amendment, councilmember tovo. But I want to make sure that the staff gets down the land development code stuff that we ask them to come back in August and September that is residential and commercial and the compatibility and relaxation stuff, got to be back in that august/september time frame. So I don't want to do something that comes after that that makes it so that doesn't happen. Are you still cover with the dates?

>> I'm comfortable with the dates.

>> Mayor Adler: Okay, thank you.

>> Mayor?

>> Mayor Adler: Yes, councilmember Ellis?

>> Ellis: Thank you. Just very quickly, and I know that things are moving along there but the agenda office is doing a great job of sending out some of the amendments, and we have a number of them in backup. If anything is handed out on the dais, can I please ask that you send it to the agenda office as well so those of us that are remote can view it?

[8:03:36 PM]

>> Mayor Adler: Yes, we'll make sure that happens.

>> Thank you.

>> Mayor Adler: Okay. So, in that regard, we were looking at -- I think it was the Kelly amendment. So we're speaking on the Kelly amendment now. Councilmember kitchen, did you want to speak on the Kelly amendment?

>> Kitchen: No, I wanted to ask, mayor, if you had passed yours out because I can't locate yours.

>> Mayor Adler: Yes, it was posted, item 61 has three councilmembers' names in the upper right-hand corner.

>> Kitchen: Did you pass it out because I don't have it.

>> Mayor Adler: Thank you, councilmember tovo. All right, so on the message board as well. All right, yes?

>> Tovo: So councilmember Kelly, I'm not sure that what you have

[8:04:37 PM]

heard from our staff is sufficient. I would probably not incorporate your amendment, just because I'm not clear on -- you know, we have -- I have tried to make it really clear in the resolution that we're expecting them to draw on their already completed work. And I think that asking them -- I'm afraid that asking the manager to come back with -- from what I understand you're doing -- you are asking the manager to come back with recommendations and considerations in a memo, saying how many staff hours -- so the next thing that would happen is not the work on getting this done, and the next thing that would happen is that the manager is tasked with coming up with a memo, estimating how many hours is going to be taken on the resolution, but if we initiate it, we have initiated it. So it would just be creating another step for them to come back and tell us how many staff hours are coming back into it.

>> Kelly: I appreciate that feedback but I would still like to have that accountability and your resolution is a good start

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to that so as council we understand the time that we're putting into those resolutions.

>> Tovo: So when would you have the manager coming back?

>> Kelly: Let me pull it up right now. It looks like September 1st. But if they're able to do that before then so that maybe as the work is getting completed, I'd be happy to have the date changed.

>> Tovo: So I think some of the work -- some of the resolution work is coming back then. So, are you saying that it would come back -- so the code amendments are supposed to come back to us by September 15th, but two weeks before you would want the city manager to come back and let us know how many hours is going to be -- has gone into it, is that kind of thing?

>> Kelly: It might be better if we asked Spencer when it would be good for him to have a estimate of a baseline of how many hours so that the memo could come before the work actually starts. Does that make sense?

>> Tovo: I guess that I'm still trying to figure out how that is useful if we have initiated --

[8:06:38 PM]

and given the direction to the manager to please go forward and do that work?

>> Kelly: Well, I'm not asking to not complete the work. I would just like to know with something that is this resource intensive for future decisions that we make. It's a good baseline to understand and to have that accountability for how much staff hours are going into the project. I don't intend on topping the work for whatever reason, because the work is important, and the work that you put into the resolution to bring it forward is important and it will help our city. How far, I still would like to have that data point for future decisions that we make.

>> Tovo: Could it come back with the amendment -- could the staff kind of track their time as they're working on it, so since it's just within two weeks anyway, could it come back with the code amendments and the estimate of how many hours they have taken.

>> Kelly: Is that something that you could do, city manager?

>> Thank you, councilmember. If I understand your intent it's really to project in advance just how much time this might be taking staff to complete. And so after whatever version

[8:07:39 PM]

might pass today, we could quickly in a week or two come back with a memo. So I don't think that we have to wait to September 1st to describe the effort that we anticipate that it will take. And then if you want to do anything with that, that's up to you, but, certainly, we could at least signal what we understand is the time that it would require staff to execute on this resolution.

>> Kelly: I think that would be great, within two weeks if passing it.

>> Tovo: Will that delay the work in any way?

>> No. And the other thing that I want to say is that is just the projection of how much time it would take. And I want to make sure that our staff can fulfill some of these other timelines that are part of the resolution. So to that degree, I'll be relying on our staff and I would encourage our legal staff to also weigh in on if they think that these time to execute the actual resolution is reasonable at this point in time, given everything else that you're

[8:08:39 PM]

undertaking. So, Trish is here to speak to that.

>> City attorney. To be quite honest, in light of all of the current code changes that are pending, it will be very challenging for city staff, particularly the law department, to make that November date, because I realize that these are drafted as part of the Idc revision, but they're not necessarily drafted to incorporate into title 25 as it exists today. So that will be something that we will have to work through, and we will want to get it right. And so just kind of in light of everything that we have pending, I am concerned that the November date or anytime before November would be very challenging for us.

>> So maybe to that degree, when we finalize this discussion today, we can come back from staff and saying here is what time we think that this might take to execute and if we need to request any adjustments to

[8:09:40 PM]

the timelines that might be described here, we will also be -- we'll do that as well.

>> Kelly: Thank you, and councilmember tovo, with our discussion related to ads and there was back and forth as expectation setting and I think that as a council having that expectation set ahead of time so we understand what we're asking for and when we will receive it so we can pay attention to that timeline and make sure that it's followed on, is very important to the success of our work here at the city.

>> So I just want to clarify your change to the harper-madison, Ellis --

>> Mayor Adler: To November 3rd.

>> Two dates in the document. So I just want to make sure that the other code amendments will still be coming back September 15th? So as we have these

[8:10:42 PM]

conversations, just to acknowledge that we have I think four councilmembers who are going to be off the dais, and I think that the December 8th date may be the last council meeting. Just so that staff have some sense of some of the ways that we may be thinking about things, that, you know, when this amendment adds sort of a whole lot of other work to the original resolution, it's pushing it to the date then that we cannot postpone and the people involved in initiating the work is having an ability to vote on it. And, obviously, it will take the time that it takes, but I think that we do need to -- we need to start thinking and planning and understanding that reality, which I think that is a new one for us to have, you know,, you you know, for

[8:11:42 PM]

members who will be term limited out. You know, I just think that we'll need to understand that and to factor that into some of our timetables for some things.

>> Mayor Adler: I think --

>> Tovo: Mayor, if I may -- I mean, I am trying to -- you know, I have five sponsors and I believe that there's at least one other sponsor who requested being a part of this. So to be really clear we had enough support to pass it. There was a request to postpone it and we have come back. I'm trying to embrace -- you know, I'm trying to get us to the final point here tonight so we can go home and we have a lot on our plates, and to underscore what the mayor pro tem have said, most of these add in additional steps and additional information and additional levels of analysis and, frankly, you know, we have flooding situations that can't wait. We have -- I mean, this is an environmental -- this is a resolution aimed at addressing

[8:12:42 PM]

some historic inequities in terms of how we protect the bodies of water east and west with a long history of a lack of protections for the bodies of water that are in the eastern portion of our city. So these are really code amendments that should have happened years ago and they have been in progress for a long time. If we load this down with analyses and additional studies and other kinds of things it's going to take longer and that's not okay with me. So, you know, again, I'm okay with adding in some of these things but if that is what is pushing it beyond September, then I'm going to say no to some of the amendments.

>> Mayor Adler: I understand. So, just to propose a way for us to move forward. It sounds as if the direction that you have, councilmember Kelly, is for the city manager to come back within the next couple weeks with the required city staff hours to complete this resolution.

>> Kelly: That's correct. Can I ask, city manager, is that

[8:13:44 PM]

something that you would typically do with any resolution anyway?

>> Yes.

>> Kelly: Thank you.

>> Tovo: when have we ever done it? With all due respect, we don't have things pass on the council agenda and then have a follow-up memo coming forward saying how many hours. I have never seen that. I have seen instances where the staff came back and say we can't make the deadline and we can make this deadline but it's usually the point that it's supposed to come back to council.

>> So with this request, and if this amendment passes, then we would come back with that information.

>> Kelly: Sorry, to clarify, as you get resolutions do you make an estimate how much hours it takes for staff to complete with part of your analysis of completing the resolution. Is that already included in what you do?

>> We're always balancing the different priorities of council and the day-to-day operations that are required with navigating.

>> Kelly: Thank you.

>> Mayor Adler: Okay, so I would propose that we let the manager come back the next two weeks,

[8:14:45 PM]

and it's not going to take a lot of time for him to do it and he gets that done, okay. So, hang on one second. Does anyone have an objection with that going in? I'm sorry, what?

>> An amendment.

>> Mayor Adler: An amendment to this?

>> I just want to ask that when you do that, if you could clarify how much of that extra work has to do with the -- the additional information related to the green fill conditions and the steep slope portion. Because I think that is going to be a considerably amount more work than the rest of it. I just thank we should have clarity on that, I'm not saying not to do it.

>> Mayor Adler: I don't have problem getting clarity on that too. So requirement to assume that this other amendment goes in requires to you look at both of those so you can differentiate. And councilmember tovo, I also want the environmental stuff to move forward too, and that's why the amendment coming from councilmember harper-madison and councilmember elis and me

[8:15:46 PM]

specifically allows the bulk of this amendment to move forward on the timing that you proposed without changing the due date at all from September 15th. But as Luke testified here today, there's a real concern that if we just do the green field without the balancing, or

-- or mitigating elements of it, all we're going to be doing is basically just never having any of the -- the large tracts ever change. And we're basically preserving them inadvertently. And we tried to call those two out, which were the ones that the environmental community was concerned about -- the green field and the slope issues. And said don't let this hold up the rest of the work, but with respect to those two things, come back and tell us how we actually make them work so that people will -- will actually put

[8:16:46 PM]

in the -- the environmental protections that we want them to put in. So it was with timing in mind that we drafted it that way. Robber but the manager, if this passes, and the manager as mayor pro tem would identify the timing anticipated for both of those two things. And they were both done. And we had the mitigating things that were also done in the code when we approved that. They were both done. So --

>> Kitchen: Mayor, I have been having my hand raised for a while.

>> Mayor Adler: Okay, you have any further amendments to councilmember Kelly before I ask --

>> Kitchen: No, but I have a question about the one that you're taking care of.

>> Mayor Adler: And let's take care of councilmember Kelly's first. Any objection with that going in, made by the mayor pro tem.

>> No objections, just a brief comment that we have been throwing a lot of work at staff and just as a general matter I do support getting some kind of

[8:17:47 PM]

idea of what is their capacity, and so I do appreciate the councilmember Kelly's amendment and I think just as a general matter we need a realistic idea of what staff is capable of producing and when they can get it back to us. I am talking to councilmember kitchen about it, and a new item and I know that we had said -- I can't remember -- prior to me being on the council, but I think we have to have realistic expectations of staff when we're asking them to come back with all of these report for us.

>> Mayor Adler: Any objection with that as amended by mayor pro tem? Hearing none that goes in. And the next one was the one that came from Ellis, harper-madison and me. The date on the last line is changed to November 3,2022. Any discussion on that amendment? Councilmember kitchen?

>> Kitchen: I have a question for watershed. I'm not sure who to ask this question of. But basically the -- the question that I have is I don't have any objection to this

[8:18:48 PM]

language, but I want to make sure that in the process of doing this that the staff feels that they have the flexibility to really bring back something that looks at the whole picture. I have been concerned about localized flooding, particularly in Westgate area in my district. And so I know that the green field regulation could have an impact there. And so I'm -- although, you know, this language is written to -- to develop recommendations that were offset the impact on affordability, and capacity of requiring green field conditions as a baseline, that's important, but I also want the staff to also feel comfortable in the flexibility and coming back and saying, but this is what we really need to address localized flooding, for example. So if you would like to speak to that at all.

>> I can, and I might defer to my deputy environmental officer

[8:19:49 PM]

as well to dig in a bit. Katie Coyne, environmental officer. I think that the future of an environmental officer for a city like Austin can't be a single issue -- person. I think we have to evaluate all of these things in concert to have a more resilient city. So I'm happy that we're thinking more holistically about environmental code changes. It is more work. It is more complicated. But I think that it's a vital component of how we have a livable city for the future. Liz can speak to the green field items specifically if you want anymore details. We have some data on specific local flood problem areas and some of the impacts that -- the positive impacts we would see if this were in place and we are happy to expand on that but hopefully it answered your question.

>> Kitchen: Yeah, if you wanted to speak to that.

>> Good evening, Ms. Johnston, with osha protection. You mentioned Westgate and I believe that is one of the areas that our planning staff have

[8:20:50 PM]

identified as a potential area that would benefit greatly from the detention -- extra detention requirements that the green field requirement would bring forward. So we have more analysis that we could provide you later, but I do think that we do have the flexibility in this resolution to look larger and if there's anything new that comes, that wasn't, you know, discussed that might help clarify things, maybe streamline things, but also help the localized flooding issues we will certainly bring that forward as well.

>> Kitchen: Okay, great. Thank you. I just wanted to make sure that -- this language was interpreted in a way that was flexible, so that -- that we're also looking at the need for these kinds of provisions related to green field.

>> Mayor Adler: Any objection to

[8:21:51 PM]

incorporating this amendment with that chain from councilmember tovo? Hearing none, this amendment is included. Have you had a chance to look at councilmember vela's amendment?

>> Tovo: I have, and I think that it's good that we have this conversation about timing and heard from our manager, you know, that there are other kinds of things that are also in the works. Of course, we all know that. And I think that councilmember vela, after much consideration, and I'm looking at this and from what I understand of what you're asking to do, you're asking for an analysis of how -- how the cost of compliance differ for single-family houses versus small-scale projects and larger middle and multifamily projects, and then that you're asking the manager to recommend changes that would ensure the cost to comply is proportionate for different kinds -- I think that is a level of analysis that is going to take some time. I think that it's somewhat out of the scope of what we're doing here and I understand the way in which it's related and why you

[8:22:52 PM]

would have brought it forward. But given our conversations around timing and the amount of time that it's going to take to get these code amendments I would ask that maybe you consider bringing that separately as a different kind of ifc.

>> Vela: I would like to offer it here and I understand that, again, we are asking more of staff, but -- and I understand the flooding concerns, but we are also in a housing crisis. And what -- the number one problem in our housing crisis is that we're taking single-family homes and we're tearing down old single-family homes and building a new single-family home in its place. And many of the reasons that we're doing that is because the costs are so much greater to build, let's say, a fourplex or a sixplex than it is to just replace a single-family home, a small single-family home with a large single-family home. And I don't want to disincentivize the construction

[8:23:52 PM]

of multifamily housing, especially missing multifamily housing. And as much as I support the flooding goals and all of those types of goals, I do want to do that at the cost of increasing housing prices.

>> Tovo: What are you specifically directing here? I mean, did I capture it in the be it further resolved that I -- that I rewrote?

>> Vela: What I'm specifically directing is that the city council initiate amendments and have the manager come back to provide recommendations to where we're not disincentivizing the construction of fourplexes, of sixplexes, of that small missing middle housing that we need so badly. Because currently that's exactly what we are doing and that is the overall goal.

>> Tovo: Okay. So I guess that I'd like to hear from my colleagues. I think if there's a will to include this in here, I would use my language -- because I think that it just makes it very

[8:24:53 PM]

clear what we are and are not doing. For example, be it further resolved talks about the council initiating code amendments but the other be it resolved explains what code amendments that we're initiating and as I added yours I tried to focus on the action that I felt that you were initiating that was -- the action that I thought that you were initiating. Which it seemed to me was about asking for -- asking for what the cost was to comply with what are probably drainage. And how it was different for different kinds of housing. Thereby, not disincentivizing small scale and middle -- but I am concerned this will prompt an analysis that is -- that is going to take additional time and doesn't necessarily need to happen at the same time that we're -- for example, making sure that -- that we're taking a look at green infrastructure and

[8:25:54 PM]

some of the other things that we've had a substantial amount of conversation around. Making sure that we're monitoring watershed threats from high-risk facilities such as sampling of creeks and looking at it downstream from industry. I mean, these are all -- I understand -- I understand your focus on trying to compare different kinds of housing and the different kinds of costs, but it is -- it is really -- it is not related to the bulk of what we are initiating here.

>> Mayor Adler: So the manager is in the next several weeks going to come back with time issues. So we'll be able to look at that, when the city manager comes back and it's a significant amount of time or

it pushes anything back, we'll see that here in the next several weeks and then the council can start making priority -- prioritization choices.

>> Tovo: But at the end of July? That would be our next opportunity to reverse action. If we direct the manager to conduct an analysis of the

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different costs of compliance for different kinds of housing, which we may even have, frankly, we may have that in some of the previous work that has been done through time, but I just -- when we get that memo back from the manager, we're not going to have a council meeting. And then by the time we do it's the end of July.

>> Mayor Adler: I'm not suggesting that he stop working on things. You know, and the base work of this is the base environmental work. I think that it's an important thing to have -- considering that I'd like to see it considered, but I'm not ready to say that I want to consider this -- that prevents us from being able to resolve the other issues. I just wonder if that report will avoid us having to decide now not to including some for fear that we can't get it done when we maybe can get it done.

>> Tovo: Well, I would suggest if there's a strong will to include this and, again, I'd like to hear from my sponsors because they were strong sponsorship -- I would say at a minimum I would urge that we move forward with my language, because it really focuses very clearly on what is being requested.

[8:27:55 PM]

And that we add in language like if it does not slow down the timeline.

>> Kitchen: Mayor, I would like to comment on this.

>> Mayor Adler: Hang on one second. Councilmember vela.

>> Vela: So the difference virtually in the difference is to look at the code changes that are causing us to disincentivize missing middle multifamily projects. This is not an academic look and this costs so much, and this costs so much, and let's look at the code and make the code changes.

>> Mayor Adler: Looking at from councilmember tovo that the city councilor should look at changes that ensure -- are we looking at the same thing?

>> Vela: I'm looking at version five and her took out some of the language that initiated the code amendments --

>> Mayor Adler: Her being resolved that the city manager shall recommend the city code changes that would ensure the cost to comply with water quality drainage and sites is

[8:28:59 PM]

proportionate for small-scale missing projects and, parentheses, not disincentivizing the small scale missing projects in favor of single-family residences.

>> Vela: So the last version that I passed out, we added to it was instead of looking at the unit count, which can be misleading, looking at the impervious cover. I think that is a very neutral way of guiding your water quality restrictions, whether it has five or six units or one unit, it doesn't matter. If it's 5,000-square-feet of impervious cover, it's 5,000-square-feet of impervious cover. And that's the most recent version that I have. Looking at her -- I mean, there's grammatical changes, again, I haven't had a lot of time to look at -- at hers and to quite digest the difference, but I would prefer where we lay it out and identify the specific

[8:30:00 PM]

problems involved in basically incentivizing kind of a single-family residence construction over missing middle construction.

>> Mayor Adler: Councilmember kitchen. On this topic where we are right now.

>> Kitchen: Yes on this topic. So councilmember vela, what I am hearing you say is that you feel that perhaps the language that councilmember tovo has may be missing part of what you're getting at, is that what I'm hearing?

>> Tovo: He did another version. There's another --

>> Kitchen: I'm looking at it.

>> Tovo: So I re-wrote version four and he handed out five. I can -- I can tell you how my re-writing of his would work. It would simply be in the last one is to proportionate to the amount of impervious cover. Instead of saying it's proportionate -- I think is

[8:31:01 PM]

consistent with what you are trying to say, instead of saying it's proportionate for single-family residences and small-scale missing projects and it would be instead now it's proportionate to the amount of impervious cover, thereby, not disincentivizing --

>> Vela: If we are trying to say the same thing, I would prefer to use my language.

>> Tovo: And I would prefer not to. The more that you talk about, if we're going to use your language I need to understand what you're doing. Because, for example, in your whereas, for it further resolved, you are saying that the council initiates code amendments and I'm not sure what amendments you're talking about. The ones that are initiated in the previous resolves? Or are you suggesting that the council initiate code amendments of some other sort?

>> Vela: To ensure that the cost of compliance with water quality drainage and proportionate for the impervious coverage. And in favor of single-family homes.

>> Tovo: So you're initiating code amendments that would

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ensure the cost of compliance -- I'm not -- what are those exactly?

>> Vela: The code amendments that I am initiating for the city manager to determine, I don't really understand.

>> Tovo: So I guess -- I mean, I guess what might work councilmember, to me that -- that seems like a separate project. To initiate -- to ask the manager to analyze what are the -- what are the elements that are disincentivizing the construction of single-family development at the expense of small-scale missing middle -- come back and tell us what some of those elements are and then you would initiate based on those recommendations and you initiate the code amendments. It would be initiating code amendments that --

>> Mayor Adler: I think that the concern is, is that some of the environmental rules require action to be taken and the

[8:33:03 PM]

action to be taken is tied to the number of units. So I have the same amount of impervious cover and I have the same environmental impact, the cost to comply with the environmental regs may be more expensive if I put four units in the house as opposed to saying that it's only one unit. And the staff is giving a thumbs up. And I think that the question is why -- it's the same impervious cover and the same square footage and the same everything else, why should the environmental compliance be four times as expensive? That's the question that he's asking. Because then it just incents someone to put a single unit in it because it's one-quarter of cost. And he says since it's the same environmental impact and come back with ordinances or changes so would make it so that the same environmental impact is required to do the same environmental cure.

>> Vela: Very well put, mayor.

[8:34:06 PM]

>> Tovo: So I guess -- but, yes, as I look at my language -- I mean, I think that it doesn't -- I believe that it is more or less saying that, right. The city manager shall recommend the city code changes that would ensure the cost to comply with water quality, drainage and site plan requirements are proportionate to the impervious cover, thereby, not disincentivizing the construction of small-scale missing middle projects in favor of single-family residences. I mean, what we had was the city council initiates city code amendments and directs the city manager to provide recommendations for changes to the city code to ensure that the cost of compliance with water quality drainage and site plan requirements related to single-family homes and small-scale missing middle projects is proportionate to the scale of the project and does not disincentivize the middle projects in favor of single-family homes and including applying some water quality and drainage requirements to single-family development as proposed during the LVC revision.

[8:35:07 PM]

>> Mayor Adler: For the life of me -- I think that they mean -- I think they mean the same thing. Because also what you're saying is to not disincentivize this. Is staff there? Can I ask the question -- is it a different investigation -- if we say, hey, don't penalize the missing middle projects and the fourplex in favor of the one plex if it has the same environmental impact, does one language better point to that than the other language in your mind?

>> I wish that we could just use the language that you spoke out loud. That was most clear to me, actually. You're asking about the difference between impervious cover or topography?

>> Mayor Adler: I suggest that we don't want to be tied to just impervious cover. At a really high level we're just saying to cut to the chase -- don't -- give us options so that we're not

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disincentivizing missing middle housing in favor of single, whether that's impervious cover or whether it's units or whatever it is, don't disincentivize fourplex if it has the same environmental impact.

>> I think, mayor, what we wouldn't want to get into is an increase in impervious entitlements in an attempt to mitigate the cost of those environmental regs and that's our only concern of opening up that revenue and not being clear about the intent being equal impervious cover, not regulating based on typology.

>> Mayor Adler: I think that's what he is saying. So I don't think that you need to describe the language to look at. And with equal environmental impact, don't disincentivize missing middle housing.

>> That's definitely the goal of the amendment.

>> Mayor Adler: Changes that would ensure -- so the city manager shall recommend the city code changes that would ensure

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that -- for the same environmental impact we're not disincentivizing missing middle housing. And let them decide all of the factors to take into account there. Does that work?

>> If water --

>> Vela: If staff understands the intent and is fine with the language, that is fine with me.

>> Tovo: I don't understand.

>> Mayor Adler: So to ensure for the same environmental impact we're not disincentivizing the middle housing.

>> Tovo: Um--

>> Mayor Adler: For the same environmental impact as a single-family home, we're not disincentivizing missing middle housing.

[8:38:15 PM]

So to recommend the city code changes to ensure that for the same environmental impact as a single-family home we're not disincentivizing missing middle housing. That may be units, that may be impervious cover, I don't know, but it's -- the commonality is for the same environmental impact, and we're not disincentivizing multiple units.

>> That is the goal, mayor.

>> Mayor Adler: Yeah. So that necessarily does not include more impervious cover because that has a different environmental impact. It may get us there, councilmember tovo.

>> Tovo: I see councilmember kitchen -- I will think about the language a little bit.

>> Mayor Adler: Okay. It's 20 minutes to 9:00 and we could always pull this one off to next week and spend more time on language.

>> Tovo: I would like to hear from my co-sponsors whether that is their interest, because, you know, flooding is -- has taken

[8:39:17 PM]

lives in this community and I think if we're -- I regard it as a matter of importance that we move forward as quickly as we can.

>> Mayor Adler: I think we all share that. Councilmember kitchen.

>> Kitchen: So my question is -- is the thinking that this analysis happen simultaneously or before the rest of what's going on here? Because I'm -- I think that it's -- I think it's a good question to be asked, and, certainly, something that we want to analyze, but, again, I'm concerned that it might hold up

-- I am concerned -- I am not understanding how it would happen. So, because -- as I said before, I'm concerned about, you know, flooding and I'm concerned about a lot of other aspects of this and I'm hoping that this kind of analysis -- the way that I'm reading it, it should be -- it shouldn't hold up the other things that you're doing but I

[8:40:19 PM]

don't know. So that's my question to you all. In other words, do you have to finish this before you can do any of the other things that we ask about?

>> I don't believe so. I don't interpret this as a formal cost analysis in the way that you initially started talking about. It is looking at the regulatory burden across different levels of impervious cover but that would be part of what we would like at as part of the process, anyway, not a separate analysis.

>> Kitchen: Okay. And, again, this is looking at that burden, but also understanding the benefits that are needed at the same time.

>> Of course.

>> Kitchen: Okay.

>> Mayor Adler: I think that you'd have to do it this way anyhow as part of the analysis. Mayor pro tem.

>> Alter: So I think that the way that you framed it narrows it quite a bit from where we started. When I look at the list of things that were initiating code amendments, I mean, I guess that it depends how you are defining

[8:41:20 PM]

missing middle housing, but if you're talking about triplexes and quads, I don't know that it's about supply, because you're not having big detention pans -- and if we are, then we obviously need to -- we need to address that. I mean, it depends on the number of units that you're having. So -- I would be

comfortable with that. I'm not sure that there's actually that much that we're -- we're regulating here for single-family -- so I would be comfortable with that, because I don't -- I don't -- but I do think that there's a separate conversation that we might want to have over that question that is beyond this resolution.

>> Vela: Mayor, some of the -- if we have a steep slope requirements and some of the other requirements that are necessarily going to limit the amount of land that can be used on, you know, particular lots. And those requirements are typically not going to impact single-family homes the way that they'll impact multifamily, you know, missing middle projects.

[8:42:20 PM]

So that's why I'm offering it in conjunction with these regulations so it would act to offset any potential increase in housing costs of these regulations. I understand that it could be a separate item. Probably each individual item in this item could be a separate item, but I -- I don't want the cost to increase for missing middle housing and the amendments offered to balance.

>> Mayor Adler: Yeah, I see -- the green slope is an entirely different issue and we're trying to incentivize people to actually use it, rather than to not use it, and you'll have to figure out what that balance and what the tradeoffs are in that, or else no one will ever redevelop the land or ever develop Westgate. So you have to come with something that gets that done because those are the really big things, those are the hard ones to get done. So it's a different deal than this. But in this we're talking about the same environmental impact, so as to clear up the question of what missing middle housing would be in this instance, I would suggest that we add the

[8:43:23 PM]

multiunit and so the missing and middle or the multiunit housing.

>> Vela: So in the first whereas, we have defined it as a project with approximately three to 12 units. Moip okay, that is still in the whereas clause, that's good. So are people okay then? We have Kathie whereas clauses that carry forward that definition and the only change that we're making is to be it resolved and the city managers ensure that for the same environmental impact as a single-family home we're not --

>> Tovo: Mayor, if I may. I worked on a little bit separate language. That for the same environmental impact as a single-family home, the city is not disincentivizing and then pick up the rest. And the direction of small-scale, missing middle projects. Yeah.

>> Mayor Adler: Much better --

>> Tovo: And I would say that I think that we should have a different timeline on that because it seems to me that is not information -- and it's not -- these are not code

[8:44:24 PM]

amendments that our staff have currently drafted as far as I'm concerned. I think that it is a separate -- I think that it is a separate and an additional initiative and I would just ask our environmental --

>> Mayor Adler: Let's check with staff because it seems to me that it's part and parcel of the same thing. Is that a separate analysis?

>> I think we're happy to include it in the slight delay with the green field and --

>> Tovo: Okay.

>> The components to give us a little bit more time since it's an additional component, but we'll be talking about all of this in tandem.

>> Mayor Adler: So the city manager shall recommend by November 3rd, 2022, and then --

>> Tovo: We could thought at the beginning, by November 3rd, the city manager -- blah, blah, blah.

>> Mayor Adler: By November 3rd, 2022, the city manager shall recommendation the city code changes that would ensure that for the same environmental impact as a single-family home the city --

[8:45:25 PM]

>> Tovo: Does not --

>> Mayor Adler: Does not disincentivize missing middle housing as we --

>> Tovo: Small-scale missing middle projects. I used councilmember vela's language. Small-scale missing middle projects. And then just to back up to your previous -- your previous be it further -- well, it was additional language to standing, be it further resolved -- councilmember vela -- the one about providing information for the costs of compliance. There I would just like to add too that -- that too may be part of it but I would add the language if it does not slow the timeline.

>> Vela: The timeline for the other changes in 61? Again, I would like them to be parallel because the effects are parallel.

>> Tovo: It sounds like our staff have said that if it's

[8:46:26 PM]

part of the later -- I don't know --

>> Mayor Adler: We'll need that information to be able to vote on it anyhow. We'll need that information to be able to vote on the main thing.

>> Tovo: Which is already in the

-- it's already in the resolution. This is asking for -- this is asking for another level of detail about costs and that is providing costs for different kinds of housing. Which I think that is part of what they're returning to us already with the fiscal impact, and whatnot.

>> Mayor Adler: For people that are concerned about that issue, they're going to want to have this information --

>> Tovo: That's fine.

>> Mayor Adler: Okay. So, with the changes that we just made it to be it resolved clause, the total version of vela before -- okay? Yes, councilmember Kelly.

>> Kelly: Okay, thank you. I was looking at the difference between councilmember tovo's language and councilmember

[8:47:27 PM]

vela's language, and one is recommending city code changes and one is initiating code changes. I was wondering if the city legal could explain if there's any differences in those two processes and what they're defined at so the people at home watching or listening on the radio can understand.

>> Yes, there's a difference that will help us there.

>> In title 25, council, initiates changes to the land development code. And so without the word "Initiate" they would go through the full process. And with "Recommend," staff would provide council with a memo, a presentation, that explains what they have recommended. And after that point in time council could initiate if they choose to.

>> Kelly: So then I guess with us having the timeline that we do and the fact that we are experiencing housing crisis, I would be more comfortable initiating code amendments as

[8:48:27 PM]

councilmember vela had brought forward because I think that would speed things up a little bit and help to get us to a place where we could have more housing.

>> Mayor Adler: Any objection with having the city manager -- by November 3rd, 2022, the city manager shall initiate city code changes?

>> Tovo: I don't know what we're initiating. We don't have any -- any sense -- of what we're initiating.

>> Mayor Adler: It would be whatever -- whatever ordinance is necessary to ensure that it doesn't cost more to build -- with the same environmental impact that it doesn't cost more to build a fourplex than it does a single-family house.

>> We would still have to have the item to come back to vote on, correct?

>> Mayor Adler: Yes, but I think that it's ample description to say if it has the same environmental impact and bring us back an ordinance that ensures that there's not --

>> City staff can prepare ordinances that go with the ordinances that are already being initiated that will

[8:49:28 PM]

address whatever concerns in this area.

>> Mayor Adler: Thank you.

>> We are authorized to do that.

>> Mayor Adler: Okay. Mayor pro tem.

>> Alter: Thank you. I just want to clarify because I don't want us to mix up two different things. So I think that it is perfectly fine for us to say that the ordinances that we're initiating that the ordinance changes that we are initiating that we don't want to disincentivize over the single-family. And it's another to get rid of the differential costs in our code between single-family and missing middle. And I'm not saying that we don't need to do that, but that's a different resolution than this one and it's a different set of staff. So, it is -- it makes perfect sense to say that as you implement these ordinance changes that we do not want to disincentivize the missing middle over single-family and it's a totally different project to say that you'll get rid of all of the differences that

[8:50:29 PM]

exist in our code and site plan and everything else.

>> Mayor Adler: So are you saying that the city manager shall initiate -- sorry, by November 3, 2022, that the city manager shall initiate single-family changes that would ensure and put in there that pursuant to ordinances here under that the cost comply?

>> Vela: So, mayor, the resolution, the whereas specify the water quality protections. And that's what the focus of the amendment was really -- the water quality protections.

>> Mayor Adler: The water quality protections as contained in the -- in the larger item, right?

>> Vela: Yes.

>> Mayor Adler: I think that goes without saying, I thought, but mayor pro tem is raising it specifically so I was referring back to it that the city code change that would ensure that these -- these water quality

[8:51:33 PM]

ordinances --

>> Mayor, most of these ordinance changes do not affect single-family or --

>> Tovo: Perhaps I should lay out my amendment.

>> Mayor Adler: It doesn't have to pertain to it at all but it does some water quality. And he wants it to pertain to the water quality work.

>> So it should just be that when you initiate these you are not disincentivizing it. And it's not in this resolution.

>> Mayor Adler: Correct. We are trying to put it in the language that ties it back to you.

>> But negotiating the ordinances and you already have ordinances that are initiated and you're trying to make sure that the ones initiated in her resolution to begin with don't disincentivize and you're not doing additional ordinances.

>> Mayor Adler: Got it.

>> Kitchen: Mayor, with all side of the respect this side of the dais would like to talk to.

>> Mayor Adler: I'm sorry. I'm sorry.

>> Kitchen: I feel that this conversation is happening over there.

[8:52:34 PM]

>> Mayor Adler: I apologize. That point is well taken. I'm looking to my left.

>> Kitchen: Okay. So I have a comment that I would like to make about -- about the -- initiating -- so my question is -- I have a bit of concern about saying that we're going to initiate city code amendments because I really don't know what those are. You know, as my colleagues have already said I would like to echo that, so I'm wondering is there a step in between here that -- and the problem with that is that, you know, councilmember vela, they may initiate something that is not something that you want. You know, if there's a process for initiating based on something that is this vague, you may go through a whole process of initiation without you have a chance to weigh on what you want to be initiated and by the time that it gets to council it may not really address what you want it to address.

[8:53:34 PM]

So that's why it's helpful to be a bit more specific on what's being initiated. I know that you don't want to slow things down because we do need to initiate a process. So maybe there's -- you know, there's a step in there somewhere that -- that brings it back to council so that you can have some opportunity to comment before they go through the whole process with the planning commission, etc. You know?

>> Vela: So I'm trying to balance out the fact that these are set and ready to go changes with the -- the protections that I want to put on housing costs, which kind of need to work in parallel. You know, I don't want there to be a bunch of changes, water quality and water protection changes that will then raise housing costs and then staff comes back and says, oh, and by the way these are some recommendations about how we could balance those out without, you know -- I want to balance

[8:54:34 PM]

those out and I don't want to just talk about how to balance those out or look at what we can balance, I want them balanced. And I understand that it's a broad amendment, where staff tell us how we can do this, but we're going to get a chance to look at it, and the dais will be able to look at and to go through the same amendment process that we're going through right now and ultimately, you know, we can get to a place that we have a bill that does all that we want to do, which is to protect the environment and prevent flooding but not at the cost of increased housing expenses, increased housing costs.

>> Mayor Adler: I'm trying really hard to get to a place here where I can vote for this resolution, rather than voting no at the end of the day. And I'm going to vote no if it's only looking at one side of the equation and is not looking at the other side of the equation. So I'm trying really hard to balance that out, or I'm a no vote. The initiated ordinances will ensure that for the same

[8:55:35 PM]

environmental impact as a single-family home that the city does not disincentivize small-scale missing middle housing projects.

>> Vela: I'm sorry, mayor one more time.

>> Mayor Adler: The initiated ordinances will ensure that, for the same environmental impact as a single-family home, that the city does not disincentivize small-scale missing middle housing projects.

>> Kitchen: Mayor, I think that does it because it initiates, but it also is focused on the concern that councilmember vela said, you know, that these -- that these other things that are moving don't end up disincentivizing.

>> Vela: I'm good with accepting that language, mayor.

>> Mayor Adler: Let me read it again.

>> Tovo: No, read it again. It sounded like what we had already put in there, but read it again.

>> Mayor Adler: But hopefully different enough to agree. The initiated ordinances will inn sure that for the same environmental impact as a

[8:56:36 PM]

single-family home, the city does not disincentivize small-scale missing middle housing projects. Anybody object to that amendment?

>> Tovo: I think that is fine. It's very much in keeping with the language that councilmember Renteria had add with understanding the fiscal impact that has been there, and this adds another layer of detail and not initiating new ordinances and it's simply saying to help us to understand the impact of those that we have already initiated.

>> Mayor Adler: Trish, did you get that language? Thank you. All right, so without objection, tovo has changed to vela's version four, is included with the change to the be it resolved clause as I just read out loud. Continuing on, are there any other amendments to this section?

>> I want to clarify that

[8:57:36 PM]

includes the whereas changes.

>> Mayor Adler: Where is the whereas changes?

>> They're -- I don't know if they're changed --

>> Mayor Adler: The base document that I was working off was tovo's changes to vela four, except the resolve clause changed. All right, do we have any other amendments that anybody is offering to this one? We ready to vote on it as amended. Those in favor of this item 61 as amended please raise your hand. Those opposed? Passes unanimously on the dais. Congratulations.

>> Tovo: Mayor, I know that it's late but I didn't have an opportunity to really speak about the resolution more generally and I simply want to just say, thank you to my staff member who worked tremendously on this. And she worked in concert with my colleagues who co-sponsored it and with councilmember kitchen and staff, and our

[8:58:37 PM]

environmental officers and I really appreciate all of their work as well. These are going to see forward some processes and some new regulations for ensuring water quality throughout our city, despite what we have spent most of the time talking about -- the resolution really addresses areas that are less -- as mayor pro tem pointed out -- that are really more about more general issues. Such as making sure that as we have industries with potential risks for polluting that we're on top of that and we're monitoring it closely. That when there are levels of E. Coli noted in particular creeks, especially in areas that there's better communication with Austin water so that those pipes can be -- be fixed more quickly. There's a lot about green stormwater finally moving forward with some of and

[8:59:39 PM]

making sure we have equitable -- making sure we have equitable distribution and other -- I appreciate those who contributed here and especially the work of Atha.

>> Mayor Adler: Let's move on to the next item we're going to do. Item 52. Anybody want to make a motion to pass the item? Is council member pool? Council member vela seconds it.

>> I have a few quick questions for staff. I think our -- these are going to be legal questions. So I'll let transportation staff off the hook and call Trish link who's been doing triple duty tonight. Hope you're not too worn out. Trish, we heard from some of

[9:00:40 PM]

the neighbors in my district specifically and some of the folks are still here -- that they're concerned about imminent domain and the impact of the changes to the Austin strategic mobility plan -- the updates to it, that they would not have right of ways protected. And so I had a couple of questions that I wanted to ask in order to highlight their concerns and then have them specifically addressed if I may do that with you. Just three questions. So the first question in order to -- I'm looking to confirm that people are indeed protected from imminent domain taking of their property, specifically under the asmp. Does it as currently drafted open the door to taking private property without notice or proper legal procedures.

>> Trish link, city of Austin law department. No, council member, it does

[9:01:41 PM]

not. We still need to follow the procedures and state law. Nothing in the asmp changes that.

>> Thank you. What is to guarantee the city will follow the standard process for obtaining private property should we decide to do that.

>> State law applies to our actions. We will have to comply with state law and state law would not allow us to use asmp to bypass state law.

>> City of Austin is not in the practice of violating state law to the best of our abilities.

>> To the best of our abilities.

>> My last question -- if it is certain the city will follow standard procedures for obtaining private property, should we decide to do that, why not write this in the code as some of our speakers have asked us to do? Sh.

>> In doing that it creates -- it will create confusion for the public.

[9:02:42 PM]

We don't write that in everything we do. We're bound to follow the constitution and state laws as they apply and we do that without applying to the code.

>> Those are the questions I had for legal and I appreciate Trish offering those answers.

>> Mayor Adler: Any further discussion of item 52?

>> Kelly: I want to be respectful of colleagues participating virtually. I know a motion sheet has been passed out and I want to make sure they have it as well so they can review it in a timely manner.

>> I'm confirming that with my staff. Thank you.

>> Mayor Adler: What's been handed out is council member tovo has handed out on item 52 a motion sheet amended the asmp to add language. How is this being made available to council members?

[9:03:45 PM]

Ellis and harper-mannedison.

>> I will have to confirm whether it's been e-mailed or not. I can certainly read it in the meantime. And that is?

>> I would appreciate that or posting to the message board if easier than e-mails.

>> And in the meantime, I'll read the language. Amending the asmp to add the following language. In December 2012. ..From the regional transportation plan to align with goals of the imagine Austin

comprehension plan, reaffirm city council's position that the sh-45 southwest is not part of the future transportation network. ..And so thus -- and this is the action -- we're directing staff to remove the reference to the uncompleted section between farm road 1626 and

[9:04:49 PM]

ih-35.

>> Mayor?

>> Mayor Adler: Yes.

>> I wanted to let our council members know that a virtual I text -- that are virtual that I texted the amendment. I know they'll get it in e-mail but they've also got it by text.

>> Mayor Adler: Council member Kelly?

>> Kelly: I think it's great they got the motion sheet but in the interest of?

>> I didn't mean instead of. I was just trying to be helpful.

>> Mayor Adler: Is there a second to this amendment? Council member kitchen seconds it. Discussion? Council member Ellis?

>> Ellis: Thank you. I'm supportive of doing this at this point in time. I know it was addressed with

[9:05:50 PM]

the original adoption of the asmp. I've been hearing from many constituents about the concerns about if this -- the implication of it being included in the asmp at this point in time but the environmental damage and impact to the community that might happen if this roadway were ever connected. I represent the area that's over the Edwards aquifer in Barton springs and we're stuck in traffic already. We need to be mindful how we're connecting highways and managing expansion especially in environmentally sensitive zone. I appreciate this amendment being brought forward.

>> Mayor Adler: Any objection to it being included.

>> Thank you for bringing this forward. I also think it's appropriate because it reflects previous actions that the council has

[9:06:51 PM]

taken. It's correcting the asmp to align with what we said.

>> Mayor Adler: Staff want to speak to this issue.

>> Good evening. Cole kitten, Austin transportation. I thought I would provide a little background about sh-45 -- you know, this amendment process didn't propose any changes to what was adopted in 2019. And in fact, in 2019 we had the same conversation about sh-45 and why it's in the asmp. So the language that was added in 2019 was about providing further guidance to the city to ensure that if txdot moves forward with the project that the city of Austin would work with txdot to ensure it's done

[9:07:52 PM]

in the most sensitive environment -- environmentally sensitive manner. That language was added to the plan. The map also changed the linework from a solid line to a dashed line to indicate that it's being treated differently than the other lines in the street network map. So that was the decision made in 2019 to keep it in the plan, with the reason being that the street network is used for right of way dedication and reservation through the line development process just in case that property redevelops. That line on the map indicates that that property can't locate buildings in the future path of that highway. So its inclusion in the plan ultimately doesn't constitute a

[9:08:53 PM]

commitment to build the roadway. It's solely in there for right of way dedication purposes. My concern at the staff level is that if it's removed from the plan, a development could locate a building in that path and ultimately in the future if txdot moves forward with the highway project it would lead to displacement of whatever gets built there.

>> Mayor Adler: How was it treated in 2019.

>> It remained in the plan instead of being taken out.

>> Mayor Adler: It was dotted.

>> Yes. The linework was changed to indicate it was being treated differently. That additional language was added to the map as well as to an action item so that staff followed guidance on how to treat it with txdot.

>> Mayor Adler: What was that additional guidance or description of the -- what the

[9:09:56 PM]

dotted line was.

>> If txdot moves forward the city would work with txdot staff to ensure it's done in the most environmentally sensitive manner.

>> Mayor Adler: Council member Renteria.

>> Renteria: If the state decides to move on with it, is there any way we can stop them from doing it.

>> I don't believe so. The previous section of sh-45 from 1666 to loop 1 had a similar level of conflict with city policy at the time. But it continued to move forward, was constructed with additional environmental sensitivities, and it's being used as a model for how to construct a facility like that in a sensitive environment.

>> Renteria: If we were to remove that and the state

[9:10:57 PM]

decides to go ahead and build it, will we have an input -- any kind of input on that.

>> Right. The city will always be a partner agency throughout the Nepa process during the environmental analysis.

>> Renteria: If we decided not to put it in the city and the state decides to go ahead and go forward with it, will we be invited to participate.

>> Right. We would be invited by virtue of being in the jurisdiction that it's in.

>> Renteria: Thank you.

>> Mayor Adler: Okay. We have a motion, amendment, moved and seconded in front of us. Any further discussion? Mayor pro tem?

>> Alter: So we want to stop if we make it more expensive with more expensive right of way. That would help, in my view.

>> Mayor Adler: Okay. Any further discussion on this? Ready to take a vote?

[9:11:58 PM]

Those in favor of this amendment, raise your Rand. Those opposed? Council member renterria abstains. Others voting aye. Passes. Any further discussion on the asmp. Mayor pro tem.

>> Alter: I don't have an amendment. I just wanted to thank staff for the hard work that went into this process. There's been a lot of discussion, a lot of questions and I think -- I know that you've always been able to be present in my district in talking to my constituents when we've asked for assistance. The the

the transportation planning can get technical quickly and can be confusing for the public but it is nonetheless important for us to be able to make sure that we can assure the future development as to contribute the appropriate right of way for our needs as a city and that we can plan our mobility needs. A lot of the discussion over

[9:13:01 PM]

the asmp has been about, you know, specific assignments of levels and some of those were adjusted as they needed to be through the process. But there also were some significant amendments to the policy focus and I want to highlight a couple of those. So I appreciate the inclusion of two new policies related to, one, future proofing our transportation infrastructure and operations and to improving coordination between emergency transportation planning. The latter is really important for our wild-fire prevention and preparedness work. I was able to work with staff to update an action item related to disaster preparedness and emergency response coordination to better address the wild fire threat and better plan for evacuations. I appreciate staff's efforts there. So thank you, Cole, and other staff who led this process.

[9:14:03 PM]

>> Thanks. I wanted to add my thanks to everybody in Austin who engaged in the process with asmp and city staff -- not just for the hard work but listening to the public. In the first round of public input there were concerns that reclassification of level one to level two streets might misconstrue to allow the city to take right of way or private property. In response the city removed street level reclassifications for streets in single family neighborhoods. I'm also reassured by the input by our assistant city attorney that homeowners are protected by already-existing statutes, should the city try to expand rights of way. I thank you all again for your hard work. I'm ready, mayor, to vote in support of this item.

>> Mayor Adler: Okay. Those in favor, please raise your hand. Those opposed?

[9:15:04 PM]

Any abstaining?

>> Renteria: Mayor, I think?

>> Mayor, I had a quick thing I want to say but I'm still voting for it.

>> Mayor Adler: Go ahead, council member Ellis.

>> Ellis: As council member pool was laying out things she was excited to see in this it reminded me for the call out for streets as places for people which is in line with healthy streets, block party program, play streets and living streets and is in line with council member pool's shock the block program, which I know people are still excited about. I'm glad the transportation department has a forward-thinking mind set and I'm excited to see this included.

>> Mayor Adler: Okay. Those in favor of the item -- 52 -- raise your hand. Those opposed? Unanimous on the dais. 52 passes. That gets us up to 66.

[9:16:16 PM]

Does anybody not have it? It's been posted and circulated. I have extra copies in someone needs one.

[Indiscernible] In case she can't find hers.

>> [Indiscernible].

>> Mayor Adler: Not a problem. This has been posted. Available for a long time. There's a red line that picked up many of the amendments that were offered to this item. Significantly -- mayor pro tem, want to lay it out?

>> Alter: Sure. I was going to make the motion --

>> Mayor Adler: Make the motion -- mayor pro tem makes motion passing item 66.

[9:17:17 PM]

Is there a second? Council member pool seconds it. Mayor pro tem.

>> Alter: Thank you. So what we have before us is item 66, which is an opportunity for us to move forward to add increased density along our corridors, recognizing that not every corridor is the same and allowing for us to tie changes in compatibility and parking with affordability and I think that this is a way forward that in providing three different types of corridors, a light rail corridor, larger corridors and medium corridors and allowing for that transition -- I think this resolution sets us on a path to achieve many F our

[9:18:17 PM]

goals that -- of our goals that we share as a dais and does so in a way that I think is fair and balanced. And I'm excited to see us take this step this evening, hopefully.

>> Mayor Adler: Thank you. Cosponsors? Anyone else want to speak to this? There's -- just for the record because I know we've talked about this, there are certain roads and streets that the sponsors do not think are covered by the description of corridors that we have. And we think those streets that are not contained within those corridors include east 11th street east of Navasota, east of 12th street, 38th street,

[9:19:19 PM]

38-1/2th street, 48th street. Sh-45 west of Mopac. Bluff Springs, Davis Lane, Duval, Exposition, FM 2222. Light zero metric, Oltorf, Pleasant Valley, Rosewood, Ross Road, South Wood, St. Elmo, Stack Avenue, Terry Road, Windsor Road, Woodward Street. As we go through this, I will admit honestly that from a policy perspective I would like for us to be going further on relaxing compatibility and

[9:20:23 PM]

parking. Relaxing our requirements. And I recognize that there are a lot of people in the community that would like us to go farther. I also recognize that there are people in our community that would like us not to change the existing situation or change it significantly less. But this has been an attempt we've talked about since earlier than November to try to come up with something that may be hard for us all to do but might actually be where the Venn diagram crosses and allow us to move forward. I think it's more critical now than it's ever been to increase density and housing on these corridors. And I think we - that's our existential challenge and I hope we're able to move forward with this. And then I also recognize that

[9:21:23 PM]

the Orange line goes up Gaudalupe. I was asked about the question this would have in the district -- Hyde Park area. I checked with legal staff and confirmed my understanding. Within the district, Park 12, section 4 of the NCCD. It generally establishes maximum heights of 40 feet, 60 feet south of 40th street. Additionally while exceptions exist, maximum heights within the residential speedway are generally capped at 30 feet and staff will apply the more restrictive provisions in event of a conflict with base zoning regulations. Doesn't have a significant impact but to the depth of the tract on Gaudalupe -- I think

[9:22:24 PM]

one of the larger tracts was 150 feet. I just throw that out there. And I hope that we're able to make it at least this measured movement toward relaxing -- toward contributing to housing supply in the city.
Council member kitchen?

>> Kitchen: Yes, mayor. Thank you. I appreciate the effort that went into this and I appreciate the approach, as you just described it. I think that that was very helpful and I really do appreciate that. I just have two questions just so I'm understanding this. The first question is that -- a minute ago you read out some list of streets, and I'm wanting to just understand -- is that by way of direction to staff that those should not be included?

[9:23:24 PM]

Or I'm not quite sure what happens with that list of streets. That's what I'm trying to understand.

>> Mayor Adler: I read it into the record because they're not exceptions. They're just not the streets we've defined but to make clear so people in the community weren't thinking that a street that was not in the identified elements might somehow or another be included -- we had some challenges with that before. The group decided not to include it because it's really not an exception because it's not one of the streets listed.

>> Kitchen: But some of those are. I think. I'll go back and look at the list. And you read it fast, but I thought I heard one that was an imagine Austin corridor. Maybe I was mistaken. My understanding is that what you did is you compared that list with your definitions and your understanding is that that list is not included in the definitions.

>> Mayor Adler: That's correct.

>> Kitchen: Okay. My second question is then, I'm

[9:24:25 PM]

trying to understand the reference to the level five streets, major highways. Because the reason I'm trying to understand that is because it has in parentheses "Major highways," so I want to understand from staff that the staff will interpret this as level five parts of highways. Some major highways, the access roads are level four and the highway itself is level five. Or there may be other aspects of these major highways that are level four and five. Mopac, for example, has level four and five. I-35 has level four and five and so does Ben white. I'm assuming -- I want the -- I'm fine with this. I don't have a problem with it. I just want to make sure that the staff is interpreting this as level five major highways. Just level five. And to the extent that there's

[9:25:27 PM]

level four involved, this does not include the level four areas because that's what I'm understanding was the intent here.

>> Mayor Adler: Yeah. It's level five areas, level five highways.

>> Kitchen: Okay.

>> Cole kitten, Austin transportation. Level fives are in our street network map. It is the highway system. Some level five highways do have frontage roads and those would be level fours.

>> Kitchen: Okay.

>> So if you look at the map all level five streets include 620, 360, 183, and the like.

>> Kitchen: Okay. But where there's access road that's level four, this does not apply to those level four streets. That's not what I understand the intent to be. I wanted to clarify that.

>> Mayor Adler: Why wouldn't you want -- if it's a level five highway and it's on a level five highway, I would think it's included.

>> Kitchen: It's not according

[9:26:27 PM]

to what you've written here and I don't think it's appropriate Na some places. They're level four for a reason in some places.

>> Mayor Adler: But frontage roads seem to be a different situation. A frontage road on part of a highway is part of the highway. Are you thinking of areas where there's not a level five highway involved?

>> Kitchen: I haven't studied it. I wanted to note there are level four areas.

>> Mayor Adler: If there's a level four area on a level five highway it's not to be included.

>> Kitchen: That's why I asked for the interpretation. You're saying something different than what is written here. This says level five. I wanted to be clear that that's what we're talking about.

>> Mayor Adler: I would think for all the reasons you would want it to be on level five you wouldn't want an intervening frontage road to displace that.

[9:27:28 PM]

>> Madame council, development officer, Austin transportation department. If you include level five that will automatically include the frontage roads because if you look at our frontage roads there cannot be any frontage roads without level five or highways being there. So if you note this as level five, that will include all the highways.

>> Mayor Adler: The frontage road is part of the level five highway system.

>> Kitchen: I want to note that there are places on the map that say level four. Maybe I don't -- you know, I couldn't zone in really closely to look at what those were, so it sounds like what you're saying is if it's part of the highway system, it's level five.

>> That is correct.

>> Kitchen: Okay. So I got that and in places where it's -- the mayor has confirmed that level five is the intent. That's what I wanted to check. Okay.

>> Thank you.

>> Mayor Adler: Okay.

[9:28:28 PM]

Council member tovo.

>> Trying to understand a couple of the amendments that I think are new here today.

>> Mayor Adler: Haven't been offered yet.

>> They're in the version you just distributed.

>> Mayor Adler: You're not talking?

>> Revisions.

>> Mayor Adler: Some of the changes in 66.

>> So letter F, it would exempt the following from compatibility regulations. The second one is any building that's just residential that has a maximum of 12 units and a maximum of 35 feet in height. That one I understand. I'm trying to understand the impact of little I. Any use permitted in -- you've got -- trying to understand how use functions in here. In any case it sounds like then you would have -- so those are

[9:29:33 PM]

also capped -- those would also be a height of 35 feet but you're not specifying these are residential uses necessarily.

>> Mayor Adler: Used as permitted in sf-6.

>> Can someone talk me through the rationale is? I need to understand what this does and why the inclusion and what's the impact on the value here.

>> Mayor Adler: I think this was council member harper-madison's proposed amendment that we incorporated and it was my understanding that it had a single family sf-6 use -- consistent with sf-6. Shouldn't trigger compatibility. Mayor pro tem?

>> Alter: So I think both of

[9:30:33 PM]

these were about not making -- trying to facilitate missing middle in these areas by not requiring the 25-foot set-back for missing middle. So it still has set backs that are defined on the chart that has the site development standards. But it would allow the set-backs to be smaller, depending on which sf zone it was. So you would still have set-backs but they wouldn't be as large as the 25-foot set-back. And so it's allowing the missing -- more missing middle to happen because you're making use of the set-back and not requiring -- you could have a missing middle -- that's how scale even and it would have to be further away than if it was single family.

[9:31:35 PM]

That's how I'm understanding it.

>> The set-back in I would be governed -- the set-back you would use would be the one -- say it's sf-4, for example. The setback would be -- let's see. I've only got 4-a. From the rear yard -- let me use sf-5. It would be the rear yard set back of 10. It would switch to the site development standard regulation.

>> Alter: Right. What happens is compatibility doesn't really matter because they're all capped at 35 feet. It only matters what the set-back is in cases of sf-6 or less. What this is allowing is the set-back of 25 feet not to -- it's allowing them to build in

[9:32:36 PM]

that 25-foot set-back. So the hundred foot distance, et cetera -- none of that matters because they're capped at 35 feet in their zone.

>> Okay.

>> Alter: We don't have any bonus programs or anything. So it's allowing the set-back to not be 25 feet.

>> Okay.

>> Alter: If you put a triplex or quad or -- you would be able to build it, only if it was on the corridors. This only applies on the corridors.

>> It's any use, not necessarily residential use. There are lots of uses that are conditional or permitted in zoning categories up to sf-6 that are not residential. You're not specifying or -- council member harper-madison in her amendment is not specifying. It's any use would be

[9:33:39 PM]

permitted. It could be community recreation, other -- anything pretty much on our chart. Local utility services. It could be anything that falls within a use allowed in sf-6 or more restrictive. It's not limited to -- it's not limited to residential.

>> Mayor Adler: I think this also provides that if you were building an sf-1 or sf-6 use -- a use that was allowed in sf-6 and you were building it in, say, an mf-4 zone, that that use, because it doesn't trigger compatibility, won't trigger compatibility. So if it's at sf-1, sf-6 use developed in a different category, it doesn't trigger compatibility if it's sf-6 or less restrictive because that

[9:34:40 PM]

doesn't trigger compatibility. That's how I read the amendment.

>> Kitchen: Mayor?

>> Mayor Adler: Yes. Council member kitchen?

>> Kitchen: I'm wondering -- I would think that the intent here is residential use. So would it be acceptable to you to say any residential use permitted? Because what we're trying to do here is allow for these missing middle, if I'm understanding this correctly. And so I think that -- because see the double I is specific. It says any building consistent of only residential units with maximum of 12 units. It's got that. When I was reading this originally I was thinking the intent was that it's residential. Is that not the intent?

>> Mayor Adler: I think that's the intent but I think residential has a more restrictive use -- limited to three units.

>> Kitchen: In sf-6, you mean?

[9:35:41 PM]

It would give you at least six units, would it not.

>> Mayor Adler: I'm not sure that's called "Residential".

>> Kitchen: Okay.

>> Mayor Adler: I think what the language said was any use allowed in sf-6 or below.

>> Kitchen: But it should be a housing use.

>> Mayor Adler: Right.

>> Kitchen: Maybe residential is not the right term, but any housing use. Is there -- can we ask staff.

>> Mayor Adler: We can ask staff.

>> Kitchen: Yeah.

>> Mayor Adler: That might be okay.

>> Kitchen: Yeah.

>> Mayor Adler: Residential with a little R. I'm not positive it makes a difference but that was my understanding.

>> I was going to see if Mr. Rusthoven might help us.

>> Mayor Adler: That was the issue. I don't want to accidentally use a four-plex and have it not count as residential.

[9:36:42 PM]

>> We have categories in the code such as residential, civic -- that have variety of uses laid out in the code.

>> Mayor Adler: Would all residential uses allowed in sf-6 or below be called residential.

>> It extends to anything that's not?

>> It has residential and lists below it the different varieties of residential -- defining multifamily and condo, et cetera.

>> Kitchen: Would it be acceptable to insert little l any residential use?

>> Mayor Adler: To insert little l?

>> Kitchen: Yeah.

>> Mayor Adler: Any residential use?

>> Kitchen: Yeah, permitted in

[9:37:43 PM]

sf-6, et cetera.

>> Mayor Adler: Any residential use -- adding the word "Residential" in front of "Use."

>> Kitchen: Yes.

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

>> Harper-madison: I'm okay with that. I'm looking at the specifications under residential. Bed and breakfast residential, condominium -- there are many uses. I'm fine with that.

>> Mayor Adler: That's accepted.

>> Kitchen: I have a different question about the same -- what the intent is here. I'm assuming -- it says exempt the following from compatibility regulations. I'm assuming we're talking about the height aspect, not the -- not dumpsters, lights, noise, other kinds of things. With these smaller multifamily

[9:38:46 PM]

you're not going to likely have any of those issues but if you get up to a -- if you get up to 12 units you could have potentially like where the dumpsters are placed and stuff like that. I'm assuming this was intended to -- when it says "Compatibility intended to speak to the height -- is that the intent? I think you're nodding yes.

>> Harper-madison: I am.

>> Kitchen: So if the staff understands it to mean that, that's fine. I don't know how you would word it to make that clear, but can I hear from staff? That they would read this to mean the height? Or --

>> Harper-madison: For what it's worth whenever we hear that something triggers compatibility we're exclusively talking about height so they're not taking into consideration some of the other regulatory

[9:39:47 PM]

measures.

>> If I may clarify, compatibility -- that triggers several different things. Height restrictions are one of them. There are lighting, dumpster location, fencing. I think it's important that you clarify whether this is just applying to the height restrictions or whether it's applying to the other restrictions as well. That is something we would need to be codified.

>> Kitchen: Would it work to say exempt the following from compatibility regulations related to heights and set-backs? Would that cover everything?

>> Mayor Adler: Are you okay adding "Height"?

>> I suggest we might want to put that at the top, as long as it also includes the 25-foot set-back at number four. Because I think we would want to clarify that for everything. It was not the intention to change the other items.

[9:40:51 PM]

Mr. Rusthoven, if we put it under number four and says modify the height compatibility regulations to -- and then --

>> Mayor Adler: Height and set-back regulations.

>> Alter: Right.

>> Mayor Adler: Modifies the height and set-back compatibility regulations.

>> Alter: And parking regulations in a separate section. Thank you for pointing that out.

>> Mayor Adler: Number four says modifies to --

>> Kitchen: Am I hearing --

>> Alter: Side set-backs that we have to consider? Or is that just in the zone?

>> Mayor Adler: I'm sorry. What?

>> Alter: It's the -- I just want to make sure there are not other -- we have been talking about the set-back for when you can start building height and there are side and rear set

[9:41:52 PM]

backs that we were not talking about modifying, so I want to -- it seems like the height one -- the site set-backs are in the base zone, so as long as we are understanding that if we say modifies the height and set-back compatibility that we are talking about, that kind of chart where it's 25 feet and then hundred.

>> Mayor Adler: Right.

>> Alter: Is that clear that way or?

>> Could you repeat it?

>> Alter: If we says modifies the height and compatibility height and set-back regulations that we would only be talking about because the rear and side and front ones would be determined by their base

[9:42:53 PM]

zoning.

>> Yes.

>> Alter: [Indiscernible] Compatibility.

>> That would work to do modifies height and set-back regulations.

>> Mayor Adler: Without objection that amendment is incorporated.

>> Kitchen: Is that going in two places.

>> Calderon: --

>> Mayor Adler: It's in number four.

>> Alter: Do we need anything on number five for that?

>> Mayor Adler: I don't think so. All right. Any other questions? Any other amendments to 66? Council member tovo?

>> Kitchen: Wait. I didn't --

>> Mayor Adler: Go ahead. So under 5-a you're thinking that reference -- I didn't hear what y'all said -- to end compatibility regulations would you not need height and set-back there also.

>> Mayor Adler: That means you

[9:43:55 PM]

only look -- beyond a hundred feet does not set off compatibility, does not trigger compatibility.

>> I think we could add height because we don't want to not have the dumpster regulations. I don't think that would be a problem.

>> Kitchen: So 5-a we'll put "Height" also.

>> Mayor Adler: Compatibility, height and set-back regulations on 5-a. Okay. All right. We -- out of the base document, we can go to other amendments. Council member tovo.

>> Thanks, mayor, I distributed a motion sheet with two quick amendments. The first prohibits type two

[9:44:58 PM]

and type three short-term rentals and units along the corridors. There's been a lot of work from the working group and I appreciate it on thinking through compatibility and how we might adjust compatibility in reasonable ways and to make sure the housing stays housing and doesn't become hotels. I think we should take action and prohibit type two and type three. The second asks for additional tools to help understand how compatibility will look, how the development post these will look on different sizes and depths. So, you know, we've gotten some charts which are useful. I think we need to see a couple -- you know, not -- I don't think this adds time. I don't think it adds expense,

[9:45:58 PM]

just some modelling and visual illustration of what some of the -- using different lot deps and lot sizes which I think vary a lot, depending on whether you're in the central city or south but taking different lot sizes and depths, map out and provide with illustrations there. Those are my amendments. I can offer them together or separately.

>> Mayor Adler: Are we talking about the?

>> I'm talking about all the units. I think we have, as has been said multiple times, a housing crisis. We're trying -- looking at ways to create more housing and to make sure that remains housing and not hotels, I would urge that we prohibit short-term rentals. I'm not prohibiting type one which we know homeowners are using in part to help pay their property taxes and offset costs

[9:46:59 PM]

to generate additional revenue, but I'm suggesting we prohibit type two and three which are investment properties that are really hotels.

>> Mayor Adler: Anybody want to speak to amendment number one? Mayor pro tem?

>> Alter: I have a question to clarify. Broadly speaking I agree with the sentiment. Are you saying if they access the bonus for their entire property they can't do those or just for the bonus part? Or no matter where you are, whether you use the bonus or not on these corridors.

>> I would like to go with the less of those, corridors to not have -- short-term rentals.

>> Alter: So it would not -- I don't think that would be found in section five because that's only about the bonus program, so we need to figure out where that would go and discuss whether we want -- whether the dais wants to do that. It could be a number 8 but --

[9:48:05 PM]

it could be number 8 but wouldn't go under number 5.

>> Thank you.

>> Brief question.

>> Mayor Adler: Council member vela.

>> Vela: It would be less than 30 day rentals. I don't want to impact a 90-day lease. These would be strictly city code regulations -- only apply -- okay. That's fine.

>> Alter: It would still allow somebody who owns a property to do a type one version. .

>> If you lived on the corridor you could short-term your property under the code amendments for type one.

>> Mayor Adler: Any objection to item number one? We're going to create it in number 8.

[9:49:06 PM]

Type -- short term rentals and units along the corridors. I haven't had a chance to vet that concept or anything but I'm okay passing this ordinance and moving it along and seeing how the conversation goes as this ordinance is developed. Okay. That comes in as new section 8. Section 2, asking staff to provide modelling or visual analysis of the lot sizes. Anybody have objection to that? Yes, mayor pro tem.

>> Alter: I don't object. We have to figure out where it goes. It seems to be it would be an additional be it further rel so ved.

>> Mayor Adler: I think you're right.

>> Alter: Right before the last one.

>> Mayor Adler: Okay. So this will be the penultimate

[9:50:07 PM]

"Be it resolved." Second to last. Any objection? Hearing none, that's included. Any other amendments to be offered to 66 before we vote? Council member vela?

>> Vela: I have one that I passed out. My understanding is that there's no waiver of compatibility regardless of the circumstances or situation and I think all laws should have some kind of waiver or exception when circumstances so warrant. So I'm offering an amendment to allow the planning commission to waive compatibility and that can be appealed to city council.

>> Mayor Adler: Mayor pro tem?

>> Alter: Do you think staff can explain how the board of variances works? Because I think we have -- board of adjustment. Sorry.

[9:51:11 PM]

>> Generally speaking? Generally speaking board of adjustment grants variances to -- they do that when they make a finding there's a hardship in a particular case.

>> Kitchen: I have a question --

>> Mayor Adler: Would this be available, if someone wanted a variance -- would this be available for a board of adjustment variance.

>> Yes.

>> Kitchen: I have a question.

>> Mayor Adler: Council member kitchen?

>> Kitchen: Okay. If I'm hearing correctly, this would be the board -- this citation is reference to the board of adjustment. Is that correct? Is that correct.

>> In the motion sheet? It says land use commission.

>> Kitchen: So this would be in front of the planning commission, right.

>> Yes. Current code in 25281 has a process where you can go under certain circumstances -- you can go to the land use

[9:52:13 PM]

commission. Under other circumstances you go to board of adjustment. We could do something -- apply that same to these particular -- this set of regulations.

>> Kitchen: Okay. What's the public input process part of this? Or is there a public input process as part of this request.

>> Because it would be a public hearing item in front of the land use commission it will follow the notice requirements that they follow.

>> Kitchen: Okay.

>> If it's in front of the boa they will follow the notice procedures.

>> Kitchen: What would determine which one they go under? Is it the type of request or something? That's all right, if you don't have it right there. I assume it's something -- maybe Jerry knows.

>> Council member, I believe you're referring to the code in

[9:53:19 PM]

[speaking rapidly].

>> Kitchen: Yes.

>> They have public hearings, like we're having here today but there is a major difference with regard to board of adjust because it's considered a quasi judicial board. You're not allowed to lobby -- not the public, not the applicant. Planning commission is similar to city council. It allows for lobbying, contact between the commission members and the public.

>> Kitchen: I'm wondering if council member vela would be amenable to adding to the end something to the effect "Which may be appealed to city council and which provides for an appropriate public input process".

>> Vela: I would have no objection to adding that. If I -- the other reason that I'm bringing this is that my

[9:54:21 PM]

understanding is that hardship as defined is an extremely high standard where it would otherwise -- like the property would be kind of undevelopable if not for the waiver. And thp would not be -- we're not talking about a situation where the property is undevelopable. We're talking about a situation where one triggering property is cutting down a number of units and, for example, that homeowner might even say, you know what? I don't care. You know what I mean? That's fine, but there's no process via the city to actually do that. You know, and again, I just want the -- our planning commission and city council to consider it. And if in the proper circumstances to waive it.

>> Kitchen: I'm fine with that as long as we're including some kind of public input process.

>> Mayor Adler: Council member kitchen --

>> Alter: I'm not okay. We had a process that allows us

[9:55:23 PM]

to waive compatibility at land use commission. I think this is going to create a lot of havoc for our planning commission through all sorts of things and then we're going to get all sorts of cases where it's these little different things and we don't have the ability to waive that ability at our level. I just think that really complicates things. I think we can think about this and see if we come to a solution by the time the ordinance comes back. I'm not comfortable when we have an existing process and the ramifications are huge for the process down the line in terms of vagaries of how things get handled and how it's assigned to other commissions that can be lobbied.

>> Mayor Adler: Council member kitchen?

>> Kitchen: This is a resolution, so it still has to come back to us, right? I mean, that's the intent.

[9:56:23 PM]

So we'd review it -- we'd have to review the amendments and then vote on them again. So I don't have an issue around proceeding with this. I think it makes sense to go ahead and proceed with it.

>> Alter: Don't think we want to empower our land use commission to make willy-nilly compatibility decisions based on no criteria.

>> Kitchen: It doesn't say that.

>> Alter: I know but the -- we have a process for a lot of situations. And so if you start to assess, well, they say they can do this much more if you get rid of compatibility, then you don't have a compatibility rule -- you go to your land use commission and waive what you're doing.

>> Kitchen: What is the process that we already have?

>> Alter: Staff?

>> That's a very good question.

[9:57:28 PM]

>> I'm looking at a version I can actually see.

>> Okay.

>> So the waivers -- the compatibility provisions of the code include a waiver section and 1080 -- it's 25281, referenced in council member vela's motion. It authorizes the land use commission and on appeal to council to waive requirement of the article if the land use commission or council determine that a waiver is appropriate and will not harm the surrounding area. There are some parameters about the land use or council can do in terms of a set-back. It addresses when the land use or council can address a height restriction. And then -- sorry -- it has another limitation about the authority related to

height, but on top of all it, it doesn't prevent someone from going to the board of adjustment to make a variance

[9:58:30 PM]

request. So there is a process in place. What we would do if this passes is we would ensure that this particular set of regulations would be able to utilize the same process at 25281.

>> Mayor Adler: So -- right now the waiver provision says you could have -- you can waive things but then it puts in parameters for when you can waive or not waive -- what kind of things can be considered or not. I think by putting in those kind of direction people know kind of the field within which they would be potentially -- things would be waived. You want to go I'm concerned if we begin this

[9:59:30 PM]

summer with a waiver position that doesn't have any parameters on it, that we're going to spend the next two or three months hearing from people that we pass something that would enable the planning commission to totally disregard compatibility standards and just waive it in all cases. Not that that would ever happen, but that would be allowed by a strict reading of a waiver provision that doesn't have any parameters or limitations. And I'm concerned about what happens in the public debate over the next two months if we have that. I think what I would rather have, councilmember vela, is to develop the main part of the process so that it could come back from the planning commission with a waiver provision that had parameters in it that had gone through that process, rather than -- I just see myself with thousands of

[10:00:33 PM]

emails from the constituent groups, the constituent groups that I'm sending off emails -- saying, well, that would never happen and the answer is that it could because that's what the words say. So I'm inclined to not support this now but urge you and others to develop that as part of the ordinance strategy process and bring it back.

>> Vela: I fully understand that, mayor, and I -- my goal would not be to complicate the working group's draft, and I'm going to go ahead and I will withdraw the amendment and I will look to maybe have the planning commission initiate something or take another look at the waiver process for compatibility and let's go ahead and let this process kind of finish and maybe we can pick up another process down the road.

>> Mayor Adler: Thank you. I appreciate that. Mayor pro tem.

>> Alter: I think when we do that we should really be adhering to our existing process and making sure that this works through the existing process but

[10:01:35 PM]

because we're already essentially waiving stuff, like, I'm not sure what you have to waive in this case for -- for the hardships. That would be different than what is in our twisting process and that's what we -- existing process and that's what we have to understand and having a detailed look of that process, I think that it is fine.

>> Mayor Adler: So let's develop and come back, I think that it might be around there. Councilmember Kelly. Thank you.

>> Kelly: I just want to make note that it's 10:00 and we should probably vote to continue. Thank you.

>> Mayor Adler: A motion to extend past 10:00, a second? Councilmember Ellis seconds it. Any objection? Seeing none --

>> I have to abstain. Maine mayor pro tem is abstaining and no objections we will proceed past 10:00 but let's see if we can move quicker. Any changes to 66 before we vote? We have lost Kathie, where did

[10:02:35 PM]

Kathie go?

>> Vela: I think she just went to the back for a moment. So I have one question on the city piece that I know -- where did my copy go? In the -- in the version 2 that is offered, it says that it would just -- it would not be the use, it would only be the zoning category that would trigger compatibility, however, my understanding is that there are, for example, civic uses. I believe that camp nabri is s3 and I think that there are churches and other organizations or other -- you know, that are sf3, and there's not an sf3 use on the property, but it is still triggering compatibility as a zone that is sf3. So what about combining and saying that it has to be both -- an sf zone property, plus a

[10:03:36 PM]

single-family use. You know, not a church, for example. On a single-family zone property or not some other type of civic use on an sf3 property that is triggering compatibility. I know that has been an issue with a handful of -- of properties and it can be, you know, it could be a real -- it could be problematic.

>> Mayor Adler: Requiring both use, if there is any, and the zone -- if there's no use then it's just the zone? If there's a use than it has to be use and a zone.

>> Vela: That it would be both sf3 zoning and sf3 use, not sf3 zoning used by a non---

>> Mayor Adler: That makes sense to me, let me check with my other colleagues.

>> Kitchen: So I'm sorry, what is the --

[10:04:39 PM]

>> Mayor Adler: Councilmember kitchen.

>> I believe that councilmember --

>> I thought that it would be helpful for you to give us a little bit of information.

>> So the example that councilmember vela raises has occurred several times and it's not what compatibility was intended for. And it's true that churches are allowed in every zoning category including single-family. So we had situations where churches did trigger compatibility. We always looked at it as intended for residential uses as opposed to religious services use. So that amendment to me would make sense to regard to churches.

>> Mayor Adler: It would make sense?

>> Yes.

>> Mayor Adler: Mayor pro tem?

>> Alter: So I would like to say that maybe we could do it as what we have in terms of either zoning and then explore the combination. And it's likely fine, and I can do, you know, 100%, I know that

[10:05:39 PM]

we have schools that are triggering in some areas where this matters, but without -- you know, I don't know that it doesn't create a problem, you know -- when we put together this proposal we really went through and scoured lots of examples of things. So I think that it's something that is absolutely something that we should explore through this process. So I don't know if we can -- if we can say, you know, do it for sure with the -- you know, it's not triggered by use but by zoning. And then explore how you would do that combination. I think that it should be -- it should be fine, because, you know, camp nabri should be triggering it, not that there's much anything around it that would be an issue. But we have schools, for instance, that are sf1 that are

-- that are triggering things that would be a good candidate for it. I would just be a lot more comfortable if we could say to

[10:06:41 PM]

do it our way and put that in the exploring section and if it turns out that it really makes a lot of sense, which it may, then we -- then we just add it in the ordinance part. So giving an option to do it, and I would be -- you know -- you know, it could be brought to council even before we finalize them and share and we could make a decision.

>> Chair, if I have the information what civic uses are allowed in single-family categories so you can exactly what those are and we can report that back to council if you like.

>> Alter: But it's also -- you know, part what we did as we put this together is to really look around the city and to see sort of the impact and what made sense, absent of full planning process. And so I would just -- I would like to have that opportunity to think about that before determining absolutely yes, because one of the things that we learned as we went through different things is that some

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things you didn't really expect had big impacts. And so I do think that it's something that I can get behind 100%, but at this stage I would

-- I would propose that we put it in the section where we had the exploring section, the third to last one, where we have sort of applying light rail or larger corridor regulations to T.O.D.S and providing analysis that the affordable housing capacity yield to us.

>> Mayor Adler: What about number five that says explore limiting triggers as concerned civic uses and also non-residential uses in residential Zones?

>> Vela: That sounds excellent to me, mayor. And just as a note, I believe that the camp nabri sf3 floor clipped a floor off one of the bull creek buildings along there, that I think is where -- at least my staff and I got the

[10:08:45 PM]

initial idea that -- that, you know, I had no idea --

>> Mayor Adler: That makes sense. So put in the explore category and number five would say to explore limiting triggers as concerned civic uses and also non-residential uses in residential Zones. Any objection to that?

>> Kitchen: Can you say that one more time?

>> Mayor Adler: Explore limiting triggers as concerns civic uses, and also non-residential uses in residential Zones. Okay, that is included. Any other amendments before we go on and vote on 66. Those in favor of 66, please raise your hand. Those opposed? Is councilmember harper-madison with us? Councilmember harper-madison is with us. So I see unanimous on the dais, 66 passes.

>> Actually, mayor, my amendment

[10:09:46 PM]

is raised. It was one of the amendments that we didn't cover.

>> Mayor Adler: Okay.

>> Harper-madison: And it was the first one.

>> Mayor Adler: This was including options for compatibility setback distances?

>> Harper-madison: Correct.

>> We included the provide analysis of the affordable housing capacity yield of this resolution in the third to last "Be it resolved." As opposed to the other options.

>> Kitchen: I don't think that was for an amendment though. Councilmember harper-madison, are you talking about the one that you posted on the message

[10:10:48 PM]

board?

>> Mayor Adler: Yes, it says include options for setback distances of 25, 50,

[indiscernible] Sooner. And my only concern with this was that we're trying to send a message to the community that we're trying to find that place where the vin diagrams overlap and we'll be gone for the next two months and I'm just real concerned about a community that gets wrapped around the axle for the next two months, thinking that we're going to do something with compatibility at 25 feet or 50 feet. I don't think that is -- well, while I may do that if it was just me -- um, that's not kind of what this exercise is, and I'm just afraid that would involve us in a community debate or discussion that wasn't on point. And we would lose momentum. But I do think that asking the question about what is the yield

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with these other options is a fair question to ask. And that's the kind of thing that each of us have the ability to ask staff and we, in fact, are asking staff to come back with that data. So we would have that data and that information, and certainly if the consensus point changes, someone could move to amend this later on. But in this statement, we're saying at this point where we think that the vin diagrams intersect. So, my request would be that we don't try to trigger something that -- that is different than trying to reach the compromise. We put in here getting the analysis and we are all asking for the analysis of these different distances, so we'll have the information and in case there's a consensus or movement to amend this as part of the ordinance approval process.

[10:12:54 PM]

>> Vela: Mayor.

>> Mayor Adler: Yes, councilmember vela.

>> Vela: Can I make a suggestion on the resolution and maybe other possible compatibility options, you know, or something to that effect, you know -- this goes from the vmu analysis that the staff gave us which I thought that was very helpful, you know, where they were talking about the compatibility limitations on the vmu and the map that they put together and then, like, saying that if you do it at this level we capture 30% of the properties. And at this level 50% of the properties flvment my and from my perspective that was very helpful.

>> Mayor Adler: I know that we don't want to call them options but what if we said provide analysis and affordable housing capacity in this resolution and other compatibility distances.

>> Vela: I think -- I think that language is fine, if

[10:13:57 PM]

councilmember harper-madison is okay with it.

>> Harper-madison: I guess that I just want to make certain that my intention is understood. Mayor, I heard what you said, and it kind of sounds to me like you're concerned that -- that my attempt is to sort of stymie the process, but I really am -- I am just asking for information. And so -- but hopefully that's how you understand it.

>> Mayor Adler: Well, I was -- I was seeing the word "Options" and other things and that made me think that maybe it was alternatives and I didn't want to go to options or alternatives, because this resolution is about this. And the standards that we have here represent where we think that the compromise is and where the vin diagrams cross and that

[10:14:58 PM]

we get the higher number of votes. So I want to make it clear that we're not passing this to consider other alternatives. But to the degree that you just ask for data which people can do directly to staff otherwise, I was seeing whether there could be agreement on just saying in other compatibility distances, whether that is sufficiently separated us. Is there language that could --

>> Harper-madison: Sure, in theory, but I just want to make sure that I'm being really clear that we're on the same page as we move forward. I -- you know, I have already said before that -- I say it all the time -- that these land-use conversations, they really involve a lot of complex concepts that can really fly over the head of our constituents and lay people and I think that as we wade through these super thick weeds, you need to be a subject matter expert to really hack through it all. So I think that given as councilmembers we have so much on our plate consistently, so many considerations, you know, the budget, public safety,

[10:15:59 PM]

public health, um, I think, you know -- we're trying to guide the -- you know, the construction of a world-class transit system. I think that it is stretched pretty thin and in my mind's eye it would be best to leave it to the trained experts on our staff to do their jobs and to bring us comprehensive options. And so I was really asking as a policymaking body that we have the ability to make those data-driven decisions, I certainly wasn't making any attempt to have people be fearful that we are initiating anything that -- you know, that we hadn't discussed with them. I do want, you know, you are my colleagues and the general public to understand that I just really would like to know, based on expert produced data what some of the options could be.

>> Mayor Adler: So let's do this, because I -- I have Rodney

[10:17:01 PM]

sitting next to me here and I asked Rodney, you are now making the request for that data and that information for other distances. And I am asking Rodney if you will provide that to councilmember harper-madison?

>> We certainly will. Yeah, if we take requests, we will provide that data.

>> Mayor Adler: Okay. I think that you should consider it as a request because we have all heard it and probably she's not alone in making that request. So my question for you, councilmember harper-madison, given that and the commitment just made by Rodney here in open session, you will get the information and data as you just said. Are you okay then not putting it into the resolution itself?

>> Harper-madison: Oh, it feels like the conversation is just the two of us right now and I wouldn't mind to hear from some of our colleagues to gauge from them how they're feeling about moving forward with it as part of the resolution or just information that we receive from

[10:18:01 PM]

acm Gonzales and staff.

>> Mayor Adler: Sounds good. Mayor pro tem.

>> Alter: If you have a question from staff they would present it to you and I would prefer to have it done that way.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would suggest that it would be better if it would be presented to the entire council. And there would be a recognition by the council that it could be data that we might want to use when this comes back to us.

>> Mayor Adler: Okay. Could you please provide that information to everyone?

>> Absolutely. And just to be clear, that was our intention was to provide the response --

>> Kitchen: I figured it was and I just wanted to specify. But I think that councilmember harper-madison is also asking to have information that she or others may want to point to when this comes back to us.

>> Mayor Adler: There would be nothing stopping anyone from doing that.

>> Kitchen: Okay, just wanted to put that on the record.

>> Mayor Adler: Yes, okay.

>> Harper-madison: Thank you, councilmember kitchen, I appreciate that.

>> Mayor Adler: Thank you,

[10:19:02 PM]

councilmember harper-madison. Any other amendments to 66? Councilmember kitchen?

>> Kitchen: We had a conversation that -- we had a conversation at a work session that I don't see reflected in here and so I just want to raise it again. It may be similar to what we just did, it may be a direction kind of thing as opposed to any language. We had a conversation about the importance of our city policy to provide opportunities for affordable housing throughout the city. And we also had a conversation about the -- you know, about insuring that when we were looking at making these kinds of changes, which are linked to corridors and affordability, that we really be looking throughout the city. I

am concerned that we really haven't accomplished that. I'm concerned that this is focused in certain parts of the city and not in others.

[10:20:03 PM]

I think that's just a function of the way that we have defined things in the past. So, I would like to ask -- I would like to ask if there's room for -- for staff to -- to consider -- you know, something along the lines of considering or exploring additional transit corridors as needed to promote the city's policy to locate affordable housing throughout the city. I'm just asking if there's any -- we -- I don't think that we have addressed that and I'm wanting to -- I'm requesting or asking if there's room to have that conversation when this comes back to us. And I would throw that out for my colleagues to see if there's interest in either a direction or adding language to that effect?

[10:21:08 PM]

>> Vela: Councilmember kitchen, if I could and staff can help with this conversation. You may remember that we have the strategic housing blueprint and that strategic housing blueprint has goals by district for affordable housing. So that's our overarching program that we implement as staff, and so in everything that we do, we are always going to attempt to achieve those goals by district.

>> Kitchen: Okay. So I'm hearing that to say in everything that we do. So here we are looking at making changes to compatibility on specified corridors. So as staff works on this, when you come back to us, I would like part of that conversation of what comes back to us to tell us, you know, if you recommend or suggest or just identify that this tool that we're putting in place is really not addressing parts of the city. If that's the case I would like to have that conversation then.

>> Absolutely. I can -- I can ask staff to

[10:22:09 PM]

confirm, you know, when we bring this back, you know, as we look at the corridors that we'll also look at it by district to give you that information.

>> Kitchen: Okay. If -- I'm fine with that, as long as -- I'm just wanting to let my -- well, you know, I'm the only one talking here and ask others if it's just me, but ask what others think, but I am concerned. I don't see this as -- as really -- you know, if someone -- well, anyway, if the information comes back and says, well we've already got a lot of affordable housing in certain districts and we don't need to worry about this tool, that's great. But if it comes back and says we're using this tool and we're not using this tool in

parts of the city where we're really not getting much affordable housing for our goals, then we really ought to have a conversation about whether we ought to use these tools. That's all I'm trying to say.

>> Okay, sounds good.

[10:23:10 PM]

>> So I just want to address that because one of the things that we do and we see on our agenda is that we have many tools to address housing and they don't all fit every part of town. So, we have passed Adu resolution, I think that we passed the planning resolution. Compatibility is not what is -- compatibility and parking is not what is constraining growth in my district, since I think that this is directed at me. We looked at several places that are not included in this and changes and compatibility and changes in parking and they don't have any transit and they're not constrained by compatibility and their underlining zoning doesn't go above a certain amount. So really the planning district process and the Adu process and those are better tools, the process that we're undergoing with U.T., and those are better

[10:24:10 PM]

tools for addressing the growth in other parts of town. This tool itself on its own is not going to get there, and it won't -- I mean, one could add it to make one feel that we're doing more in other parts but it's actually going to have zero impact. And it's just because of what's there on the ground. And if we want to move forward we have to be using those other tools.

>> Kitchen: I was not trying to focus on district 10. That was not my intent. But my intent was just to ask the question about whether this is a tool -- it's really to ask the question that you just raised. You know, is this a tool that really we should use in other parts of the city. That's the question that I'm asking. Maybe it isn't, and maybe it is. I just want us to be open to having that conversation, that's all. You know, we do have transit

[10:25:13 PM]

identified corridors in other parts of the city that we didn't include in here. We didn't include our transit priority network for good reasons. But, there are other -- there are other roads that are part of the tpm that might be appropriate to include. All I'm saying is let's just -- I just want to -- I just don't want to have this come back to us in September and have it said because we didn't put anything in this resolution that we can't have the conversation then. That's all I'm trying to say.

>> Mayor Adler: And I -- I am comfortable at this point to let that develop as part of the ordinance development process. I think that it's a good point to make and as the ordinance goes through the

process it can be further developed by other stakeholders involved in this process and other processes. I would suggest that we pass this and move on.

>> Kitchen: I think that you have one person over there.

>> Mayor Adler: Yes, councilmember.

>> Vela: I just wanted to agree and I was making very similar arguments on -- on it too. And I think that it would be

[10:26:13 PM]

helpful and very reasonable to have staff to maybe look at what other corridors that we could roll into as part of this process. You know, particularly, I mean, we've got a lot of transit, for example, in my district. My entire district is core, you know, medium and large corridors. But other districts don't -- we do want to put housing there too, so I just want to say that I would be very supportive of what councilmember kitchen is proposing.

>> Mayor Adler: What we tried to do -- and I find as we go through the process that people can come up and even identify certain roads that they think that ought to be included. You know, we were trying to come up with categories and come up with something that we could apply but certainly in this process they could come back to us from planning commission with a specific road on it and it wasn't included. And then there's nothing to stop that from happening as part of the process. All right, let's go ahead and take a vote on 66. Ready, those in favor of 66,

[10:27:15 PM]

please raise your hand. Those opposed? Unanimous on the dais. Is that right? Okay.

>> [Indiscernible].

>> Mayor Adler: We did? But, again, it's unanimous. But then -- and that's right. But then -- councilmember harper-madison recognized or pointed out that she had her hand raised and I didn't call on her so we doubled back. All right let's go to the next item now. All right, I think that gets us up to 124. Councilmember harper-madison.

>> Kitchen: Mayor, you want to take 80 first?

>> Mayor Adler: Let's do 124 first.

[10:28:15 PM]

Councilmember?

>> Harper-madison: I'm certain that this is one that we have gotten a lot of emails about. And so I'm pretty happy to be bringing the item forward. You know, it's one of our oldest and most iconic parts of the city and so it's really important as some of our colleagues have already recognized that we do as much as we can to make it as vibrant and robust as possible. So I'm moving that we bring forward item number 24.

>> Mayor Adler: Councilmember tovo pulled this. And is there a second to that, councilmember Kelly seconds that. And councilmember tovo you pulled this?

>> Tovo: I did. Thank you. Councilmember harper-madison talked about the historic nature of it, and I passed out a sheet and that this is a historic district, one of the very few that we have here in Austin. I can talk about these

[10:29:15 PM]

amendments or not but I will just leave it out there for now. But this will ensure that we get -- we actually get a historic review which I think that is appropriate, necessary, critical. It's my understanding the applicant or the attorney for the applicant has reviewed the amendments and is comfortable with them. This is, you know, to kind of set the stage, I mean, this is a code amendment that has been requested by an applicant who owns blocks of sixth street and has initiated -- or requested the initiation of these code amendments to construct a redevelopment.

>> Mayor Adler: Okay. Is the applicant agent here? Are you okay with these amendments?

>> Council, my name is Richard saidler and here proposing these and, yes, we're okay with the amendments.

>> Mayor Adler: Okay. Any further or objections to

[10:30:17 PM]

these amendments being included?

>> Vela: Can we change one ordinance. I'm sorry, just change the word applicant to developer. On where it says after line 16 --

>> Mayor Adler: Yes.

>> Vela: We really don't have an applicant. I think that developer would be a better word.

>> Mayor Adler: Okay.

>> Tovo: Thank you.

>> Mayor Adler: It should already say developer rather than the developer.

>> Tovo: Well, it is a very particular -- I mean, this is a code amendment responding to a very specific request from a specific developer so I think we should be transparent.

>> Mayor Adler: Does it say that in the body of this? It's asking for a wider study. I may remember wrong the base document.

>> Harper-madison: It does not and for what it's worth, mayor, I don't think that is necessary. I think we find inspiration from a multitude of sources and we don't always make reference to that as part of the process of

[10:31:17 PM]

adopting the item. So I think that for what it's worth we can -- we can accomplish what we're attempting to accomplish, especially with councilmember tovo's amendments accepted by the applicant.

>> Mayor Adler: Okay.

>> Harper-madison: I have a few remarks that I would like to make but I think that we can move forward.

>> Mayor Adler: We will change applicant to developer. Any objections to this amendment being included, councilmember Kelly.

>> Tovo: There's another reference to applicant and if they could change them both so it's not the city.

>> Kelly: I just have a question, in our discussions related to initiating code amendments such as this, if it really makes any difference where it comes from? I'm not sure that I've ever experienced this type of initiation and so I just want the public to also understand if it matters how we got to this point, if we're trying to accomplish a goal regardless of where it comes from, if that makes sense.

>> Mayor Adler: I think that for me, I think that for the overall

[10:32:18 PM]

safety and culture and viability of the city, I think that there's been a lot of us who for years have been talking about encouraging more family uses on that street. So I think that this happens without any developer moving forward, but I'm happy that there is someone indicating interest.

>> Kelly: And I appreciate that, because to me it doesn't matter what vehicle the initiation comes to council with, if collectively we agree that it's a good thing to move forward with, we absolutely should do that.

>> Mayor Adler: Good point. Mayor pro tem.

>> Alter: I just want to speak on the process, because I'm really uncomfortable about an amendment -- an initiative of this magnitude being initiated by council without the councilmember whose district it is in being part of the quorum. That is not a precedent that I am real comfortable with. And I don't know how that happened, or whatever, but I think that is really

[10:33:20 PM]

unfortunate. People are elected to represent their district and they have special knowledge and something of this magnitude that really should be part of what we see.

>> Mayor Adler: Okay. We have item 124 as amended.

>> Tovo: I want to thank my colleague and say that it certainly introduces a new precedent.

>> Mayor Adler: We have 124, moved and seconded and amended. Any further discussion before we vote? Councilmember harper-madison?

>> Harper-madison: Thank you, mayor, I appreciate that. I do have a few more words that I'd like to share. But briefly, I will respond to mayor pro tem's concerns and just say that, you know, that there was a lot of consideration that went into the process and I'm happy to share with you off-line if you would like to know exactly how we came to the decision to -- to move forward like we did, including, you

[10:34:20 PM]

know, which I'm happy to share publicly, including, you know, we don't know what this dais will look like next year. And so in my mind's eye, the best path forward is the easiest way to get good results when the time is right. And so all of those things happened to culminate now. And as I said, I recognize, especially, you know, being an austinite and having sixth street means so much to my formative experience and having, you know, sixth street be truly a part of, you know, me growing up in this city, and I do appreciate that the district is not mine by way of my professional capacity, but it very much feels like a part of me. As a person who is from this city. And so while I can appreciate that there's no precedent necessarily, I will request some

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grace and acknowledgement that as an austinite, I mean, it's the city center and it means a lot of things to me personally. Which was a large part of why I decided to bring the item forward and a large part, you know, of me recognizing that people from all over the world, you know, come to this town. I have been all over the world and told people to go to sixth street. You know, it's ground zero for south by

southwest. You know, it's had multiple identities over the past two centuries. You know, some of those things are -- are not proud moments for the city of Austin. Some of those things are really proud moments for people of African descent and African-Americans and, you know, and the middle of central Texas. There are a lot of special -- there is, rather, a lot of special symbolism in this historic district as councilmember tovo pointed out. But I'll say, you know, that in the last several decades, you know, I was probably on the front end of that in my high

[10:36:22 PM]

school days, you know, it's evolved into a raucous entertainment district, you know, that is live with shop owners. And we all know what that means. We're aware of the problems that creates. I think that many folks have been talking for years about trying to transform what is sixth street into a more mixed-use and more family-friendly environment. I remember distinctly thought that it was not okay to bring my children downtown after dark and I would like us to fix that. And I think with all kinds of businesses that activate the street, you know, day and night, we're more inclined to get closer to meeting that goal. So I appreciate councilmember tovo's leadership in multiple ways but the efforts to address safety in this area, we are definitely taking into consideration, and it has clearly become more of an issue over the years. So I think my resolution here works hand-in-hand with that, with that previous effort, those

[10:37:24 PM]

previous intentions, and commitment to the district by unlocking land use constraints that I think that prevent more diversity uses here.

>> Mayor Adler: Okay. Any other statements on this item? Member.

>> Growing up here in Austin and we're a segregated city and the African-American have one block -- one side of the block in that area. And the mexican-americans have one side of the block right across from the theater. And, you know, this -- and Christian and muslims have their section right there on red river, and we had our bars right there by sixth street, by waller creek. And, you know, it was an area where all races could come

[10:38:24 PM]

together. It just was an amazing set-up the way that it was set up in a segregated city like it was back then. And we were all got together, you know, we have the black businesses there, but on the east side of the red river, it was an industrial business, car repair, all kinds of, you know, small businesses that just didn't fit in that area. And that's what we're facing right now. We're facing an area there that has been exempted over years after years after years and they have become known to be little bars that sells

liquor all night long and people hang out there late at night. We're having shootings, stabbings down there. And it's time that we clean up that whole area.

[10:39:26 PM]

And this is why I'm supporting this. The ones that have historic significance, the buildings there that we make sure that they're preserved and they could go behind it or on top of it, but it wasn't the good side of downtown. It was more like a little red light district down there. So, I'm really going to support -- that's why I'm supporting this, because I think that with Waller Creek and the investment that we're making now, there on Waller Creek, this is a high opportunity area where we can make it the place where people want to come and to visit.

>> Mayor Adler: For what it's worth, I really appreciate the historical anecdotes and perspective that you give us and when a day comes that you're not on this council anymore, that information is just going to be sorely missed.

[10:40:26 PM]

Thank you. Mayor pro tem.

>> Alter: Thank you. I just want to explain my vote on this. I'm going to abstain. I believe that this is probably the right process to move forward with, but I am uncomfortable with the process, and I do believe that we need to respect expertise of districts. That doesn't mean that someone has to be the lead, but I think that voice and that information should be part of it. I do believe that we need to take steps forward on Sixth Street, but I just wanted to explain my vote due to the process on that. That's where I'm going to come out.

>> Mayor Adler: Let's take a vote. Those -- councilmember Tovo.

>> Tovo: I have comments. We have spent a lot of time on this dais over the last year talking about Sixth Street and my colleagues are right, I think that councilmember Harper-Madison you said that it has been a goal -- actually it was the mayor -- to change the uses. And there's all kinds of ways to do that. This is a code amendment that is

[10:41:27 PM]

being initiated to respond to a developer's proposal who owns 28 properties. Certainly, one option would be to lease out some of those properties to different kinds of uses. You have the opportunity to do that as a property owner. I am intrigued certainly by the proposal and I have met with the developer

multiple times and I appreciate -- I appreciate that outreach and I'm interested in seeing more details around the commitments that they've said that they'll make to street scape improvements and some of the other things that have been discussed for a while. And some of the amendments that speak to that and direct that kind of work, and I look forward to seeing the results of that. But for me, I really -- because it's being paired with some pretty extensive demolitions in our national register historic district, I'm going to rely on our preservation community and preservation Austin and our landmark commission to better understand what the impact is going to be on the historic character and the historic fabric in what is a prime national register of historic district, so I'm not prepared to

[10:42:29 PM]

support this today and I will abstain and consider it carefully as it goes through the process.

>> Mayor Adler: Okay. I support this resolution. I think that basically with the added language in this, it really equates to a small area plan which we need to be doing, this particular small area plan I think deserves this priority in part because of the safety issues that we're dealing with and this has been a long-time goal to deal with this and the opportunity that was uniquely presented itself because of what is happening in the marketplace. And without that we don't have the same opportunity. So having been presented with this opportunity and having pulled back so that it's not prescriptive but really allowing for a small area plan, and I absolutely agree that now is the time to bring in the expertise that we have on staff from all different departments to help with this. So I'm going to vote for it. Councilmember tovo.

[10:43:29 PM]

>> Tovo: Thank you. I forgot that I had a question for the sponsor about this last resolved, where it talks about the small area plan. There's the first line that talks about as part of the ordinance process that the city staff, stakeholders, relevant commissions and the public may consider potential and regulated and -- and related regulation or ordinance changes in addition to or instead of those above. I'm not sure what that means in the context of initiating code amendments? Does that mean that members of the public can suggest other code amendments along the way and they'll get folded into the planning commission process? What does that mean?

>> Mayor Adler: I don't want to speak for the sponsor --

>> Harper-madison: I don't think that I understand your question.

>> Tovo: Sure. The language beginning on page 33 -- on line 33, as part of the ordinance process initiated above the city staff, stakeholders, relevant commissions and the public, may consider potential and related regulation or ordinance changes

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in addition to or instead of those described above. I'm trying to understand what the role of the public is there? Is the role -- are you -- are you describing the public process that is the same as what we would ordinarily follow in a code amendment that they can go and provide feedback at the boards? Or are you actually suggesting -- suggesting that the public can consider potential unregulated regulation and ordinance changes in addition to what you have described here? This is what the language says -- that in addition to what is described here that the public -- it sounds like the public can suggest other kinds of code amendments and ask that those also be included in the process.

>> Harper-madison: I'm not suggesting that we do anything outside of the parameters of what we would normally do in terms of public input and contribution to the process.

>> Tovo: So your language there is intended to just refer to the public providing feedback to the amendments that have been

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initiated --

>> Harper-madison: Would you word that differently in order to make that --

>> Tovo: I probably would have talked about it in terms of public feedback, rather than the public considering other -- you know, other potential related regulation and ordinance changes.

>> Mayor Adler: I understand that to give them the ability to go beyond the prescriptions contained in this, more in the nature of a small area plan. So it can go beyond and be different than what is prescribed here. But it's trying to figure out what is the best way from a planning perspective to look at this stretch of roadway. So this -- the things that are listed in here, it could come back that way but maybe not as it goes through the process. So I see this as being more open-ended than a specific direction to authorize and initiate an ordinance to -- to replan this area in a particular

[10:46:35 PM]

way.

>> Harper-madison: I guess the -- so as I'm reading this and I'm seeing what -- how the words matter, the city staff component, the relevant commissions component -- so when we go on to say land use in the district, this could include recommendations for an alternate or additional small area plan. So I think that it's important to sort of point out that there's different symbolism for different members of this group that are included. So the city staff, stakeholders and relevant commissions and the public. So, you

know, the city staff and the public, obviously, have different roles, they operate in different capacities. So I would say that the part about -- consider potential and related regulation or ordinance changes, in addition to or instead of those described above. I would say that the city staff

[10:47:36 PM]

relevant commissions are making recommendations and my hope is that is -- to some degree inspired by, influenced by, the contributions from the general public and stakeholders who aren't a part of the decision-making process.

>> Tovo: Okay, thank you.

>> Mayor Adler: Okay, let's go ahead and take a vote on item number --

>> Tovo: Can I ask about -- how would a plan get initiated as described? And this might be a question for Mr. Rustovan. Is that something that the council or the planning commission would need to initiate as a separate action?

>> Harper-madison: Are you asking -- I'm sorry --

>> Mayor Adler: Jerry is coming to the dais.

>> Tovo: I was asking Jerry whether this action is enough to initiate a small area plan, or

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whether that is something that would need to be initiated as a separate action either by council or the planning commission.

>> I can tell you, council, small impact plans have in the past been initiated by council. So to be incorporated into an item from council, it could be done that way.

>> Tovo: But would you -- would you -- we're not exactly initiating -- that's not what this last passage is doing, it's kind of saying if along the way others suggest that that's a good approach, it could then become the approach. If I'm understanding this correctly. But that would still then need another action from the council.

>> We would generally like to have specific direction to engage in the planning endeavor with council. With the commission.

>> Tovo: So it sounds like that would then need to be an action that takes place at council. Okay, thank you.

>> Mayor Adler: Okay, let's take a vote. Those --

>> Tovo: I don't know who added this but I don't know if this was councilmember Harper madison

[10:49:38 PM]

or one of the co-sponsors but if there's a intent to have a small area plan, I think that is going to have to be --

>> Mayor Adler: I think that -- my reading of this is they could come back and recommend that. Or if the process enabled them to come up with the plan and the direction they could come back with that. But they're not limited to just the prescriptive things that were described here. I think that is what it says. Those in favor please raise your hand.

>> Harper-madison: It's 124.

>> Mayor Adler: 124, raise your hand. Those opposed? It is unanimous on the dais -- I'm sorry. Two abstentions, is that what it was? Prayer pro tem and councilmember tovo abstaining and others voting aye. It passes. Thank you. All right, we I think that we have two things that are left. Let's do the vmu. Item number 80.

[10:50:39 PM]

Councilmember, there's a draft ordinance that came back from staff with the resolution that we passed last fall. Councilmember kitchen has proposed amendments to that and requested that be used as the base motion that we consider and I will treat it that way. But we'll go through councilmember kitchen's amendments to see and to take a vote whether or not to include them. Councilmember kitchen?

>> Kitchen: Yes, mayor, I'd like to make the motion and then explain a bit about what's in here so that people will understand it.

>> Mayor Adler: That's fine.

>> Kitchen: I move passage of the substitute motion, which is marked at the top as housing and planning committee recommendation vmu.

>> Mayor Adler: Okay, not quite a substitute motion because it's the first one out.

[10:51:39 PM]

>> Kitchen: Okay.

>> Mayor Adler: That is okay. It is just the motion. And then seconded by councilmember pool.

>> Kitchen: Okay.

>> Mayor Adler: You can speak to it first.

>> Kitchen: By way of explanation, this is the version that I passed out to everyone. It is in back-up, noted as the version that was voted out of the housing and planning committee as a recommendation. And it says corrected out of, after it, because we had to -- yeah. So you all have that in front of you. There are -- the differences between this version and what the staff brought back are yellowed, so you can tell that. And there are also differences that are in a dark blue and those are the amendments from councilmember vela that we -- that I accepted in the housing and planning committee and the housing and planning committee voted out. So that should give you an

[10:52:40 PM]

explanation of what the differences are. So I know that also that a number of people have other amendments and I have one other amendment too. So, mayor, would you like to go through this document first and then take up other amendments?

>> Mayor Adler: Yes.

>> Kitchen: Okay. So, would you like me to talk through each section or how would you like to do this?

>> Mayor Adler: We could. Or you have talked to it generally and speak to it generally and see if people want to speak to it generally and we'll go to the pages and hit the highlighted yellow and the highlighted blue things.

>> Kitchen: Okay.

>> Mayor Adler: Okay? So for me -- I'm probably -- I'm going to vote for the staff's proposed resolution, I mean the proposed ordinance because I think it reflects what it was that we said we wanted to do. And most importantly I think it keeping vmu happening as a matter of right, which I think that is -- is -- is a threshold

[10:53:44 PM]

for me. I think that if we do anything other than vmu by rights, we're not meeting the moment that we have, the real challenge the existential challenge that we have to do housing. I think that it would be a huge and significant difference. So I'm going to vote against the changes that have anything other than this being just a change within the vmu -- zone category.

>> Kitchen: So, mayor, there are more changes that do not -- do not have anything to do with whether it's by right or not. The concern that you're raising about the by right process is in the very last section. So where don't we talk about that first.

>> Mayor Adler: We can talk about it, and I think that it's -- as I was going to go on -- I'm comfortable with the compatibility that we just passed in 66 and I think that is what the compatibility provision should be, because it applies to

[10:54:47 PM]

this when 66 comes back as an ordinance. Because it's the affordability provision. And then I would recommend that we keep to the percentages that were originally proposed by staff and I say that almost because we just don't have the --

>> Kitchen: So, mayor, what I'd like to do is that I would like to go section-by-section.

>> Mayor Adler: That's what I was proposing.

>> Kitchen: And I would like to vote on each section.

>> Mayor Adler: That's what I was proposing.

>> Kitchen: I think that is a better way to do that. So let's be specific. So let's start with the one that is do people need a moment or -- should I continue? Huh? Okay. All right. So, let's start with the one at the end, which is on page 9.

[10:55:49 PM]

It's part 5. So what part 5 does is that it creates -- it specifies what the public -- what the public process is for vmu2. Now, remember that only applies to -- to properties that are already zoned vmu. So what it is saying is that to add vmu2, to property that is already zoned V, that the process would be a zoning process essentially, which carries with it notice, individual notice, to properties within a certain distance. And also the right to protest. So that's the difference that we're talking about here.

[10:56:51 PM]

And what I want to say -- I want to say how I got to this point. I really -- I really believe that -- you know, first let me say that vmu is a program that was created in collaboration with residents. Our residents throughout the central city identified properties along corridors that were -- that they really wanted to designate for affordable housing. So this was a -- a community effort that was -- that created vmu. So, I believe that -- to me it's fundamental fairness and respect for the public. I believe that fundamental fairness and respect for the public requires that people be notified when land use around their homes is being changed.

[10:58:49 PM]

So that they can exercise their right to be if there is concern to suggest we're going to say these with go to 90 feet -- people who live near these properties. We could consider a C.U.P. Process which we've done -- if we strike section five -- if the council chooses to strike section 5, what you're saying in effect the that these changes go into effect, people have no right to be notified about their change near their house and they don't have a right to say anything about it. To me that's fundamentally unfair. I would like to vote it -- mayor, if you want to make a motion to delete this, that's fine. Let's have a conversation and let's vote on it.

>> Mayor Adler: Okay. I would move we keep the way the staff originally proposed it.

>> Kitchen: Mayor, that's -- the motion -- if you want to make a motion, I would say

[10:59:49 PM]

strike part five. That's what it would do what you want to do.

>> Mayor Adler: I understand that. My motion -- god, Ann.

>> Kitchen: Well, I mean.

>> Mayor Adler: My motion is to keep it by right. I move to strike part five. Is there a second to that motion? Mayor pro tem seconds it. Any discussion? Let's take a vote. Those in favor of striking part five, please raise your hand. Vela, mayor pro tem, Ellis, harper-madison, me. That's one, two, three, four, five, six, seven, eight. Those against, please raise your hand. Against my amendment. It is kitchen, tovo.

[11:00:54 PM]

That's right. Kitchen, tovo, pool, and Kelly. 7-4. Amendment passes.

>> Kitchen: Was it 7? I only counted 6. It's 7-4. Okay. Let's move on. Wait. Council member tovo, did you want to say something.

>> I didn't have an opportunity to speak before we took the vote but I wanted to underscore what you had to say, and you know, this is -- I was glad to be a co-sponsor on it. It caused a lots of questions and we assured -- I think it's important to stick to what we have heard again and again from the public what they want us to do, which is to notify them when there are proposals that are significantly different than the zoning on the ground. They want the opportunity to participate in them, as my colleague said. And I think it's of grave concern to me that we're moving

[11:01:55 PM]

forward potentially with that vote in a way that doesn't allow folks the opportunity to have petition rights.

>> Mayor Adler: Let's move on.

>> Mayor? Right here. Apologies. There are additional references in part one that we would need to strike to make your amendment -- moving part five effective.

>> Mayor Adler: Would you call those out, so we can make sure?

>> E dits in part one.

>> Mayor Adler: Okay.

>> Highlighted properties designated as v-2. 4.3.2 we have reference to the section that was created in part five. So we would need to strike that as well.

>> Mayor Adler: Okay. So I would imagine it's going to be the same vote to strike.

>> Kitchen: We don't need to vote on that, I mean --

>> Mayor Adler: 4.3.6 comes out.

[11:02:57 PM]

4.3-2. What about sup part D.

>> We need to keep D.

>> Mayor Adler: Okay.

>> Kitchen: Okay. I'll move on --

>> Mayor Adler: Hang on. Hang on. Staff likes part D? That addition change.

>> It's not dependent on v-2 designation. We have it in the staff version as well as this version because the way that this section is set up in the code article 4, it uses reference vmu building.

>> Mayor Adler: Why is it highlighted in yellow.

>> Apologies. It was highlighted because I moved it from a different section.

>> Mayor Adler: Is it okay in this section or should it be moved back.

>> It's fine here.

>> Mayor Adler: Any objection -- I'm not going to move to take "The" out.

>> Kitchen: Could I please go next in order.

>> Mayor Adler: Do you have an amendment?

>> Kitchen: I am taking these in order.

[11:03:58 PM]

>> Mayor Adler: Ann, I'm running this. I am running this. You've made your motion. Now I'm making amendments.

>> Kitchen: And, mayor, if you would let me, I know what's in here in terms of substance, and I think if we can take it in a certain order it will make more sense for folks what you're -- I would like to go --

>> Mayor Adler: What about compatibility in part three?

>> Kitchen: I thought we'd come back to that. That's not the major difference.

>> Mayor Adler: It is a difference. We passed a compatibility section in 66 and I would move to take out the compatibility here, so the compatibility of 66 applies.

>> Kitchen: Here's what I'll say about this. This was something that we included as part of our housing committee because this is an ordinance and it provided for more immediate changes, and

[11:05:00 PM]

it's something that we talked about helping out with project connect. But it is council member vela's amendment, so I will let him speak to it.

>> Mayor Adler: Okay.

>> Vela: Yeah. I would like to -- this has a meeting effect where as item 66 does not have immediate effect. Given everything moving forward with project connect, I would like to encourage the construction of housing along this line with the affordability bonus in vmu as soon as we can possibly get it. I understand that the compatibility provisions in item 66 are potentially broader. I'm excited about that, but I would like to keep this -- again, this is limited to only two. The Orange and blue lines only to properties that touch that

[11:06:02 PM]

line. It, to me, dove tails very well with our broader transit and housing goals, and it's -- it will ultimately, I think, help with regard to project connect and pulling in funding from the feds as well in preparing for this -- we talked with lots of folks. You know, atp, Randy Clark and public -- in public interviews made the same statements that if we want the project to be a success we have to change our land-use patterns surrounding the investments we're interested in.

>> Mayor Adler: Any further discussion on this issue? Do we have council member yor pro tem with us.

>> She went to get some ice

[11:07:04 PM]

cream.

>> Kitchen: Are you making a motion to remove part three? What is your motion?

>> Mayor Adler: I made a motion to remove part three and it was seconded. The -- anybody want to second the motion to strike part three or no? Without a second it will fail. Okay. Part three stays in. Let's go to the next section.

>> Kitchen: Next section is the parking section on page 3, which is also council member vela's amendment. So I'll let him speak to that.

>> Vela: Again, that's the companion version to what we have just discussed and I would like to keep it in. Same reason, same logic, same everything.

>> Mayor Adler: Okay. Anybody else want to take up that parking section on 66? No? We'll keep that in. Next -- go ahead.

[11:08:07 PM]

>> Kitchen: Next --

>> Mayor Adler: Hang on. Counsel.

>> Apologies. We have a typo on part four. I would like permission to clarify we're changing the three sections instead of the one.

>> Kitchen: Where did you say.

>> Part four, amending section for E and within E so far in the draft we only have two of those numbers - two of the items listed and there should be a third, which is 4.3.3.e.

>> Mayor Adler: Which line.

>> 47 and 48.

>> Mayor Adler: You're adding a third reference.

>> Correct, which would attract the parking piece.

>> Mayor Adler: We're going to leave that piece in because no one wants to take it out. That gets us to percentages on 148 and 145.

>> Kitchen: I want to speak to

[11:09:07 PM]

those.

>> Mayor Adler: Hang on a second.

>> Kitchen: It's my --

>> Mayor Adler: Under rules -- you have made a motion and someone can make an amendment. When someone makes an amendment to a motion they -- there's an attempt to find a second and if there's a second the person who makes the motion speaks to it. That's the rules. That's how we've always done it.

>> Mayor? I would note that the council member hasn't been able to lay out her item with the changes.

>> Mayor Adler: I offered the chance to lay out the item and we were talking about it and then the chickens came out and interrupted the process. I have told her she could lay it out.

>> Kitchen: I'm going to lay it out right now. I'm going to lay out the change that is on page five because that's where we're at. This is a change that has to do with the affordability or for

[11:10:17 PM]

vmu-2. What I've proposed is a minimum of 15 per cent. And this applies to rental. Minimum of 15 per cent if someone is at 60 per cent mfi or minimum of 12 per cent when someone is at 50 per cent. I've had a lot of conversation with staff about this. They did come back with lower levels. They'll have to tell me -- I can't remember exactly what it was. At that time when they came back, we hadn't made any changes to compatibility. So the thinking is that some level higher than is appropriate because we're providing additional height but also making significant changes to compatibility, particularly along the Orange and blue line. It seems to make sense to do the 15 per cent and the 12 per

[11:11:20 PM]

cent. That's what I would suggest. My understanding from staff is that they're okay with that. They're okay with it because we have additional compatibility and -- so that that allows -- I don't want to put words in their mouth but my last conversation with them was that this appears to be workable. And so I would like to proceed with it at 15 per cent and 12 per cent.

>> Mayor?

>> Mayor Adler: Yes? Council member Ellis?

>> Ellis: I would like to ask staff to speak to what was in their original recommendation. I've had stakeholders let me know that 15 per cent isn't workable. I want to know how staff arrived at their original numbers.

[11:12:24 PM]

>> Housing and planning department -- we did not have the opportunity to do specific analysis for the proposed percentages. But based at a slightly higher percentage, understanding that would likely be feasible with increased heights and then also had an option for lower mfi's at a different percentage that we think will be approximately the same cost to developers.

>> Ellis: What numbers were in your original proposal.

>> It was 12. So in a vmu-2 building with a height bonus it would be 12 per cent at 60 per cent mfi or 10

[11:13:26 PM]

per cent at 50 per cent mfi.

>> Ellis: I would like to make a motion at the appropriate time to go with those numbers instead.

>> Mayor Adler: Council member Ellis moves to amend -- sorry.

>> Ellis: 138.

>> Kitchen: I have --

>> Mayor Adler: Hang on a second, Ann. 138 to take 15 to what?

>> Ellis: 12.

>> Mayor Adler: 12 and to take 12 on line 145 to 10. Second to that amendment?

>> Ellis: If I get a second I'm happy to speak to it.

>> Mayor Adler: I'll second it. You can speak to --

>> Ellis: Thank you. The feedback I got is when we miscalibrate these numbers we end up not getting the projects

[11:14:26 PM]

built at all. After the hours we've put in the discussions I want to make sure they pencil out and we're not going through all this work and discussion to have projects that will not be built and will not result in additional housing.

>> Kitchen: Mayor, I have a question for Ms. Leek.

>> Mayor Adler: Go ahead.

>> Kitchen: I was understanding from our previous conversations that staff was more comfortable now with the 15 per cent and 12 per cent because of the additional entitlements that we are putting in place, particularly now that the rest of the council -- or the council voted to do that by right, so we've got someone -- developer by right will now be -- have access to 90 feet at reduced compatibility, particularly reduced compatibility around the Orange and blue lines, so

[11:15:26 PM]

that's quite of a bit of additional entitlement. It would seem to me -- the original recommendation you made was based on the 90 feet, not these other additional entitlements, so I had thought from our previous conversation that you were more comfortable now, given all these other pieces. We also have parking reduction now also. I thought that you were more comfortable with the 15 and 12 per cent. So are you comfortable with the 15 and 12 per cent.

>> I believe our discussion depended on what the changes were to compatibility.

>> Kitchen: Right.

>> So as hopefully you all saw in our analysis that was completed last week on vmu sites, depending on the extent of -- or the distance that compatibility standards apply,

[11:16:27 PM]

it means that different sizes of sites would be more likely to participate in the program. And at the 300-foot distance that I think you all adopted today for -- well, anyway -- so the only places where the hundred-foot compatibility applies is along the Orange and blue lines, and so they -- those may be locations where development is more feasible at higher affordability levels, but in places where

compatibility standards still have a large impact on small sites, I think we're going to see much less participation in the program, especially at higher affordability levels.

>> Kitchen: Right and I really appreciated the analysis y'all did, and I'm looking for it now. The compatibility requirements

[11:17:30 PM]

that we just passed would allow getting to -- would allow getting to 90 feet, either right at a hundred feet or on the Orange and blue line. At 200 feet on the large corridors, and at 250 on the smaller corridors. In addition, the original V would be expanded also with the compatibility requirements that we just changed, which would allow that 65 feet -- I'm going to have to look it up. I'm not remembering that part. But I'm looking for your analysis, which showed us -- I think it showed us doubling or so. Maybe I'm looking at -- maybe you can explain that. Anyway, well, we may not need that. I'm not -- anyway?

>> In general --

>> Kitchen: It's up to you all. I'm not trying to change your

[11:18:32 PM]

recommendation. That's within your own professional judgment. I just thought that from the conversations that we had before -- I thought we were moving forward -- I thought you had let us know that you were okay with the 15 and 12 per cent. I'm hearing you say now that you're not. Is that right.

>> I said it depended on what the compatibility standards changes were going to end up being because that part wasn't yet decided.

>> Kitchen: Yeah. And I thought that meant -- maybe I misunderstood but I thought what you meant was if we adopted what was proposed in 66, which we have now done. And we've gone beyond that with council member vela's change to the Orange and blue lines. I respect your professional judgment. Tell us what you're thinking. If you're not comfortable with 15 and 12 per cent, I hear that. I personally think we're not pushing the envelope enough.

[11:19:35 PM]

Affordable housing is our number one priority, particularly along these transit corridors. So I'm not certain why we wouldn't do that.

>> Without modelling which we have not had an opportunity to do it's hard to say whether it will be too much of a requirement so that people don't participate in the program. In places that are not along the Orange and blue lines, there are many of our corridors where the sites are not necessarily very deep and so the changes to compatibility standards that are not along the blue and Orange lines may not have much of an impact on what can be built.

>> Mayor Adler: Mayor pro tem?

>> Alter: Thank you. I just wanted to clarify, though, that what I was hearing, though, was that along the blue and Orange line, those

[11:20:37 PM]

might be appropriate.

>> We haven't modeled it, but it seems likely that since the compatibility standards are less impactful along those lines because of the limited distance that there would be greater feasibility for higher percentages of affordable units.

>> Alter: Okay. How difficult is the modelling process.

>> We would need to collect different data that we haven't had the opportunity to collect yet. So an option we have talked about internally is wanting to have a more stream-lined and regular way to update percentage set-asides and fee in lieu calibrations. So one option would be to set something now and then in another year we could come back and look at it again.

>> Alter: So let me just throw

[11:21:39 PM]

out we are differentiating compatibility based on the Orange and blue line. We could differentiate the levels of affordability according to the blue and Orange line, or we could use the corridors that we set up. I don't know whether we can do that on the fly tonight at 11:15 or not. I do believe it's getting late and this is an important conversation, and there are a lot of pieces here. I think we also have, you know - we haven't landed on the process for getting vmu-2 or the the second tier of vmu, however we want to do that. We may want to consider having a joint meeting with the planning commission and the council that has better notice for people since some things have changed since we just noticed.

[11:22:40 PM]

I just throw that out there in case anyone is thinking along the same line. I favor affordability but understand there is a difference for different roads, given the compatibility changes and given the possibility for having the transit also makes it more likely that those projects may be more feasible in terms of capacity. So I just throw that out there for other people to think about. I don't think we do our best work when we're working this late.

>> Mayor Adler: I think that's true too. I know it's hard. If we're going to miss this, I'd rather miss this in a way that has a lot of housing that's developed and built than to miss it in a way that doesn't have a lot of housing built. If we put it out there and everybody starts using it and it's apparent we undershot, we can fix it and what a wonderful problem that would be, to come back and fix it.

[11:23:40 PM]

So for me, I'm going to support council member Ellis' deal. If we want to get a finer comb on it and set different percentages for different roads for different stuff, I'd be fine, considering that too. If someone wanted to come back with that. But when we set percentages without calibration, to me, it's just hard, which is why I urge staff to have somebody on staff who can do calibration because it would be great if we just said 20 per cent and sa per cent. That's better than 15 and 12, but we don't know whether that would work either. Erika was asked six ways to Wednesday to try to speak in favor of it. I think she was uncomfortable doing that. Anyhow, that's where I come down. Council member Renteria and then council member tovo?

>> Renteria: I just want to say that it's not going to

[11:24:40 PM]

affect the blue line as much either way that you have it here. The blue line area, especially in my district, is pretty much built out. There's a few empty lots that can be -- empty lots that can be built by using this. If you drive up and down what we already have passed, it's getting built out pretty quick. And so I don't know how much it's really going to do to my blue line in my district because of what has been already been built out in that area.

>> Mayor Adler: Council member tovo.

>> I support the higher level of affordability, the percentages that you brought forward, council member kitchen. And I believe that Mark Rogers wrote to all of us -- Mark

[11:25:43 PM]

Rogers, director of gaudalupe neighborhood corporation sent an e-mail to all of us back on may 19th and I just want to quote a few things that he said. He talked about simply getting -- I'm going to excerpt here -- missing some of the other points but I'm going to hit on the ones that relate to this. Simply getting more housing will not get us affordable. The fact that that Austin in, Texas in is painfully obvious. We've gotten less and less affordable. He goes on to talk about compatibility and welcomes changing those. But he asks us to ask some questions. Why do we typically require 10 per cent affordability when we increase entitlements, where does that come from? Now I'm summarizing. What are our goals, needs, priorities. Why are other desirable and fast growing cities able to get

[11:26:45 PM]

25 per cent affordability with their programs or when development entitlements are increased. Some of you probably answered that last question. They have inclusionary zoning and that's illegal in Texas. He goes on to talk about how, you know -- I'll skip to the end -- people want to come to Austin and developers want to develop for them. They can incorporate higher levels of affordability in their developments if they know they have to. Wherever there's inclusionary development they do what's required. They know that's what they have to do. I think we have to set high goals. This is the strategy that we have. We need to use the tools that we have in our tool box and within a density bonus program we can ask for those higher levels of affordability, and I think we should.

>> Mayor Adler: Okay. Anyone else want to speak on this before we vote?

>> Kitchen: Couple of other

[11:27:47 PM]

facts I'd like to point out to folks is that -- and thank you again to staff for putting this together. But we are doubling the estimate of the number of -- with the changes in compatibility that we just voted for in number 66, we are doubling our ability to reach achievable vmu heights at the base under vmu I and at the 90 foot. So we're doing that. We're also -- I want to point out too -- the 10 per cent at 50 per cent mfi, which has been proposed before we consider these compatibility changes -- the current vmu program is 10 per cent at 60 per cent mfi. So all we're doing is going from -- we're giving 30 more

[11:28:50 PM]

feet. We're changing compatibility, and we're saying that we're still going to keep it at 10 per cent, and you just have to drop from 60 per cent mfi to 50 per cent mfi. I want to point that out. The other thing I want to point out is that by the time we recalibrate this at the rate our city is growing -- I can tell you this about south Lamar. At the rate our city is growing, we're losing opportunities that we will not have

again because once those are built up, they're built. And we will not be able to go back and get more affordable housing. So I'm in the afraid of builders not being able to do this. I'm afraid that we're losing a significant affordable housing along our major transit corridors.

>> Mayor Adler: Okay. Let's take a vote. Council member vela?

>> Vela: Just a quick comment. I'm comfortable raising the

[11:29:51 PM]

affordable requirements along the Orange and blue lines. I am -- this is just based from discussions I have had with regard -- with different folks in the real estate industry and with, you know, habitat for humanity and other organizations. But I'm uncomfortable with a broader -- I just don't know what effect it would have, and I would echo both the mayor and council member Ellis' comments where if we overshoot on that we get potentially zero, whereas if we undershoot we still get the housing and we still get the lower levels of affordability -- 10 per cent, 12 per cent. I want to say I'm very torn on the affordability requirement.

>> Mayor Adler: You want to make the amendment to the amendment to take the higher numbers on the blue and Orange lines.

>> Vela: I will make the amendment to say the 15 and 12

[11:30:52 PM]

per cent affordability requirements would be just for the Orange and blue lines.

>> Mayor Adler: Is there a second to that amendment? Council member kitchen seconds that. Any discussion? Council member Ellis, is that okay with you?

>> Ellis: I can accept that. Thank you.

>> Mayor Adler: Any objection to that amendment? That amendment to the amendment made. Anyone object to that being incorporated into the motion? Hearing none, that is incorporated into the motion.

>> Kitchen: I need to vote against the motion, so I'd like to have them separate. I support what council member vela said, and I want to vote for that. But I'm going to vote against lowering for everything else. If you could separate those two that would be helpful.

>> Mayor Adler: Okay. Those in favor of having 15 and 12 per centages for tracts that are on the Orange and blue

[11:31:52 PM]

line, please raise your hand. Unanimous on the dais. Those in favor of reducing the number from 15 and 12 to 12 and 10 otherwise not on the blue and Orange line, please raise your hand.

>> Harper-madison: My hand is raised and I have a question I'd like answered before I vote.

>> Mayor Adler: Go ahead.

>> Harper-madison: The question I have is probably for staff but because I'm virtual I can't see who all is in the room. I keep hearing words like "Overshoot" and I'm making some assumptions about what the implications are, but I'd like for someone with professional background in building vertical mixed use to give me their thoughts on what are the implications of over and/or undershooting? It seems to me that overshooting means we'll find ourselves in one of those situations where the numbers don't pencil out and then we

[11:32:53 PM]

get nothing. But I'd like to hear. I can see a hand but not a face. There's somebody at the podium, right.

>> Erika leek, housing and planning. By "Overshoot" do you mean having the affordable housing percentages be too high so that people are unlikely to participate? Okay. Can you restate your question then.

>> Harper-madison: Ultimately the question was is it difficult for staff to support the item because if we overshoot we don't get -- the project isn't possible? I'm trying to find a more eloquent way to express what I would otherwise use swear words to describe. What I'm asking is if the project doesn't shake out and

[11:33:54 PM]

you get absolutely nothing, what is the -- I guess what are the chances? What's the -- statistically speaking, what are the chances that we set the level too high and then don't get the housing that we're ultimately attempting to yield.

>> I mean, I don't think I have any statistics that I would feel comfortable sharing. Just because I don't think we have statistics in the way I think you're asking for them. In general, we've been trying to look at how much -- how many people have participated in our programs and what -- basically what seems to be working well along with calibration when we are able to do that. Obviously there are changes being made to the ordinance and

[11:34:57 PM]

compatibility standards that mean there are a lot of different factors at play. And so we're trying to figure out, you know, is there a way that we can look at these changes in small ways over a period of time to make sure that we're not moving -- we're not changing so quickly that the program isn't used. But, Sam, do you want to say it in a different way.

>> I think -- hi, council. The only statistic that's coming to mind is what we talked about in I believe the housing and planning committee meeting about our current participation rate for this program, whereby nature of it being an incentive-based volunteer often kind of program developers can choose to redevelop their programs through base entitlements or

[11:35:59 PM]

through another program like affordability unlocked. By nature of it being incentive-based approach, our -- I think I was inaccurate before but it's 36 per cent that have vmu zoning that have redeveloped that have participated in the program. So I think what is at risk when we change the requirements to participate is potentially driving that participation rate lower. So you just see fewer projects that redevelop opting into the vertical mixed-use program that might participate or might redevelop their property under their base entitlement for many of your vmu sites have dash U. We might see more properties develop under a different entitlement than their -- than the dash V would give them,

[11:36:59 PM]

which gives us affordable. I hope it made it clear and not less clear.

>> Harper-madison: That was really helpful but inspires another question, which makes me wonder whether or not we've done the necessary amount of financial analysis.

>> So some of the analysis that we did to get to the rates were included in the staff recommendation, we're looking back at previously calibrated work and so that was looking at comparable Zones from our land development code and the calibrated affordability set aside rates that were recommended at that time that had gone through extensive financial modelling. There are plenty of differences between the two but that is what drove -- we took the highest set aside rate that was potentially feasible and that was 12 per cent and acknowledging the community's desire to see lower mfi's or

[11:38:01 PM]

deeper affordability, we tried to find a -- the comparable cost to a developer to provide more housing at 50 per cent mfi, so that looked like 10 per cent set aside at 50 per cent of the median family income was equivalent to 12 per cent set aside at 15 per cent of the median family income. It's not apples to apples and not particularly recent but that is what staff used to create our recommendation.

>> Harper-madison: That's very helpful. Thank you.

>> Mayor Adler: Okay -- yes, council member Ellis?

>> Ellis: I just wanted to quickly make sure the motion was for 12 per cent and so per cent as originally specified in staff's original recommendation.

>> Mayor Adler: That is the motion. It was seconded. Those in favor of the Ellis

[11:39:01 PM]

amendment, raise your hand.

>> Vela: I have to wait for a second. Could I get you to summarize the Ellis amendment right quick.

>> Mayor Adler: It's on non-blue, non-orange, to keep staff recommendation of 12 per cent.

>> Vela: Okay.

>> Mayor Adler: Those in favor, raise your hand. Renteria, vela, harper-madison, Ellis, and me. Those opposed, raise your hand. It's the other six. The amendment does not pass. So it stays at 15 and 12. I think we skipped over a change. It was the deletion of the fee in lieu. Is staff here to speak to that? The question is whether or not there's a payment of fee in lieu for owner-occupied housing development. Why did you include that, and

[11:40:03 PM]

what do you think about taking it out.

>> The reason we're recommending fee in lieu only for ownership units is that the city is not able to control fees such as homeownership, hoa fees, condo fees, and specifically special assessments as part of condo developments, and therefore, we have been unable to really keep people being able to afford to live in mixed-income condo units, so we very much want to create affordable homeownership options, and really think that we have more success creating those through land trusts and other totally affordable

[11:41:03 PM]

ownership units where we have much more control over special assessments, condo association fees, et cetera. So that is the reason that we proposed having the fee in lieu only for ownership and thus far the percentage of developments using vmu that are ownership has been very low. I believe it's under five per cent. So it doesn't seem like it's a program that's being used very often for ownership. But we want to make sure that if people do participate we can use those funds which would be set at a rate that could actually help us make it possible for us to be able to build affordable ownership units elsewhere that would stay affordable over the long term.

>> Mayor Adler: Thank you. That language was on line 73 to

[11:42:04 PM]

79 of the original staff proposal. It's not in council member kitchen's because it was language that was deleted.

>> Kitchen: I'll let my co-sponsors speak to this also. The thinking is that we are -- you know, from a policy perspective, what we're wanting to see is affordable units along transit corridors. And that's the goal here. So if we're going to fee in lieu, we're not accomplishing that goal. So that's the reason for deleting that. And I invite my co-sponsors, if they want to -- or anybody else for that matter. If anybody else wants to speak to that.

>> Mayor Adler: Let's see if it's an issue first. Anybody else want to second it? Anyone want to move to reinstate it? Hearing none, we'll move on to

[11:43:06 PM]

the next item.

>> Kitchen: The last was on page 7. This one -- may need to hear from staff also, but this has to do with the bedroom count. We changed the language somewhat from what staff and I'll let them explain what their thinking was. But the wording that we have is at the discretion of the director, the mix of bedroom count may be adjusted but the overall number of required affordable units may not be reduced, so the concept here is -- the first sentence is that, you know, generally speaking the bedroom count is going to be -- first off, it says the bedroom count for affordable units shall be comparable to the bedroom count for market rate units. What's the mix of bedroom count? So this is just suggesting that

[11:44:08 PM]

at the discretion of the director that mix of bedroom count could be adjusted but you would -- you would not want to reduce the number of affordable units. That's what I was thinking and if staff would like to speak to what their suggestion was.

>> What we're finding in most of the vmu developments is that the affordable units are -- that are being provided are just efficiencies and one bedrooms, and we have certainly heard council's desire to have more multibedroom affordable units, and so we were trying to provide the flexibility so that a developer could potentially provide an affordable unit with four bedrooms, but it would be in exchange for fewer overall units, and so if this new

[11:45:13 PM]

language is added, then we think that we wouldn't get those larger -- we wouldn't get the larger units. That's what we think the result would be.

>> Kitchen: Let me ask you a question. I was thinking that there's -- that -- I was thinking that they're required already to do a comparable mix. So in other words, if they have -- if they're building market rate and they have two to one mix -- if they have two bedrooms already, some of their affordable units - - how does that work? It has to be comparable, right? Is that right.

>> Yes and I'm trying to figure out where it is in here. Yes, the idea is that it would have the same mix of type of units but if you wanted, larger -- units with more bedrooms than is normal in the complex than that -- then

[11:46:13 PM]

that's where you would have an exchange.

>> Kitchen: Okay. So we've already got a baseline that if a complex is going to -- if a complex has a mix of, you know, two or three bedrooms and one bedrooms, that that same mix has to be available for the affordable units. So we have that already. So what you're thinking is if you wanted more than the mix in market rate for larger units -- is that the thinking.

>> Yes, that is the concept.

>> Kitchen: Okay. I understand that. You know, I understand that, but I feel like -- we just felt like it was better to make sure we weren't giving in on reducing the number of units, so I leave that to my colleagues to decide what they want to do with that.

>> Mayor Adler: Council member Kelly?

[11:47:13 PM]

>> Kelly: I'd like to make a motion to postpone this item to June 16th.

>> Kitchen: I cannot -- we're almost through.

>> Mayor Adler: Hang on a second. Let's see if there's a second to the motion to postpone. Is there a second to the motion? Mayor pro tem seconds it. Discussion of the motion to postpone.

>> Kelly: I do appreciate this discussion but it's 11:47. I can see it going a lot longer based on what we're talking about. That's all I have to say about that.

>> Kitchen: Can I speak to it, mayor.

>> Mayor Adler: Yes, you may.

>> Kitchen: We've done a lot of work here. I appreciate the time. This is the last item out of this. I think we're very close to being done. We've already handled what I understand to be the most toughest issues, so I really, really would like to get this done. So if you would bear with us maybe another 20 minutes or so, 15 minutes -- I think we're

[11:48:14 PM]

almost there.

>> Mayor Adler: Ready to take a vote? Those in favor of postponement, raise your hand. Mayor pro tem and council member Kelly. Those opposed, please raise your hand. Balance of the dais with council member harper-madison off.

>> I couldn't make a decision so I didn't vote. I'm also exhausted and there are issues I'm struggling with.

>> Mayor Adler: Let's keep going. So the question in front of us, the -- I would once again rely on the expertise of our staff with respect to the bedroom mix. Their explanation made sense to me. If someone else wants to make a motion to stay with the staff, I would second.

>> Vela: Just to be clear on the staff's explanation, so in other words the requirement would not be of the units per se but it would be of the

[11:49:16 PM]

bedroom count within the bidding? Is that more or less -- you know, in other words, let's say it has a hundred units but three bedroom so 10 per cent would be 30 bedrooms, whether it's 10 three bedrooms or --

>> Kitchen: No.

>> Mayor Adler: Hang on a second. Let staff respond to this.

>> Kitchen: Okay.

>> Yeah. So the similarities between staff recommendation and council member kitchen's is that the mix of the bedroom unit ins the entire development, what you're speaking to needs to match the mix by basically all the affordable units. If you have 20 per cent of the units are one bedroom, 20 per cent -- that's the same in both. The difference is there's a line in the staff recommendation that says at the discretion of the director two -- sorry. Two bedroom unit or three bedroom unit may be counted as two or three one-bedroom units.

[11:50:17 PM]

We would like to exchange two studio units for one two bedroom apartment in our affordable unit so we can get more in these developable units. That would be a net loss of one total unit. Same number of bedrooms if you think about it that way. It would be beyond the mix of the overall market rate development. That's the difference from the council recommendation.

>> Vela: The goal would be encouraging basically family/roommate situations for affordability purposes. I would make the motion to adopt the staff recommendation.

>> Mayor Adler: Okay. Is there a second to that.

>> I'll second.

>> Mayor Adler: Okay. Council member Ellis seconds. Do you want to address it first?

>> Vela: I think staff spoke to it particularly well. Honestly I would -- I know it is late and I'm losing track a little bit, but why would we

[11:51:18 PM]

not want to encourage the larger bedroom -- you know what I mean -- the larger multifamily-type --

>> Kitchen: Could -- shall I speak to that, mayor?

>> Mayor Adler: Hang on a second.

>> I want to make sure it doesn't go the other way, that in this discretionary language staff would end up saying not as many two and three bedroom units, we're going to make them all the single or studio because I'm looking for ways to amplify and support the larger number of bedrooms in the units.

>> I understand and the way staff recommendation was written would only apply the one way. And it was created to we would try to get more multibedroom and less of the studio.

>> I think that sounds pretty good.

>> Mayor Adler: Further

[11:52:19 PM]

discussion on vela amendment? Council member tovo.

>> I need you to repeat your amendment, please.

>> Vela: Adopt the staff recommendation with regard to the bedroom flexibility unit mix -- flexibility whereby, you know, for example, four single -- they could do two?

>> I get the intent. I'm just asking for the language. What's the language.

>> Vela: Original language from the staff recommendation.

>> I have it somewhere but if you could remind me.

>> It is on page six, line 202 through 204, I think. And it's at the discretion of the director -- two bedroom or three bedroom affordable units may count as efficiency affordable units.

>> Mayor Adler: There are three sentences. The first and third remain the

[11:53:19 PM]

same. The only thing being changed is the second which has been highlighted by council member kitchen. You can see the highlighted language. Reading again the language that the staff had, at the discretion of the director, two bedroom or three bedroom affordable units may count as two or three one bedroom, efficiency, affordable units.

>> Kitchen: Mayor --

>> Mayor Adler: Council member kitchen?

>> Kitchen: It seems to me that the will of the dais is to stay with staff's version. I'm happy to do that.

>> Mayor Adler: Anybody object to the vela amendment? Hearing none, the vela amendment -- we go back to staff language in that area.

>> Kitchen: Okay, mayor. That's all the changes.

>> Mayor Adler: Okay.

>> Kitchen: What I have here --

>> Mayor Adler: One of our colleagues has asked to reconsider her vote. Council member Kelly.

[11:54:19 PM]

>> Kelly: I would like to consider the vote on the Ellis amendment. It was late and I was not following as I should have been closely to how we were voting on that.

>> Mayor Adler: Ellis had two amendments. One was changing 12. Tell me which result you want to change? Right now we are 12 per cent and 15 per cent for both blue and Orange lines and also for the other lines.

>> Kelly: Correct. It would be the one on the non-blue Orange lines.

>> Mayor Adler: Council member Kelly makes a motion to reconsider. Second to that? Council member vela seconds that. Any discussion on the motion to reconsider?

>> Kitchen: I couldn't quite hear which vote we were reconsidering.

>> Mayor Adler: The one that had us going from 10 to 12 per

[11:55:21 PM]

cent to 12 to 15 per cent on the nonorange and blue lines. The Orange and blue lines, we've gone from 12 to 15 per cent. Do we take the staff recommendation of 10 to 12 on the other lines or do we also go to 12 to 15 on the non-orange and blue lines.

>> I have one procedural thing. Council member vela was not on the prevailing side.

>> Mayor Adler: He can second it. He can't make the motion. Motion has to be made by someone on the prevailing side and council member Kelly was. Any further discussion? Those in favor of allowing the reconsidering, please raise your hand. Vela, Kelly -- this is the non-orange and blue line.

[11:56:23 PM]

Renteria, me, harper-madison, and Ellis. Those opposed? Balance of the dais. Motion to reconsider passes.

>> Kitchen: Mayor.

>> Mayor Adler: Yes?

>> Kitchen: Just a point of order -- not a point of order. Sorry. On a motion to reconsider can the entire dais vote on it or --

>> Mayor Adler: Entire dais can vote. All right. We haven't decided this question. That just gets us back to ground zero. Okay? There's an amendment in front of us to change the base motion from council member kitchen -- going -- has us having 12 and 15 per cent for the other than blue and Orange lines. The motion, the amendment is to go back to the staff's recommendation of 10 and 12 for the non-blue and Orange lines. It's been -- is there -- we're

[11:57:23 PM]

reconsidering that vote. It's in front of us. No? All right, let's take a vote. Those in favor of the amendment, please raise your hand.

>> [Indiscernible].

>> Mayor Adler: 10 to 12 for the non-blue and Orange lines. All right, it's vela, Kelly, Renteria, Ellis, harper-madison and me. Those opposed, please raise your hand. And it is the balance of the dais. 6-5, that amendment passes. Okay. Are there any other amendments to this item 80? Councilmember kitchen? Council -- hang on one second. Did you have something for us?

>> I just need a housekeeping

[11:58:23 PM]

amendment in the event that this passes. We have references to Orange and blue lines in the draft ordnanz, however, we will need to put the street names in there so we'd like to have the authority to add that to the ordinance when we have those names.

>> Mayor Adler: Making that change, hearing none, yes, you have that authority. Councilmember kitchen.

>> Kitchen: This is in backup -- well, it's actually -- it's direction, mayor. So do you want me to do that now or do you want to finish --

>> Mayor Adler: Does anybody have any other amendments to number 80?

>> Kitchen: I think councilmember tovo does?

>> Tovo: Yes, I distributed this earlier and it's similar to the one that you all proposed and passed on 66 and it is accepted as more narrow. This prohibits an affordable unit from being used as a type two or type three short-term rental.

>> Mayor Adler: Okay, anybody

[11:59:25 PM]

have any objection to this amendment? Any objections to this amendment? Seeing none, this amendment is incorporated into the base motion. Any other amendments? Councilmember kitchen, did you have a direction that you wanted to propose?

>> Kitchen: You want me to do that now?

>> Mayor Adler: Please.

>> Kitchen: The direction they passed out, and this is to be responsive to questions that were raised by some in our community that are very concerned about the impact of -- and the potential for displacement. And so it's -- the city manager is directed to analyze and to report to council the feasibility of the following approach, and the approach just speaks to -- it just speaks to analyzing what was requested of us by the public, which was a recognition that -- that in some

[12:00:25 AM]

areas of town, 60% of mfi may be higher than the folks that are living in that area. So the direction is for -- is for staff to analyze the feasibility of some options. And one of those options might be that you could say 60% of the mfi or 80% of the mfi in the census block group, this direction is not intended to state a specific approach. It's just asking in response to what the public has been asking us to -- for staff to give some consideration and let us know if there's something that you would recommend to take account for that.

>> Mayor Adler: Does anybody have any objection to this amendment? I think that it's good that you bring this up because we do hear this a lot from the public. I think that this kind of thing,

[12:01:27 AM]

unfortunately, would be a fair housing violation, but we should find out. And you're asking for that to be considered and for feasibility to be looked at and I support that. So without objection, this direction is also incorporated. Are we ready to take a vote on number 80? Take a vote, those in favor of number 80 as amended with the direction, please raise your hand. Those opposed? Councilmember tovo votes no, those voting aye, it passes. There's one thing left, it's the zoning case, I don't know how involved that is. Jerry, is that --

>> We could probably do it in about five to 10 minutes tops am moip okay, let's do it.

>> And I would ask real quick, mayor, we have a couple hears that are on changes of corrections

[12:02:29 AM]

and can I get an agreement. And to staff postpone to July 28th, and number 6, July 28th, and [indiscernible] To June 16th.

>> Mayor Adler: Okay. Is there a motion to approve those postponements? Any discussion? Those in favor, please raise your hands. Those opposed? Unanimous on the dais. Take us to the zoning case.

>> The last one is item number 120, and it's case c14-2022-0003, and as for the 212regiene lane, and to have and to have commercial-mixed

[12:03:31 AM]

use-vertical mixed use building neighborhood, and the planning commission voted in favor, and the proposed project is a multifamily project and today there are 16 existing apartments on the site and the applicant is proposing a project to result in 52 bedroom units and 265, one-bedroom units and I believe that the applicant has comments to make regarding tenant relocation on this site and the applicant has at there time filed a demolition permit with the city and the tenant process has not commenced. So solely at the zoning stage at this point. And I'm available for any questions.

>> Mayor Adler: All right, it looks like the applicant is speaking up and has five minutes.

>> Good evening, mayor, mayor pro tem.

>> Mayor Adler: Thank you for your patience.

>> I'm Alice Glasgow, I'm with the entity that has the property under contract, if I could have

[12:04:32 AM]

representation, please. This shows the subject site highlighted in blue and gmru-zmp and it's surrounded by rezoning and in proximity to Cameron road which is a transit corridor and an imagine Austin corridor. Next slide. This is an aerial view of the site, it has 16 units, however, only 14 are currently occupied. Next slide. Just a picture of one of the buildings, and the age of the buildings are between 35 years old to 81 years old. Next. So this just gives you comparison of the zoning. You had a lot of discussion tonight about mu zoning and V zoning and the differences and this site is currently zoned jumru-comp, and under the zoning the allowed number of units is

[12:05:33 AM]

106 and those would be -- none of them are required to be affordable, they'd all be market rate units. However, by adding the V, vmu combining district, we are contemplating 249 units and out of those 10% would be affordable and that's 25 units at the mfi level that you just adopted. So that's what the vmu does. Next slide. So we've had three meetings with the tenants, and my client just has the property under contract and they do not own the property, so the tenant relocation assistance that we have offered would apply after they become the owners of the property. I'll start off with number one. One month free rent at any gr property with a signing of a 12-month lease as well as the jci, and the properties that we've shared with our tenants,

[12:06:34 AM]

they would waive application and administration fees. Obviously, they're subject to tenant qualifications because those properties are regulated by the tax credit projects and they have to adhere to pre-qualification to be a tenant. Second, all residents receive their final two-months free on current leases and a rebate for relocation assistance. Only applicable after the purchase of the property and then number three, all residents have the first right of return to the new future development at 1124 Clayton lane. And number four, all residents have the first right to reserve a unit at the new development. Windsor park, two towers apartments, project would open in 2023 and at 6007 not too far from the subject site at -- that is on your agenda tonight.

[12:07:35 AM]

Number four, all current leases at the old homestead will not expire, they will remain in effect until they can stay there until January 31, 2023. And includes month-to-month leases also. And all current leases will have the option to extend their current lease terms if they are about to expire to 231, 223. And all are not subject to an early termination fee if the resident wants to stop their lease before the current term they can do so. And no leases cut short of their lease term unless requested by the resident per the above. All lease holders that are current on rent through the end of their lease term, their deposits would be returned in full. So the current rents are between -- the lowest is \$900 per month and the highest rent

[12:08:35 AM]

is \$1,750. So the total package, if you get one month free rent, if you move to one of the grc residential properties and two months of your free rent and your full deposit returned, that's equivalent to four months of rent so a total, a range of \$3,600 to \$7,000, depending how much obviously your rent is and your deposit was, your full amount of rent. So this is what we offered up as an update to what we've

been discussing and this was last issued to the tenants this Monday, the 6th of June. I will pause here and answer any questions that you might have. If you want to note anything else.

[Buzzer] Thank you.

>> Mayor Adler: Thank you, councilmember kitchen.

>> Kitchen: Just quickly, I'll just ask one quick question because I think we're going to postpone this, because -- well,

[12:09:35 AM]

I won't even ask it. I can ask it later.

>> Mayor Adler: All right.

>> Do you know how many of the current tenants would qualify for affordable housing, like, the 80% at the other jci property?

>> I don't know, all I can tell you is that the tenants, the rents are pretty comparable, you know, to the one and two bedrooms, at least the two that are -- two of the projects that are referencing are -- in partnership with hawco and one in partnership with Travis county housing authority -- housing finance corporation. Similar to what you have with Austin housing. With the city of Austin housing corporation. So that's the comparable. But we have given them the information and asked them to apply. I think that only two tenants have expressed an interest and reached out to those units to

[12:10:37 AM]

get assistance in signing up for those units. But we mention those because the rents -- when you compared the -- they pay \$900 how to and for the same unit \$1,019 at the other apartments and those are the rents that are there for your two-bedroom units. For example, at bridge at Grenada which is district 4, councilmember vela, the two-bedroom units start at \$1,421 per month and old homestead, from \$1,050 to \$1500. And at the bring in turtle creek in district 2 that was just built using vmu, and the partner is hawco, and for the one-bedroom units it's \$919, and two bedrooms, \$1,421. The rent at the hold homestead for one bedroom is \$900, in

[12:11:38 AM]

comparison the two-bedroom would be \$1050 to \$1500. So we only have one being rezoned at \$1,750 a month.

>> Vela: Thank you.

>> Kitchen: Just -- I'm sorry -- just one quick question. Do we know that those -- that there's availability at these other units?

>> Yes, yes. There is availability.

>> Kitchen: Have we guaranteed them?

>> We've -- we've -- we've offered that -- they reach out to the -- to the -- to the management company and apply. Because there's a screening requirement, just like any other placement. Especially if their tax credit units, they have to adhere to the qualification requirements to apply. So we've provided information only two have reached out to

[12:12:38 AM]

apply. And we assist in making sure that we reserve a unit for them if they reach out.

>> Kitchen: This is a much longer conversation and we don't need to have it tonight. But what I'm hearing from the residents is that there isn't -- there aren't places affordable to them at their current level. But that's a longer conversation.

>> Well, those -- the rents that are just quoted to you and those projects are in association, again, with hawca and Austin and Travis county.

>> Mayor Adler: Okay, is there a motion on this? Councilmember Kelly and then councilmember Tovey.

>> Kelly: Yeah, I guess that I don't need this answered now if we are going to postpone it. But I have concerns about those that may go through the application process that maybe don't qualify and if there are plans for that. But, again, you don't have to answer that now and perhaps when it comes back we can address that.

>> Mayor Adler: Councilmember tovo.

>> Tovo: A couple things.

[12:13:42 AM]

Ms. Glasco, can you please provide us with that powerpoint and I know that we can go back to the transcript and go over it, but if you could provide us with that powerpoint that would be useful and if you provided us with the rents and I didn't quite capture all of them. It sounded to me like the rates for a one-bedroom, one bath at old homestead are a little under maybe five out of a hundred dollars a month of the efficiency at the other units. So I think that to get a comparable, I'm just trying to think this through, but to get a comparable unit it sounds like they'd look at an increase.

>> It would be high, especially since the tdhc issued their new -- their new mfi rates and they did go up slightly, yes. But they'll be at least some dollars higher, 19 -- like the one bedroom -- paying \$900 at

[12:14:44 AM]

homestead and \$919 --

>> Tovo: You would be going --

>> Correct.

[Multiple voices]

>> Tovo: So if you could provide us with that information that would be helpful to just to try to get a handle on that. I also want to just appreciate a couple things about this process. One is, thank you for your continued work with the tenants and you continued listening and addressing their very valid and very real concerns about relocating and relocating to places that are nearby and always at the same -- at the same level. And I hope that dialogue continues. I want to also to just appreciate those of you who are living in -- who are living there, the residents, for your advocacy and for the advocacy, not just for your own housing, but also for that of your neighbors. I hope that does dialogue -- that dialogue will continue. I would like to see -- I would like -- I hope that there might

[12:15:45 AM]

be an opportunity for some additional relocation assistance. And so I hope that will continue as this gets postponed and the conversation continues.

>> Yeah and I will correct myself -- I am reading my chart here, correct that the other units, the low amount is an efficiency unit and the one-bedroom --

>> Tovo: So -- so --

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: So, so -- okay, so, there's not a comparable -- the smaller units they actually have to pay more to get the same size that they're in right now?

>> Slightly more, correct. Therefore, like the Brigitte Grenada is closest to this site in district 4. So the one bedroom units would

[12:16:47 AM]

be \$1,188.

>> Kitchen: So there is a difference. And then the last question would be the application -- I think councilmember Kelly asked a similar question, but have you explored the possibility of streamlining any kind of application process?

>> The minimum requirements -- because they are tax credit, and the same -- actually the same procedures, the same requirements that you have to have so much -- two months of rent in your income. It's a list of several requirements that -- that are required by tdhca, the Texas department of housing and community affairs for tax credit-funded projects. My understanding in talking to your department, the city's housing department, for the Austin finance corporation projects, like have similar funding. You have the same criteria for

[12:17:48 AM]

screening tenants. So it's the same screening criteria that the city ahc housing projects are subject to the same screening requirements here. So they're required by tdhc and we can't waive the screening requirements and I think that is the --

>> Kitchen: Can you consider allowing additional time before they have to move out?

>> We have. The -- there are current leases -- the current owner was to end 31 December of this year, 2022, and we agreed to -- agreed to extend them to the end of January 31, 2023. As opposed to December, which is during the holidays. So, it would be after Christmas, or the end of January of 2023.

>> Kitchen: Well, I would just ask that you continue to work very directly with them. I may have specific questions

[12:18:49 AM]

for you after this.

>> Okay.

>> Kitchen: It's a very difficult market for people, particularly who have lived at this place for a long time. It's very difficult for them to find another location. So -- and from what you have told us, even at other properties, it's difficult to find anything that's comparable. So I would encourage you to keep working with them and I think that I might have some specific -- some additional specific questions for you before this comes back to us.

>> Okay. Sounds great.

>> Mayor Adler: Okay, is there a motion on this?

>> Vela: I will make a motion to postpone, briefly to speak to the motion I do want to give them additional time to hopefully to come to an agreement, but I want to echo councilmember tovo's comments that I have dealt with in the few months that I have been on the dais, I have already dealt with multiple displacement cases. And I respect the fact that in

[12:19:51 AM]

other cases that I have dealt with there was lying to the tenants about the intentions of the landlords, and there was really kind of deception and really bad faith, and this is not been the case. I appreciate, you know, that giving them seven, eight months of heads up that there's going to be something on the table. I just -- whenever -- I think that landlords and developers do the right thing, I mean we call them out and we'll beat them up if they do the wrong thing, and when I think that someone is trying to act honorably and in good faith, I also want to recognize that. So I do appreciate the jci and your efforts to try to come to a fair accommodation with the tenants. They're struggling too. It's a charming little spot and it's a great little spot, and I know that the tenants are in sticker shock, because a lot of them haven't moved in a while. And irthat looking around and going, oh, my lord, and I won't

[12:20:51 AM]

potentially be able to stay in the same neighborhood. But I will move to postpone this --

>> Mayor Adler: To when?

>> Vela: To any -- suggestions?

>> We could try for next week, the 16th.

>> Vela: Move to postpone to next week.

>> Mayor Adler: A second to the motion to postpone? Councilmember Kelly seconds the motion. Any discussion? Those in favor please raise your hands. Those opposed? Unanimous on the dais and that item is postponed and thank you for staying so late.

>> Thank you.

>> Mayor Adler: And that is all of the agenda items but we have yet to give everyone a chance to the consent. Do we want to do that or ready to go home and to go to bed?

>> Let's just tweet our comments, please.

>> Mayor Adler: There you have it then. So at -- I offered -- 12:21 in the morning, I'm sorry, what? Go ahead.

[12:21:52 AM]

>> Thank you. I want to thank you all for your support on my Adu item. I had a lot to say about that but I'll skip it because I will explain why I abstained from item number 38. And if we have just a few moments I'll daylight why. And the item was to ratify the multiple emergency contracts with various contractors to provide services related to the coronavirus pandemic and in amount the \$41.9 million. My staff and I went through those different invoices and purchase orders, and some of the billing did seem to be consistent with covid-19-related expenses and there were a couple items that weren't. One example was an apartment with the images and renovations for \$53,000. And there were also some things that seemed inconsistent with the billing practices against the contracts and purchase orders, and I could not support voting in favor of that item until some of those things were sorted out. So, thank you.

>> Mayor Adler: All right, with that, I'm going to adjourn the city council meeting here at 12:22

[12:22:53 AM]