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[10:17:04 AM]

>> Mayor Adler: Are we ready? All right. Colleagues, let's go ahead and convene today's city council meeting. It is Thursday, September 1st, 2002. It is 10:17. We are in city council chambers here in downtown Austin. We have a quorum present. Councilmember harper-madison is with us virtually, the rest are on the dais. Colleagues, we have a lot of stuff before us today, a chocked agenda, a handful of discussion items on zoning, some issues that will probably take us a little bit to be able to work through, and lots of speakers. We have over 200 speakers that have signed up. Every minute we give to speakers is probably four hours. So I want to recommend we give all the speakers today one minute so that we have some time

[10:18:06 AM]

to actually get some work done today and strike that balance. That's my intent. The --

>> Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Is this the time to ask questions?

>> Mayor Adler: About what?

>> Kitchen: The process.

>> Mayor Adler: Okay.

>> Kitchen: Okay. So, the zoning cases, those speakers will be speaking at 2:00 or whenever we open up zoning, right?

>> Mayor Adler: Correct. That would include the statesman P.U.D., which we have a lot of people signed up to speak on.

>> Kitchen: Okay. I'm sorry, you may not know, but do you know how many we have signed up for the zoning aspect?

>> Mayor Adler: 115 speakers signed up for zoning.

>> Kitchen: Okay. All right. You know, I understand the reasoning and I respect what you're suggesting. I just find it -- I prefer to give more than a minute, so I don't know.

[Cheering and applause]

>> Kitchen: You know, I say that with all due respect to the mayor.

[10:19:06 AM]

The mayor's just trying to make our meetings go well, and I appreciate that.

>> Mayor Adler: It's a choice. We could do speakers for eight hours today.

>> Kitchen: Yeah.

>> Mayor Adler: Which is what adding another minute does, but I understand that. There's a balance. We would all like to have people be able to speak for three minutes. That would be 12 hours of speaker time.

>> Kitchen: Yeah.

>> Mayor Adler: It makes it hard to get work done as well. Many people reach out to the offices.

>> Kitchen: Okay.

>> Mayor Adler: I've heard from a lot of people in the community, both calling and in emails. There's lots of opportunity for public engagement and for people to be able to let councilmembers know what they're thinking as well. Councilmember tovo.

>> Tovo: Yeah, I appreciate you raising that, councilmember kitchen. I think between now and 2:00, I'm not sure, mayor, if you calculated how much just the statesman speakers are. I saw the list last night but didn't do the calculations, but that is an extraordinarily major zoning case, and restricting individuals down to one minute

[10:20:07 AM]

does give me concern. I understand the balance you're trying to strike, but I'm going to look at what giving two minutes for that body of speakers looks like. And if we're planning on discussing and not

voting today, that's a different matter. But if we are planning on considering this on second reading and potentially taking action, I think we need to hear from our speakers.

>> Mayor Adler: Most of the speakers signed up on zoning are on that question. All right. So, to take a look at where we are on the agenda, the intent is to go through the agenda, get to speakers as quickly as we can, given the number of speakers we have, I'm not sure there's anything that's going to happen this morning beyond listening to speakers. We have citizen -- public, rather, communication. We'll get to that as close to 12:00 P.M. As we can. We'll stop. We have executive session today. Maybe we could run that concurrently with lunch so that we can move forward on that. There are a few followup

[10:21:08 AM]

questions on the south central waterfront. We have to respond to those. We'll pull that up so we can get that done. We'll try to take care of the consent as best we can in between that. And then as close to 2:00 as we can we'll call the zoning speakers. All right. So the consent agenda for us today is items 1-91, and items 133-138. Pulled items I'm seeing are item 85, the Austin rowing club, pulled by councilmembers Ellis. I pulled that. I think that councilmember Renteria also ordered that item pulled as well. Item number 90, pulled by councilmember vela, the license plate reader issue. And then we have pulled 136,

[10:22:12 AM]

137, and 138. And those are the parkland dedication, one of the parkland dedication resolutions that I brought. 137 is the convention center garage fee, 138 is the Castleman bull house. I'm pulling the parkland dedication so it can be considered together with all of the other parkland dedication matters. We have item number 92, which sets the fees. 102, which is just specific to commercial parkland dedication. Councilmember Renteria.

>> Renteria: Yes. I also want to be shown to be a cosponsor of item 86.

>> Mayor Adler: Okay. So noted. Councilmember pool?

>> Pool: I want to pull item 59, which is the renaming

>> Mayor Adler: Okay.

[10:23:13 AM]

59, the renaming of the park, pulled by councilmember pool. Colleagues, if there aren't objection, I'm going to recommend --

>> Mayor.

>> Mayor Adler: That the consent agenda show that on item number 57, I'm going to recommend we postpone that to September 29th and that we bring that back at two separate items. So staff combined two things, I suggest they separate them and bring them back on September 29th. My understanding is, is that the advocates in the community, both sides working on this are both agreed to that, and suggest that's really how we should proceed. So, without objection, the consent will reflect that postponement and the division of that question. That's a tenant right issue, item 57. Okay. Councilmember Ellis.

>> Ellis: Thank you, mayor. I wanted to flag I'll be circulating a small language update proposal to 85.

[10:24:15 AM]

And if it's seen as friendly I don't need to pull it, but if other people want to discuss, I'm happy to continue discussing that.

>> Mayor Adler: Okay.

>> Tovo: Mayor, I'm happy to look at it. The mayor and councilmember Renteria pulled it, anyway.

>> Mayor Adler: Okay.

>> Tovo: Did you have questions, or just amendments?

>> Mayor Adler: Just an amendment. It was one I talked about just to ask the -- I think councilmember Renteria is bringing an amendment, just ask the staff to investigate, come up with some resolution for the subtenant in that space and bring that back to council.

>> Tovo: And I would -- I'm open to seeing those amendments. I'm sure they're fine. I would call your attention to the newer one that posted yesterday that addresses epic. I hadn't realized that version hadn't posted Friday, but it does address it. It may not ask for what one of you ask asking for, which is to look for another site.

[10:25:15 AM]

If we're --

>> Mayor Adler: I scanned it quickly and the language I saw spoke to when they had to move out in order to be able to accommodate the transfer, which I understand. The amendment goes one step beyond that. It doesn't prescribe anything, but it asks staff to come back --

>> Tovo: If you want to circulate those, as long as we're within the posting language, I'm probably fine with that in concept and we could clear that off the decks, too, if you want.

>> Mayor Adler: Sounds good. I understand legal has cleared it.

>> Tovo: Mayor, I was going to ask, is there a chance that we could figure out what on the consent agenda doesn't have speakers today and pass those so staff can finalize that work, is that do-able?

>> Mayor Adler: I don't think we should pass anything until we have the speakers speak, but -- just because they have the state law and we don't prescribe -- someone could get up and speak about whatever they want to speak about, so I'm not sure we can anticipate that. We have to give people an

[10:26:15 AM]

opportunity to be able to speak on an issue before we pass it.

>> Tovo: But if they haven't signed up on it at this point --

>> Mayor Adler: The law says they have the right to speak. Someone could sign up on 33 and they could say you know, I thought about it and I want to address 45. There's nothing to stop someone from doing that.

[Off mic]

>> Mayor Adler: Okay. Councilmember vela.

>> Vela: Mayor, I need to recuse on item 64.

>> Mayor Adler: Okay.

>> Vela: And I would like to pull item 84. And I would like to be shown as a cosponsor on item 86, supporting the freedom to read, if --

>> Mayor Adler: Okay.

>> Vela: And just for my wife is employed by legal aid, who is receiving the contract from the

[10:27:16 AM]

city.

>> Mayor Adler: Okay. And colleagues, I'm going to again not take a vote on the S.A.F.E. Alliance question, item number 60. I don't have a conflict under law, because I have no personal interest, or my family has no personal financial interest, but Diane is an officer of S.A.F.E. On their volunteer board, so I would like the record to show I'm not taking -- exercising a vote. Councilmember kitchen.

>> Kitchen: I'd like to be shown as a cosponsor on item 88. I think that's the mural.

>> Mayor Adler: Okay. Colleagues, anything before we get into speakers so we can launch into that? Let's go ahead and do that, then. We're going to call -- I think we said the remote speakers first?

>> Yes, mayor. However, we do have a Spanish speaker here in person and the

[10:28:19 AM]

interpretive -- interpreter is on the line. Can we take her up first?

>> Mayor Adler: Yes. By the way, before you call that person, let me read the changes and corrections into the record. Item number 38 should be district 2, not district 4. Item 33 is not to exceed -- I'm sorry, item 22 -- 33, item 33, not to exceed \$500,000. Item -- it's out of order. Okay. Item 22, that's right. Item 22 is the amount is not to exceed \$500,000. Item 86, sponsorship now includes councilmembers kitchen, vela, and Ellis. Item 99, public hearing related to the urban renewal plan will be taken up after the related zoning case, item 115.

[10:29:20 AM]

Item 100 there's a public hearing related to annexation, so it will be taken up after the zoning case 117. 115, a valid petition has been submitted in opposition to this rezoning. Item 138, joining sponsorship of that is councilmembers vela, pool, and kitchen. Item number 140, it's ordinance number 200220817, and the numbers after that, it's 004. We have late backup in 5, 7, 85, 89, 90, 92, 93, 99, 102, 105, 107, 108, 109, 110, 112, 113, 114, 119, 120, 122, 124, 125,

[10:30:23 AM]

127, 128, 129, 137, 138, and 140. Councilmember tovo.

>> Tovo: Mayor, just quickly, I'm going to pull item 6 and I have questions and likely will pull 21 and 132. I wanted to point out item 12 notes the downtown public improvement assessment as impacting district 4 and 9. I think that's just 9. This is the second time district 4 has popped up, but I don't think there's any part of the pid in district 4. And I think it's okay because the agenda seems to have spelled my name right, but changes and corrections spelled it wrong.

>> Mayor Adler: Okay.

>> Tovo: If it's meaningful, we can correct that.

>> Could you repeat those numbers quickly?

>> Tovo: Sure. Six, 21, and 132, but 21 and 132 I expect I'm going to be able to get answers.

>> Mayor Adler: 21 and 32?

[10:31:23 AM]

>> Tovo: 132.

>> That's a zoning item.

>> Tovo: My apologies. Later on, I'll be asking that question. And my other was just a correction about item 12 being in district 9.

>> Mayor Adler: Okay. All right. Let's go ahead to speakers. In-person speaker with an interpreter.

>> Yes, nolia Castillo.

>> Jacqueline, are you ready?

>> Interpreter: Yes.

>> Okay, great.

>> Interpreter: Is nolia ready?

>> [Speaking Spanish]>> Interpreter: [Speaking Spanish]

>> [Speaking Spanish]>> Interpreter: [Speaking Spanish] [Speaking Spanish]

[10:32:26 AM]

>> [Speaking Spanish]>> Interpreter: [Speaking Spanish]

>> [Speaking Spanish]

>> Interpreter: Good morning, I'm a resident of district 4.

>> [Speaking Spanish]

>> Interpreter: Today I come to support article 48.

>> [Speaking Spanish]

>> Interpreter: I've been supporting the program of vegetables for gave with cooperation of urban roots farm.

>> [Speaking Spanish]

>> Interpreter: I've seen the needs of the residents in the community.

>> [Speaking Spanish]

>> Interpreter: It was given 7,000 pounds of vegetables to the residents of south and north

[10:33:26 AM]

of Austin.

>> [Speaking Spanish]

>> Interpreter: So now I'm asking where we could get if we were to build a cooperative of food in our communities.

>> [Speaking Spanish]

>> Interpreter: It's time to give priority to the communities and the residents that suffer from not having food, and having insecurity when it comes to food.

>> [Speaking Spanish]

>> Interpreter: All of the communities deserve equity when it comes to access to food.

>> [Speaking Spanish]

>> Interpreter: All of the residents and communities will navigate with the new access, for the food, if they give them

[10:34:28 AM]

the opportunity.

>> [Speaking Spanish]

[Buzzer sounding]

>> [Speaking Spanish]

>> Interpreter: This will give support of the results of a positive system, for example, for housing, for work, for labor, education, for transportation, and the use of the land.

>> [Speaking Spanish]

>> Interpreter: Thank you to the members of the council for this opportunity. And I hope that they approve item 48 unanimously. Thank you, and god bless.

>> Thank you.

>> Okay, mayor, starting with remote speakers, I have William

[10:35:31 AM]

munch for item 2 and 5. Mr. Bunch, please unmute.

>> Hello?

>> Yes, please go ahead.

>> Oh. You need to unmute.

>> Hello?

>> Mayor Adler: Yes, go ahead.

>> Bill bunch with save our springs alliance, speaking against the service extension request for Barton springs watershed, absent some affirmation from the owner that they agree with staff's assessment that their development will be subject to

[10:36:31 AM]

the save our springs ordinance that's asserted in the staff memo. I recognize you cannot condition a service extension request on compliance with S.O.S., but you can certainly ask the applicant if they agree with that assessment before you take a vote on this. And that's basic information that should be asked of all applicants for service extension requests in our drinking water protection zone. Thank you for your consideration.

>> Brian wheat on item 48.

>> Hello, this is Brian. Can you hear me? Okay. My name is --

>> Mr. Wheat, we can barely hear you, if you could speak up,

[10:37:34 AM]

please.

>> Okay.

>> Mayor Adler: Better.

>> My name is Brian wheat, I am in district 1. I'm calling in support of item number 48 today, for the grocery store co-op in district 2. I believe food insecurity is a critical issue in our community. I believe the report said something around 15% of our Travis county residents are food insecure. And I think this is

critical to our public health infrastructure, because primarily people need access to plant-based foods, especially considering we are -- we lead the nation in lack of access to healthcare. This food insecurity issue compounds itself when underserved communities don't have access to healthy plant-based foods and then they get diet-related diseases such as heart disease and diabetes.

[10:38:35 AM]

I believe this can best be used by creating a food co-op so the community can have access to plant-based foods and avoid these pitfalls. Thank you.

>> Eli Cortez on item 90.

>> Good morning.

[Echo]

>> Thank you so much for the opportunity to speak today. My name Eli, a resident of district 1. And I'm an organizer at Texas harm reduction alliance. I'm speaking today in opposition to item 90. These license plate readers, they're not tools that are going to help with efficiency or some kind of administrative aid to police. This technology, when utilized to further the reach of surveillance and policing, cannot be used for anything other than a war on poverty. This technology will target people with expired tags and registration, people involved in

[10:39:35 AM]

the criminal legal system, people with warrants for unpaid tickets. These are single mothers, these are people who have lost jobs due to disabilities, people struggling to recover from covid. And when we combine that knowledge with the fact that policing surveillance practices are concentrated in black and brown communities, with I know what -- we know what this will result in. It should be concerning that this groundwork is being laid and lays the way for state to track women trying to access reproductive justice, to know the movements of undocumented folks and their locations. The community is watching.

[Buzzer sounding]

>> And we are demanding that y'all do not move forward with this. So, thank you for your time.

>> Mayor, if I could just respond to one thing there. Thank you so much for coming before council to speak. You mentioned that this technology would be used to target certain groups of people, specifically those with warrants. I want to bring your attention to line 100 of page 5 that says the license plate reader data collected will not be used for the purpose of collecting traffic fines, warrant roundups or any similar purpose of generating revenue or collecting

[10:40:36 AM]

money by the public. I appreciate your comments today. Thank you.

>> Connor brofy on item 90.

>> Good morning to everyone on the dais, Connor speaking in opposition of item 90 to reject the use of license plate readers in Austin. Austin pd can and will use them to track and share the where where whereabouts of those seeking abortion. Until we have voted on the oversight act, the APD and oversight board have no incentive to embarrass the department. We know the alprs are not a proven asset in clearing crimes, despite Austin's crime volume being in line with the national averages, police budget has increased while crime clearances decrease every year the alprs were in use. They are a weapon and the police have shown every step of the way

[10:41:37 AM]

that they will misuse every tool against our community. What could make us believe they would not abuse this? Take time to consider the consequences of adding another weapon to their arsenal rather than investing in the community. Thank you all for your time and consideration today.

>> Shane russing, item 90.

>> Hello. My name is Shane, I wanted to encourage the council to rethink and reassess bringing back the apr -- I'm speaking on issue 90. In my mind, the privacy and surveillance issues with these devices does not render the solution, but can create more problems. I understand the difficult issue with our police and law enforcement. I support law enforcement. I want them to have real solutions with longevity that won't create issues down the

[10:42:38 AM]

road. I heard the council say policing our city is a long-term issue and this is a quick fix, such as the apr to bring additional problems like privacy and surveillance issues. That being said, if the council moves forward, I'm optimistic that they will craft a resolution that will minimize the negative issues with alprs and take the concerns of our community into account, specifically the data retention, the data-sharing, and the oversight of the apr location and placement.

[Buzzer sounding]

>> Thank you.

>> Crystal Erickson Collins, item 90.

>> Hello. My name is crystal, please vote no on automated license plate readers. APD's noncompliance with direction and poor relationship with members of the community has made any amendments, while

[10:43:39 AM]

admirable in principle, not worthwhile practically, given dangerous data leaks and repeated misuses in California, there's no amount of privacy protection that would make this technology worth using. The error rates are as much as 35%. There's been no upfront community education, input, or discussion on meaningful limits of use, auditing, or consequences for abuse. As a mother of a young woman in Austin, I applauded your protecting the freedom of her bodily autonomy, but this data will be used against folks seeking reproductive or gender affirming healthcare services. It will be especially dangerous for people of color, immigrants, survivors of stalking or intimate partner violence. It's a repressive and regressive tool. I urge you to continue on the Progressive track you've been on. Thank you.

>> Rachel Shannon, item 90.

[10:44:40 AM]

>> Good morning, mayor Adler, members of council, I'm Rachel Shannon speaking as a res didn't of district 1 for over 21 years, and a member of undoing white supremacy Austin. I'd like to push back on the use of automatic license plate readers and on the idea that there can be some sort of -- that we have some sort of accountability in place. We don't. Surveillance stands to unjustly track and persecute targeted and vulnerable people in our community, and we currently don't have a robust police oversight act. And there's no amount of privacy protection that justifies using them. It violates our fourth amendment protections against illegal search and contradicts the work of the city's own reimagine public safety task force. , Not to mention with the recent attack on reproductive freedom, this is an abhorrent and reckless undermining of the health protections supported by the grace act. You know, tools like alprs get

[10:45:41 AM]

misused in ways that affect people of color, immigrants, survivors of stalking or intimate partner violence, activists, folks seeking reproductive or gender affirming health services and care, and as a queer resident of Austin I fall in many of those categories, but far more vulnerable community members fall in more of them.

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

>> Right now, studies show that inconsistent effectivity of the alprs. Thank you. Do better.

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

>> Claudia Munoz, item 90.

>> Hi, good morning, my name is Claudia, I'm the co-executive director of grassroots leadership calling from district 9 and our office is in district 4. I'm calling on behalf of many community members surveilled by the Austin police department. The automatic license plate reader, a safety measure, which

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is quite ineffective and it's not really doing what it saying it do. The center, which outsources technology, has been exposed to surveilling -- in Austin and cultural events and this could be used to track people seeking abortions, as many people mentioned. Councilmembers, it is a shame and disappointment you are sponsoring this item. Just look at -- defending it. And even with some of the proposed amendments, alprs remain a danger to over-policed community members, particularly immigrants, because state law mandates that license plates must be shared with I.C.E. If collected. I don't understand how you think that anything that has to do with surveillance and policing --

[buzzer sounding]

>> Even with amendments will keep any of us as immigrants safe. We're asking you to please vote no. We don't need amendments. We don't need this item. Please vote for funding the initiatives that promote health

[10:47:43 AM]

of our communities --

>> Thank you, speaker. Your time has expired. Cleo Patrick, item 90.

>> Hi. Thank you, councilmember Mackenzie for this item. I support the reinstatement of the program. Since our city council voted to defund our police department in 2020 against president Biden, who was for our police department, I have been able to meet with austinites from all districts and one of the major concerns has been the rapid increase of crime, especially in poor districts. East Austin has felt the impact of undermining and removing police presence and patrols. There has been a dramatic spike in vehicle-related crime, and drunk driving, fake and expired temporary license plates, drug, gang, and cartel activity in addition to theft and encroaching homeless encampments. According to the latest report,

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it has gone up. 2,973 auto thefts this year, a 27% increase from last year. Authorizing the license plate reader program will mitigate the harm done by removing police presence and traffic protocol and dwi patrol. Council actions have made our city a sanctuary for lawlessness.

[Buzzer sounding]

>> This will help the police department to apprehend criminals quickly.

>> Thank you, speaker. Your time has expired. David Hensley, item 90.

>> As a concerned Austin board member, citizen, and district 4 resident, I urge you to consider the following issues regarding the reinstatement of item 90 and alprs. Privacy, security, big data predictive policing of marginalized people, alprs collect location data on vehicles in the city that could

[10:49:44 AM]

be just as revealing at pia. The fusion center, June 19th, 2020, confirmed the validity of the stolen data. The safety of citizens' information is at the mercy of hackers. APD's previous policy on alprs is cross-referencing scanned license plates to hot lists as part of its purposes and scope. Such data has unfairly impacted marginalized people. Examples include Chicago pd's implementation, an increase in the type of crime it was employed to reduce. The California database's protocols have infants listed as possible gang members. A Chicago police chief, Eddie, discovered his phone was in a database of possible gang members.

[Buzzer sounding]

>> Issues affect law enforcement agencies are integrate into the automation, maintenance, and employment of these databases. Lack of transparency --

>> Thank you, speaker.

[10:50:45 AM]

>> Mayor Adler: Thank you very much. That's your time.

>> Sam kirsch, item 90.

>> Good morning, mayor Adler and councilmembers. My name is Sam, a resident of district 5. I'm speaking in strong opposition of item 90. I appreciate the effort of some councilmembers and grassroots organizations working on attempts to reduce harm in this proposal, but council must reject license plate readers AI together. At the end of the day, the city council would be relying upon APD to follow these regulations and police themselves. We do not have a functioning police oversight system and APD officers commit acts of violence and white supremacy with no repercussions or admissions of wrongdoing. If this passes, data will be passed to other police departments and to federal law

enforcement and intelligence agencies. So ask yourself if you really think alprs are worth it. It's not a risk, it's a guarantee. If you pass alprs, you are

[10:51:47 AM]

endorsing a death sentence for innocent black and brown people on the off chance you might solve a couple of crimes. Vote no on item 90 and use better builder practices at the P.U.D., and there should be affordable housing and not more hotels. Thank you very much for your time.

[Buzzer sounding]

>> Preston Mannis, item 90.

>> My name is Preston, I am a resident and property taxpayer of district 6 in northwest Austin. I am calling in favor of item 86 and against item 90. The Austin police department consistently resists measures to community reform and oversight, treating them as bargaining chips. 19 of their officers are under indictment for misconduct and millions have been put in legal settlements. When austinites elected to reimagine public safety, we made our distrust of APD clear. The police, the enforcers of the ruling class against the working class, are an instrument of class domination.

[10:52:49 AM]

Giving them greater power is a mistake. I urge council not to support the apr program and resist the APD by any and all legal means available. I yield the balance of my time.

>> Laura Blackwell, item 90.

>> Hi, my name is Laura, I'm from district 4 opposing item 90. I want to voice concerns about the violation of our fourth amendment protections, being that the data is stored for up to 30 days. That is surveillance with no warrant, very upsetting. It undermines our reimaging public safety task force, the act to de-criminalize cannabis, and our status as a sanctuary city. The inaccuracy rates reported in California of 35% to 37% gives us no confidence that this will be a useful tool for APD and, of

[10:53:49 AM]

course, we don't have confidence in the oversight and accountability that we have over APD at this time. Please vote no for item 90. Thank you for your time.

>> Cybil, item 90.

>> Yes, I'm cybil Seville, and I am the grassroots leadership Austin organizer. I am en route and I'm hoping that you guys en route to be a resident in Austin as of today. So, I'm voting -- I want you all to vote no for item 90. The city of Austin must reject automated license plates readers contracts, because they threaten residents' rights and safety and promote profiling in black and

[10:54:50 AM]

brown neighborhoods. As more evidence emerges about the lack of ethics of the alprs, it is against our interest to invest our funds in technology that has no value for its residents. I sincerely hope that you vote no against this item, this automated license plate readers. I know that you will do -- that you don't have to do this, but you will do what you want to do. But at least vote for --

>> Your time is up.

>> Vote yes for --

>> Kelsey Hughes, item 90.

>> Hi. I'm Kelsey, I live in district 5, speaking on item 90 and I believe the harms of these license plate readers without

[10:55:50 AM]

any benefits and I would like you to oppose or at least delay, because we have a lack of data from the police about their effectiveness when they had them before. I wanted to share that rental car companies frequently report cars as stolen and fail to report when those cars are found or recovered. Hertz has had so many innocent people driving rental cars flagged as stolen, being held at gunpoint by police officers who believe they are apprehending the driver of a stolen car. Other people have spoken about how inaccurate reads are common and up to 30% or more. And these things don't work well in bad weather. In 2021, Texas A&M found that weather can affect their ability to read these plates and generate false positive hits. I don't wish to live in a city where police have more tools to harass people.

[Buzzer sounding]

>> Please make the right choice today and oppose this item, or

[10:56:51 AM]

at least delay. I urge my councilmember, Ann kitchen, to reconsider this item and vote no. Thank you.

>> Scott hern, item 90.

>> Yes, hello, thank you. Hello, mayor and council, my name is Scott, representing district 1, a resident there. I strongly oppose the introduction of alprs. If someone is traveling out of state, police could identify where their license plate was scanned during the trip and the times it was scanned. With that information, they may be able to sketch out the person's travel patterns. Police don't need a warrant to obtain this information. License plates are in the open and can be pinged by anyone, which is not the case when police want to obtain location data from someone's phone or use another tracking method. The more densely situated apr scanners are, the more they resemble gps tracking. We need to protect our fourth amendment right and unreasonable search and seizure, which this

[10:57:52 AM]

does in tracking of citizens' movements. Please oppose the introduction of alprs. I have major concerns about data security and retention, given the rash of ransomware. I worked in the cybersecurity industry. As a private citizen, I oppose the retention of this data on private citizens.

[Buzzer sounding]

>> Thank you so much. Please vote no on item 90.

>> Gumbo vedros, item 90. Mr. Vedros, please unmute. Cassandra, item 90.

>> Hi. My name is cassie, a district 9

[10:58:54 AM]

resident speaking because I oppose the potential passage of the alprs. Data shows alprs are largely ineffective. These are tools of mass surveillance that perpetuate harm by putting residents who are unjustly discriminated against at risk such as abortion-seekers, immigrants, and our black and brown community members. We cannot trust APD with this kind of surveillance. It will harm more people than it will help. Stating that the office of police oversight will audit this program illuminates the false security apr supporters have in our unaccountable police force. Alprs generate millions of data points on the business of people not suspected of violating any law. A passage of alprs would serve as evidence of performative support for the recently passed grace act and will be duly noted by your constituents. Alprs have been used to surveil people engaging in protective first amendment speech --

[buzzer sounding]

>> And we know here in Austin

[10:59:56 AM]

that law enforcement surveilled an online juneteenth celebration and -- meditation event. Alprs have no place in our community.

>> Frank nedster, item 90.

>> Howdy, frank, loud and proud district 1, member of the employees union, calling against item 90. I understand there are nice things you're saying, but members of the council will term out. The people running APD will leave. New people will be upholding promises. That is not something we can believe in. The best data is private and never collected. If you can't trust a Tesla to

[11:00:58 AM]

not crash into you, how can you trust an alpr? Thank you for your time, attention, and I'm hope you use practice for the P.U.D. -- better builder. Thank you so much. Bye.

>> Elizabeth Rome.

>> Hello, I'm speaking against item 90, I live in district 5. I want to thank councilmember kitchen. I appreciate your engagement and knowing that no guardrails are sufficient to protect against harmful use. I hope you'll vote to oppose alprs in Austin. Misuse of personal information does happen. You can't -- these readers will be collecting gathering information on austinites. Just because no one is supposed to be looking at that information does not mean those rules will be followed. It is mass surveillance. If individual officers have

[11:01:59 AM]

access to the data, it -- it would be naive to expect policies would hold back data lacks for all time. In the -- received, including the open letter, you can see many examples of similar systems being mishandled despite ordinances. I hope that despite pros that you see, you will choose to vote against this in Austin. Thank you. Greg, item 90.

>> My,

[11:03:02 AM]

.

>> City manager who is

(garbled audio). The reason we don't support this is we understand surveillance is a threat to privacy and the working class and to [indiscernible] People, people seeking abortions, partners of police officers.

Apb had a long [indiscernible] Including stocking. They had a long history of violence [indiscernible] And our representatives -- [garbled audio].

>> Thank you. Judy Nolan on item 90.

[11:04:30 AM]

>> If he doesn't find this child in time, they're shipped out of a shipping crate. Time is of the essence to find this daughter, husband, son who's been abducted. I want police -- we're the top technology place and we have all the technology. Why don't we give it to police officer. Why don't we let them find victims, cars? Have you ever had your car stolen? It's three months before you can make an insurance claim. Try being a single mom without a car for three months, still making a payment on it. You can't go anywhere. Can't call for an Uber. Give police the tools. They are not villains. We have Austin police

[11:05:31 AM]

oversight.

>> David king.

>> Item 92 delays increases in parkland dedication fees and establishes a baseline for future increases. It delays the payment for parkland fees until later in the development process. Both of these will shift the costs from market rate developers to low and middle income taxpayers. Please do not delay. Staff indicated the percentage of members with access to parks will decline in 2022. There have several proposed amendments that delay parkland dedication fees required of developers. Please do not lower in the urban where land is more expensive and more parkland is needed for a -- please approve

[11:06:32 AM]

without the poisoned pill amendment. Thank you.

>> Francis Acuna for 98 and 101.

>> Hello.

>> Yes. We can hear you. Please go ahead.

>> Yes. My name is Francis Acuna. I'm calling in favor of conducting public hearings, but also to take your time in considering an ordinance to approve the land development code related to relation after development of the

[indiscernible] Until you assure the write wording is in place, to assure nearby communities are not affected by

[11:07:35 AM]

flooding. I want to assure the water shed department is well aware of all the flooding that is going on in the whole city of Austin, particularly we have been getting flooded in

[indiscernible] Constantly, so keep in mind whenever you make your decision. Also make sure that you have all the restrictions in place along the rivers, Lakes?

>> Thank you. Your time has expired.

>> Anna Aguirre item 101.

>> Good morning.

[Indiscernible] I'm speaking for myself on item 101. The contact team would like me

[11:08:35 AM]

to work this project and it was brought to my attention the

[indiscernible] Southeast Austin. Upon review in the city's and park board back-up information I was unable to see documentation that the water board was involved in the project. This will go through an area with catastrophic flooding. Please (indiscernible). Please include the water shed department for trees -- for trees removed please consider adding a trail system as part of this project. I'm confident the (indiscernible). Thank you for your service and dedication to our community.

>> Mayor, can we have director morale es with us when we consider item 101? Thank you. That's water shed director.

[11:09:36 AM]

Thank you.

>> Carmen Ilanes-pullido.

>> Hello. I know you have a loaded agenda and lots of specific stuff. I'm speaking on the initiating stakeholder process for the affordable housing project and community benefit. I'm neutral on the item - mostly because we don't know what is going on. We're eager to learn the intentions of the process,

obviously in addition to giving community benefits. I'm in favor of that and think that should be explored. However we have questions about how tactically that might happen with some of the stipulations in the existing code and the way projects are being developed. I hope you'll include language

[11:10:36 AM]

that includes stakeholders are represented and that in this process, the engagement process, include people who have lived in affordable housing funded by the city and who will be directly impacted. We look forward to learning more and hope to support engagement in the process wherever possible. I want to say it's good for the city to be putting higher standards?

>> Thank you your time has expired. Gumbo vedros, item 90.

>> Good morning. I'm a member of district five. It should be little surprise that I'm speaking against item 90 for the apr. In the past few months you have floated it as a way of ensuring public safety. We've told you it's not to

[11:11:38 AM]

aggregate data in a racist, unaccountable system. I invite you to place yourselves in someone else's shoes. Imagine you've left the stage to obtain an abortion or maybe you have a past record, you went to a protest for black lives. While you were there the police took license plates of all the cars. You've broken no laws. But if 2020 is an indication that will not stop law enforcement from harassing you. You are scared and rightly for. Data in the hands of a few are not [indiscernible] And the interest of?

>> Thank you your time has expired.

>> We already voted on these years ago.

>> Mayor, that concludes all the remote speakers. If you give me one moment, I'll speak to in-person speakers.

[11:12:50 AM]

>> First in-person is sandy --

>> Mayor Adler: We have 35 in-person speakers this morning.

>> I signed up for both 19 and 90, but I'll say for 19 I'm opposed to spending more money on covid. Covid is over. On 90, I'll give you facts. There were (indiscernible). The license plate data will not be used

for the purpose of collecting traffic fines, warrant round-ups or similar purposes for collecting revenue. Data is not retained for 30 days. It's only retained for 30 days -- I apologize. And will be used to prosecute

[11:13:55 AM]

criminal activity. Then the police department had it previously there was a 365 retention day. The data will be shared the police oversight. There -- I will close off with saying thank you for listening to me. As a person of color, a mother, has someone who has gotten tickets. I want this. I want you to support it. It's only for safety when seconds really count. A community needs to know that you support safety.

>> Mayor Adler: Thank you.

>> Clinton Rarey.

>> I'm speaking on 19 and 90. I'm against 19 -- spending more money on covid, especially 5 million over the next five years. I keep hearing that this will

[11:14:56 AM]

target people who have had abortions. That would be a hipaa violation. I don't know why they're spreading this misinformation. There's been outlines of what they're not going to go after. Saying they're going to target minority neighborhoods. We've seen high crime has hit these neighborhoods. The murder right -- the majority of people killed were minorities. The families probably would say I want more police in my neighborhoods and the police scanners help the police, help solve abductions. That's all I have.

>> Marcy Metler, followed by

[11:15:58 AM]

item 8. Marcy, are you here? Lindsay Hains? Are you here? Bertha dellgado for item 59.

>> Good afternoon. My name is Bertha Dell gado I'm here with all the letters of recommendation of opposition that we've given you all. We have a petition of 800 and some odd signatures as well as we've had an online survey from parks that said 51 per cent votes against renaming pan-am park. We are here not to fight with our community. We're asking that this dais respect the community and the

[11:16:58 AM]

people that have written letters to oppose any name changing. We are against this. We do not want any of our parks in any of our districts to be renamed. We ask district 3 council member Renteria do not support your friend. We are emotional and irate. We have been fighting for the last five to months in our community. We ask the dais respect us.

>> Galende Fernandez.

>> I'm president of the

[11:18:05 AM]

(indiscernible). Past president of the east Austin neighborhood association. It was an Austin police asoesh

-- association. I'm here to oppose what they're trying to do to the pan-america recreation center. Add more names to what's already there. If you would agree with me it is not right to do what these people are trying to do. I have seen some of the work that has been done by this person that is trying to name it. The only thing I can remember this person doing is playing a good short stop for the jokers. He was a good baseball player. I would appreciate it if you would consider that. Thank you very much.

[Applause].

[11:19:05 AM]

>> Martin Limon.

>> Can you repeat the names, please.

>> Martin Limon and Anna Marciel.

>> Martin is not here.

>> Good morning. I'm the president for the pan-american recreation center, and I am here on behalf of the advisory board who opposes the renaming of the pan-am neighborhood park. I do think that we need to acknowledge Mr. Tony Castillo.

[11:20:12 AM]

>> He won't last long here. That's what we need to tell city council -- to let them know this belongs to the community, not one individual. We need to fight for what we need here to protect our community. I

need for all of you to sign the petition online and also if you can show up at city council on Thursday at 10:00.

[11:21:13 AM]

We had a press conference this morning, and these individuals right here -- so I brought the community to you.

[Applause]. Applause.

>> Renteria: I'm very disappointed that they used a city event to do a political event like that. You know, it is --

[chatter in audience]. There is no place for hate. There is no place for hate.

>> Mayor Adler: We're stopping right now. We're going on to the next speaker. This is not a back-and-forth discussion. I'm sorry. Next speaker. Thank you.

>> I'm a [indiscernible] And I'm opposed to renaming of the

[11:22:22 AM]

pan-america park. I'm not going to be here for a long time. We don't use pan-am as a political thing. It is to -- we have a lot of sponsors that go and pay to play music there. Of course the city had son -- sponsors it. I don't have no hate in my heart for no one. No one. And I love every one of y'all. And I love my Jesus Christ. I'm here to speak for

[indiscernible] Cantu.

[11:23:22 AM]

I don't wish anything to become between renaming of the park. I want to leave it as it is. Let A.B. Rest in peace. Let's all live in peace. You will be back in your neighborhood, and we all love you.

>> Mayor Adler: Thank you.

>> Renteria: Just for the record, we're not renaming anything. A.B. Is going to be A.B. Cantu rec center. We're not renaming anything. We're just --

>> Mayor Adler: Hold on.

>> Renteria: I just wanted to mention on the record that we're not renaming anything.

>> Mayor Adler: Next speaker.

>> Jose Fuentes.

[11:24:24 AM]

>> Good morning, mayor. I'm born and raised in east side. A board member for six years for the A.B. Cantu pan advisory board. I'm here to oppose the renaming of the park. Let's leave the name the same and ask city council members to do the right thing for the community -- families. Thank you very much.

[Applause].

>> Peggy Vasquez,--.

[11:25:25 AM]

>> I've been involved with this issue since July since the hillside festival. We know the history. The survey online went from 200 to 500. The people in east Austin were not notified of the change. The board of directors was not notified with the change, and I -- what I feel for this park and for the people of east Austin, they're upset. They're upset that the name is going to be taken off. If you look at the subject property, the park is basically in back of the stage and to the east of the center and to the west of the ballpark. You kind of wonder what is -- what does Tony want to do beside put his name. He wants to commercialize this

[11:26:26 AM]

property, and you should not let this happen.

>> Yvonne we wouldn't.

>> I hope you received my handouts I sent on items 59 and 90. When we -- it was so constituents in a particular district could have a representative and be heard. It was reported that over half in district three oppose this. I have spoken to constituents who are upset about the gentrification. I had Mr. Castillo when I was bussed to Johnson. I would like to see him honored in another way. As a former purchaser with the state I can spend hours talking about the time and the cost -- R costs like rebranding,

[11:27:38 AM]

stationery costs. Thank you.

>> Derek Castillo.

>> I'm part of a big group here today in support of adding the name Tony Castillo to the pan-am park. He has been involved with pan-am for years. He was a mentor to young people and adults throughout the last 65 years. 65 years is a long time. He's still doing it at 81 years old today. I started this effort to do one thing -- honor my dad. This wasn't political and still isn't. So many people want to honor him too. The list of supporters is long.

[11:28:39 AM]

Community survey conducted by the parks and recreation department reveals nearly 80 per cent of all respondents said yes to adding his name to the park. We have a chance to honor someone who has given back to his community in so many ways. We have the opportunity to do the right thing. I ask that you do the right thing and add the name of Tony Castillo to the park. Thank you.

>> Tony Martinez.

>> Good morning, mayor. Council members, city major. I'm president and CEO of real estate executives of Austin. I'm here to support item 59. I want to join all the people who are supportive of this because Tony has given his entire life, adult life to

[11:29:39 AM]

Helling youth, keeping -- helping youth, keeping them off the streets and mentoring, sponsoring lots of programs. He grew up as I did and many of the others in Austin. Soon after school Tony married his sweetheart from his lifetime, went to school, went to university of Texas. Graduated, went back to Johnson high school to teach and to be the coach. So in support of Tony, we'd appreciate your help.

>> Rita cueves.

>> Hello. I am proud to have grown up in

[11:30:39 AM]

east Austin. As a Latina I am in favor of adding the name to the pan-am park. Tony is a product of the east side. When it comes to sports, recreation in east Austin there's one person that comes to mind and that is Tony. Few among us can say they have devoted 65 years of service to one cause. For Tony all those years of volunteering have been and are a labor of love. It was fun to go to pan-am for the fast

pitch softball games people organized. People from all over the city and state would come to the events. Pan-american park was and still is the place to be. We stand on the shoulders of those who have made the park what it is today and the special legacy they have left

[11:31:40 AM]

for us. Tony has done it six decades and is still going strong. Who else can say that? Thank you for listening, and I hope you vote yes.

>> Roy Nieto.

>> I'm here to support item 59, adding Tony Castillo's name to the park. I've seen his contributions throughout east Austin and pan American university. He inspired me to play professional baseball with the Astros. He's met a lot to me personally. I want to discuss the community survey put out there where overwhelming the community supports having his name added to the park. I looked at the survey of the

[11:32:40 AM]

respondents -- 85 per cent have lived in Austin for more than 20 years and 27 per cent lived in Austin over 30 years. It was an educated population who knew T.C. Depending on how you define east Austin it's about 120,000. Those against it for 0.0018 per cent. Not statistically reflective. Do the right thing and let the council acknowledge his contributions to east Austin and pan-american. Thank you.

>> Adam Gonzales, followed by Juan Garza.

>> Good morning. I want to stress there's a total misconception on what we are doing here. We are not eliminating the name

[11:33:41 AM]

of pan-am. We are additionally adding Tony Castillo to the recreational park area, as we did for A.B. Cantu. That's what we did. Now, we did with the softball complex -- we added a name in front of pan-am. We are not doing away with the pan-am name. We're adding Mr. Tony Castillo which is deserving of his name in front of pan-am center. Where there's a dysfunction is our opposers keep saying we are not eliminating pan-am center. We are not doing that. We are adding a name in front of pan-am. Please vote yes for the addition of the Tony Castillo

[11:34:43 AM]

pan-am recreational park.

>> I'm here in support of the motion to add the name Tony Castillo to the park. I want to talk about the importance of heroes in our lives. As a child I fell in love with written simplified biographies for children. It was hard to find names of heroes that sounded like mine. Christopher Columbus is really -- it depends on which language. But it inspires our children to be better. I can think of no one better than Tony Castillo to add their name to the park. Thank you so much.

>> Augustine Garza.

>> Thank you, members of the council, mayor.

[11:35:44 AM]

You have heard a lot about the man, the legacy of Tony Castillo. I have grown up in east Austin, 48 years. I have known him since he was in the seventh grade. You've heard about him and his legacy, the survey. You've heard the name of the pan-american center will not change. I guess my one point I like to make for Mr. Castillo is his service to the east Austin community through his life as a teacher. Think about that. For 35 years this man taught kids in east Austin. That's an extraordinary amount of time and I think that's a mer -- meritorious in itself without his involvement in other areas. His connection to this community began when he was in the third grade.

[11:36:47 AM]

He worked in the pan-american center. We ask that you support the naming of this in his honor.

>> Alex stringer and on deck is Blake Thompson.

>> Good morning, council. I'm here in support of item number 75 and the need to invest \$2 million in mental health. I fully support that but we've got to do better. That's why we need to build permanent supportive housing at the hotel next to the penthouse. Steve Adler, you are the most Progressive mayor in the history of Austin. There's no better way to live up that than providing permanent supportive housing. We should do that in all the hotels. Look at what they're doing in

[11:37:50 AM]

California. Do you have any idea how many trump supporters and white Su Prem migrants picked up their suitcases to go to racist safe havens like Texas and Florida. We have to do the same thing here and kick

out the trumpsters. Austin is no place for hate. Please allocate the \$2 million but make sure to provide permanent supportive housing in the hotels in downtown Austin if you believe in equity. Austin is no place for hate. Thank you.

>> Renteria: Mayor, I just want to say that -- sir, just to let you know that when you went in knocked on my door, I was here in city hall. So I wasn't being convenient to dodge you.

[11:38:50 AM]

I was here at city hall.

>> (Indiscernible)

>> Tovo: City hall is a great place to have policy discussions, less so in our neighborhoods.

>> Blake Thompson, item 84. Ed Miller is on deck.

>> Good morning. My name is Blake Thompson. I am a property owner on sixth street and I want to thank council member vela for pulling item 84 that I'm here to speak about being against. On June 9th you voted for a resolution to direct staff to prepare an amendment to the national historic district for some changes on sixth street.

[11:39:51 AM]

I would like to encourage you to go back to that objective and reclaim that objective instead of getting lost in the myriad of a local historic district. The proposal that has been put forth will go through historic landmark commission, planning commission, back to you guys at council. To put an undue burden of a local historic district on this place that's already a national historic district is an arduous process that will lead to delays. There have been three more murders down there. I'm not putting that on you, but the more we delay, the more drugs, the more crime, the more chaos. Go back to June 9th when you voted to do the amendment for the overlay to look at this area. Thank you very much

>> Tovo: Sir, and anyone else interested, I'm going to pull this item today for a variety of reasons and postpone it yet

[11:40:51 AM]

again. I want to make a few comments, though, and this is one of them. You know, on that vote that passed to change the zoning overlay to allow variances to the zoning overlay there were references to coming back with design guidelines to protect the historic integrity of the area. A local historic district

creates guidelines to protect the integrity of an area. That's what intended with a historic district. I think those haven't -- this isn't -- I'm providing you with information. I'm happy to talk about it outside of this hearing. I know we have a lot going on today and I'm postponing the item. A local historic district is crafted in partnership with businesses. We have gotten e-mails from people who are concerned about

[11:41:52 AM]

the local historic district. I think this is a conversation for us on the dais in a work session about what was intended by those of you who brought forward that code amendment in terms of design guidelines. That is the membering -- the mechanism for creating those is a local historic district. If there is an intent to protect the historic integrity we're going to need tools for doing so, especially if the tool that's in place -- the height and set-back restrictions -- is being modified. I am pulling it, postponing it. It's my understanding that staff has design guidelines that are ready to go that will come to us soon. I think that may solve part of the issues that I think -- of achieving the balance, allowing new development and redevelopment but also making sure that we can continue to

[11:42:53 AM]

respect the historic integrity of the area. I share your concerns of making sure it's a safe area. We need real thought about what we can do in the short term in terms of getting businesses in the vacancies.

>> Thank you. I would like to acknowledge council member harper-madison. She was the only council members with some struggling businesses directed resources. I want to say thank you for your voice in that. It meant a lot to our tenants who are dying in their space. The inaction of the city council to continue to punt on this local historic district is speaking loudly that the city council does not care about what's happening on the street. The local historic district conversation needs to die. We have a national historic

[11:43:56 AM]

district that -- there will be public process. I have a historic building. I will hold stream amount to what they're going to do on the street. I care about sixth street

>> Tovo: I'm glad to hear that. Thank you. Sir, I have had multiple, multiple conversations with other people. I'm not sure what conversations or resources you're talking about with council member harper-madison. You're welcome to contact my office if there are issues.

>> Thank you council member harper-madison for your help.

>> I have Ed Miller, followed by Malcomb yeets.

>> I'm here speaking on behalf of the most underserved

[11:44:59 AM]

community in Austin, the east Riverside oltorf area. We've heard about recreation today. It's a good thing and we're strongly in favor of it, as well as sports. But the proposal to give the formal youth hostile over to the rowing club as a single form of recreation rather than basketball, sports, a place for community members and to provide services, counseling, mental and physical health and immigration service to the needy people of Riverside is a travesty. We hope that you will include the needs of the entire community when you're thinking of what to do with the form Erp youth hostile. There is no Mo community center. There's one very badly needed. If we don't have that, it's going to have to be a bond election and millions of bucks

[11:46:00 AM]

to put up something else. Thank you.

>> For item 85, mallcomb yeets.

>> Hello. I live in district three. I'm chair of the east Riverside oltorf combined contact team. We voted to ask city council to use the hostile as a community center. A community center is what this area needs and would be the most beneficial use of this building. The contact team is asking city council to consider the needs of the many low-income residents who live in the east Riverside area. We seed social services, community events. The contact team is asking that the contact team and other east Riverside organizations be

[11:47:01 AM]

included in decisions on the future use of the youth hostile. Thank you.

>> Mayor Adler: Thank you.

>> Mikah king followed by Jackie beesinger.

>> Mayor and council members, mikah king. I want to start by saying I'm a fan of the rowing club. I learned to row there. I think there's a solution where all the parties could benefit, and so what I would ask is for a slight revision to the proposed resolution to make sure there's a future for the group that's being displaced as

[11:48:01 AM]

part of this solution for the rowing club.

>> Mayor Adler: Thank you.

>> Tovo: Mayor?

>> Mayor Adler: Go ahead

>> Tovo: I'm looking over the language you've sent in. I think you mentioned striking some language. We're trying to manage your edits to the previous epic edits. There's been a lot of flying request for amendments. I'll do my best to work through them and get this done. I think from the conversation I see that maybe a little less prescriptive language is probably like you were suggesting, mayor. We'll look to see if we can come up with something like that.

>> Thank you, council member.

>> Jackie besinger.

[11:49:06 AM]

>> Good morning. My name is Jackie bee singer. I'm here representing myself in support of the (indiscernible). I am here to talk about the material provided by Texas public libraries. This is inappropriate, and it's in no way acceptable. I am talking about the innocent children. This is pornographic material. I have personally studied the material. I have gone through over 400 books myself. I ask you to not use tax-payer funded money to keep giving to the libraries if they are going to continue to provide this material to children. I ask you to look at the laws and to really look at the war -- what it means to the definition of pornography. That's what the books are. They all have pornography. I ask you to look into this.

[11:50:09 AM]

I am welcome with the idea of talking about it and to further study what is in the libraries right now. Thank you.

>> For item 86, Bryan tally and galvino ferfandez.

>> I'm here to speak about 86 where you provide support for from pre dom to read statement. The statement says there's no place in our society to coerce if tastes of others to confine adults to the

reading matter deemed suitable for adolescents and to inhibit the effort of writers to achieve artistic expression. This statement is insulting and dangerous. As a society we restrict a variety of

[11:51:12 AM]

age-inappropriate content. We do this to protect minor children from self-destructive behavior and to protect them from pedophilia. Language about book banning is a dog whistle by political activist. We expect our leaders -- our leaders to protect our children. I urge you to have enough self-awareness as a city leader to understand the role of protecting children from exploitation is one of the most fundamental [indiscernible].

>> Mayor Adler: Thank you.

>> Galvino Fernandez, followed

[11:52:14 AM]

by Monica Guzman.

>> On the issue of 59, the community has spoken. You talk about community engagement. We have over 800 signatures. We walked the neighborhood. I'm president of a neighborhood association where this particular parcel is being considered to be renamed. The applicant has two ball fields named after him. In speaking and reaching out to the family, we talked about creating a walk of fame to recognize many and all people that have gone through pan-am's history. That is more of a compromise than this request came through. The family told me no. My father, quote, unquote -- no one has done more than my father at pan-am. I said, well, I'm sorry, but I

[11:53:16 AM]

have to disagree with you. When the chicanos of the time were being sent to Vietnam. I ask you to respect the voice. Many of you are up here because of the neighborhood movement. You're going to be asked to vote against the district rep, but the people have the power.

>> That's right!

[Applause].

>> Item 87 and 90, Monica Guzman. Guzman.

>> Good morning, mayor and council. I'm policy direction at go

[11:54:16 AM]

Austin. I support what the director said regarding 87. Who are the stakeholders? How are you defining stakeholders? What is the ultimate goal. Will you include residents facing gentrification and displacement? Will there be improved short-term rentals. City staff is aware of legal limitations regarding repairs. You can change that. Mobile homes are a form of affordable housing. You have the power to change city policies, making repair resources available to ensure owners can make needed repairs to and stay in their mobile homes in their current community. As a district four resident I am opposed to item 90 so long as APD shares info with other

[11:55:16 AM]

counties. There is no protection of the people. The only way is to vote this down. Thank you.

[Applause].

>> Elijah Montoya.

>> Finally. I think there's a glitch on your system. I signed up online and was not on the list to speak. Thank you for allowing me to speak and finding my documents that I did register. My name is Alisa Montoya. I have 30 grandchildren. I have lived in Austin all my life. I am a taxpayer. I own a home on 2008 Hasco Street, close to the different parks. I'm making myself. I'm upset because what was going on. But I'm opposing the changing

[11:56:19 AM]

of the name at Pan-Am. That is going to create an erasing of history and things like that. Mr. Castillo -- I've known him since I grew up. He has two fields dedicated to him. The neighbors are not questioning his -- what he's contributed to and historically. This is already named and we want to keep it the way it is, Pan-Am. Thank you.

>> Item 90, followed by Paul Kunof.

[11:57:19 AM]

Good morning. I'm a resident of district 6. Policy general sent. We opposed these but I want to talk about one particular problem. Even with sections 9 and 10 police will still have the ability to use alpr

over for low level warpts. An officer can use the apr to get a hit, delete the record in three minutes and proceed to arrest based on the report. They could say they're not using the device but happened to get a hit. We can obvious state law pre-empts local policy. The atr -- state law will

[11:58:20 AM]

pre-empt any policy council comes up and officers will use that to pull people over and arrest them. At the least we need a longer time to talk about this and more community input and necessary safeguards. Thank you.

>> Karl kuono.

>> I'm a resident of sixty 2. Approval of item 90 and reinstaysment of license plate readers would provide abd at a time when it faces -- it collects to personal information. Quarterly audits showed 100 ber

[11:59:20 AM]

cent policy compliance. Item 90 includes thank you for your time.

>> Andrew hornman followed by David Johnson.

>> Hi city council. I am from district 4 and I am speaking against item 90 like a lot of people here who have spoken against it. And I wish that I had -- like I could recite all the statements of why you should not have it, all the statistics saying that police -- that it's not going to help out. Philosophically it feels like Austin is becoming a police state to make white people comfortable.

[Applause]. And I -- and that's like the elephant in the room and

[12:00:22 PM]

honestly I don't want to be driven out of this city, but it's -- as a person who is half hispanic it kind of feels that way. Thank you.

[Applause].

>> David Johnson and then Bob libell.

>> Hello everyone. My name is David Johnson with grassroots leadership and I'm a resident of district 5. I am a black life in district 5. Thank you for letting me come to this white elephant party, I guess. Alpr's

have not been proven to be effective. In fact, it's proven that they are simply another way to put money into the police force. And since the city has yet to do anything to truly hold

[12:01:22 PM]

and accountable or to ensure that and is held accountable moving forward in the future, it seems foolish to push to put money towards further policing the community. But then I realize it's not foolish, it's actually planned. And it was said earlier that city hall is a wonderful place to have policy conversations, but not the community. That's the problem. That is your problem is that you've lost touch and you're out of contact with the people in community outside of your offices and outside of this building. But when people time and time again here --

[buzzer] -- 30 to one say don't do this and you continue to do it, you on a very public stage show at the end of the day you aren't worried about the community, you're worried about city hall. So vote no.

>> Kelly: Mayor, if I could please. First I would like to thank the speaker for coming today but I would like to correct something he did say. On line 102 on my resolution as it is currently drafted

[12:02:22 PM]

it says that this will not be utilized for any purpose of generating revenue or collecting money owed by the public. So I just wanted to make sure that you were aware of that.

>> Oh, I was very aware of that as I am aware that this city has no control, has proven by recently passed laws at the state level, over what can and cannot be done if the state says so. It is easier to prevent something from being built than removing it once it's part of the infrastructure. And you are aware of that. So truly if what you care about is this city you will invite the public to take part in this process before you approve it and determine whether or not it really is something that once it's in place can be ensured and guaranteed to not be weaponized as you today are promising because you probably, as many of you will say about yourselves, won't be here in 10 years.

>> Kelly: Thank you for your feedback.

>> Tovo: I wanted to thank our speaker for his comments. I'm so glad that you raised

[12:03:24 PM]

the comment that I made about having policy conversations at city hall because I certainly didn't mean or imply that we didn't want them in the community because we do at places in the community. Places of faith, at the grocery store. I was just saying to that particular speaker that we have policy meetings at

city hall rather than personal residences, which was a relevant comment for that speaker. But thank you. Thank you for raising it because I think you're absolutely right, we should be having conversations out in the community as well as here at city hall.

>> Bob libell and then drew mcangus.

[12:04:26 PM]

Is Mr. Libell here? Mr. Mcangus?

>> Mr. Mayor and council members, thank you for having me. As a lifelong resident of Austin, Texas, born and raised here, I'm honored to come talk to you. I'm going to talk to you about being boots on the ground. And everyday I'm in the homeless camps in each one of your districts, helping the homeless being able to get out and getting them connected to social services. In doing that so far this year I've covered over 25 -- recovered over 25 stolen vehicles in and around the homeless areas' parking lots. The apr that I'm in favor of. I thank councilmember Kelly to be able to propose this. So many times we are recovering the stolen vehicles and I can't tell you how important toss to the victim who lost their car when they wake up in the morning, go out and their car is missing out of the driveway. They sit there and they tell us how we're going to get to

[12:05:28 PM]

work, how do we get our kids to school, how do we get to the grocery store. I only have liability insurance, I don't have full coverage. I can't Ford it. So their car doesn't get replaced. So the quicker we can find these cars the quicker we can get them returned to the victim.

[Buzzer]. The lpr's will create that and help serve the citizens of Austin and Travis county. Thank you.

>> Kitchen: Mayor, could I ask a question? Thank you for coming today to speak to us. I think it's important to have specific examples of the usefulness of this. Do you have any comments on the concerns that folks are raising about misuse of this kind of data?

>> Yes, ma'am. I don't have any personal knowledge of any misuse from the use of the lpr's here in Austin. I tell you what, most of the officers out on the street -- I'm with the

[12:06:30 PM]

constable's office. I'm here and represent my son table, Stacy suits, precinct 3. I work hand in hand with the Austin police department and I don't know any of them that are abusing this. I think on the contrary it's a way to be able to generally help people -- genuinely help people. This is a public safety issue. It's a

way to help people and especially the victims of those who are losing their cars, getting them stolen. We find historically they're being stolen so people can use them in burglaries, dealing drugs or they're being sold so that the population I work with everyday so that they can make money. This is a tool that is a good tool and I just really think that this is something. I would ask that y'all reinstate university of the license plate readers in for the Austin police

[12:07:30 PM]

department.

>> Kitchen: Thank you.

>> Kelly: I just have one question. The 30 day retention. Do you think that 30 day retention would be adequate enough to assist our officers in finding these stolen vehicles and other crimes that occur?

>> Yes, ma'am. I think that when one of the readers hit that car is taken into custody or seized at that point if we can find it and catch it. It's deleted. And I don't know of any officer on the street right now that has time to go and start digging, looking for all the other stuff. Your Austin police officers out on the street are nonstop. And we're coming in and trying to help and assist when we can because they're overworked and overwhelmed, so 30 days is fine. That's great.

>> Kelly: My understanding of this as a tool is there are a lot of anecdotes where it's helped in certain cases but there's a lack of especially peer kel data on its uses.

[12:08:30 PM]

Would you say this is another tool in the toolbox for police officers to solve crimes because it takes a multitude of tools to do so?

>> Absolutely. And if I can share a personal story. About two weeks in a camp I ended up recovering a stolen mustang. I had one of my traffic deputies, I'm also over the traffic units. And we contacted the victim, a young female who had lost her car about three days prior to this. And she was in tears because she thought she would never see it again. She didn't have insurance to replace that car and she thought, do you know what, my quality of life is gone. And instead of having that car impounded which would cost all these other expenses, we were able to arrange it where she could come to the scene and recover her car. When we're able to recover stolen property as quick as we can, when that happens, that helps each one of you and your citizens. I don't know about y'all, but if you've ever had your vehicle stolen, it ruins your whole life. And so these things can be a

[12:09:32 PM]

great and essential tool.

>> Thank you so much.

>> Yes, ma'am.

>> I appreciate you being here today. I know this conversation will take place later. I've been fortunate to go out with you for point in time count and appreciate how much you are in the community and how we can communicate when there are needs and the county constables are always stepping up. We appreciate having a number of conversations on a number of different issues throughout the years. I appreciate you coming and sharing your expertise with us.

>> If I can, I want to thank y'all. Many of you, the members here, have ridden out with me and there's a standing invitation if you haven't seen what's happening in the real world out in the woods with the homeless community, I'd be happy to take you out. I just want to thank y'all and I want to thank the county for allowing me to do it. I'm the only one right now full-time that does this for Travis county. And I've got thousands of people in the woods. I'm there to help them, but I'm here to help y'all if I can help you.

>> Ellis: Thank you.

[12:10:35 PM]

>> Kitchen: Mayor, one last. Thank you, councilmember Ellis, for that. I also want to thank you for your work with the encampments. It's very difficult. I know that you care about the folks that are staying there, but I also know that you care about the -- about enforcing the law as you just mentioned with regard to stolen vehicles and other things. And it's about protecting the safety of neighbors as well as protecting the safety of the folks living on the streets. So I appreciate the approach that you take.

>> Thank you very much. I'm honored to hear that. Thank y'all.

[Applause].

>> Chaz Moore and then Chantal pidgin. Is Mr. Moore here?

[12:11:39 PM]

Chantal pridgin? We'll come back. Marie Reza. Kerri Roberts.

>> Are you pointing at me.

>> I think the other speaker has just entered.

>> Good afternoon, my name is Maria Reza and I'm a resident of district 4. I'm urging this council to vote no on item 90 and not authorize a new automatic license plate reader contract. Every year people whose lives are constantly and cruelly interrupted by police violence, harassment and I credible injustice, they come to you and plead for you to start investing in services that would

[12:12:40 PM]

actually make lives more bearable. After years of witnessing police misconduct, incompetence, literally deaths at the hands of the police and y'all want to give them more money. So we're here once again to urge you to stop investing in more tools for the police that will cause more harm. The sentence, the police has never misused tools, if you believe that, then I strongly encourage you to take a reality check because that's not the case. We know that these license plate readers will affect the way our privacy is dealt with and we know --

[buzzer]. And we know for a fact that there isn't enough oversight in order for to us really hold the police accountable --

>> Mayor Adler: Thank you very much.

>> Kerri Roberts and then

[12:13:42 PM]

Louise Rodriguez.

>> Good afternoon, mayor and council. I'm Carey Roberts, the executive director of the greater Austin crime commission and a resident of district 8. I want to thank councilmember Kelly and her co-sponsors for bringing this forward. And appreciate council member vela's work on it. We did our homework. The revised procedural framework and Rhett tension period are both -- retention period are both acceptable and reasonable. There are no known instances of Austin police misuse and that was under a much longer retention period. So the examples that are given of abuses occurred somewhere else. And it may come -- interestingly, right now alprs are used certainly by hundreds and likely thousands of private entities in Austin and that data is commercially available. We're talking about 20

[12:14:44 PM]

cameras to equip and vehicles with this capability. 20. That's hardly a surveillance state. So given the staffing shortages, you would think we would give the police department back a cost effective and targeted tool that disrupts criminal activity, locates stolen vehicles, solves hate crimes and saves lives.

Let's allow the police chief to lead the department instead of second-guessing him. I would just as soon the Texas legislature not have to tell us how to run Austin. Please support item 90.

>> Luis Rodriguez and then Rebecca Sanchez.

[12:15:45 PM]

Rebecca Sanchez and then Jeffrey Thompson.

>> Hi, my name is Rebecca Sanchez, resident of district 1 now. Also a member of grassroots leadership and community of colors united. I am here also to speak against item number 90. I heard Ms. Kelly indicate that she knows she doesn't really understand maybe the benefit of these things, but it's a tool in the toolbox and I just want to remind a good chunk of you, alter, kitchen, tovo, city manager, the mayor, Pio, Leslie pool, apologize, I'm not sure of Ellis. I was in the room in 2020 when we all thought we understood investing in policing. I know some of you go around the country kind of applauding the work of the city of Austin and what we all accomplished in 2020. I created this shirt, it says invest in communities,

[12:16:46 PM]

not policing, as a mark of what we all experienced. And I took it as a value. It's a value. It is not a slogan.

[Buzzer]. It wasn't something for you to have just in 2020. You have to keep reinvesting and recommitting to those values. So it's especially disappointing to see the names that voted in review in a in a anymorety with us that year co-sponsorrerring this item.

>> Jeffrey Thompson and then Alicia torres. Alicia torres and then Kevin Welch.

>> Hello. My name is Alicia torres. I'm a member of

[indiscernible] And grassroots leadership as well as a resident of

[12:17:46 PM]

district 3. Thank you for all of the community members that came out and gave voice to our community earlier and ensuring that people that look like me and sound like me are not erased in an ever-gentrifying city. Like I said, I'm actually here today to uplift and urge you to vote no on item 90. You must vote no because it is unacceptable that this resolution calls for community input only -- to only happen after there's a vote on such resolution. Where's the transparency and accessibility for intentional community input? What can we as a community first have a say in whether we want for

automatic license plate readers to return or not? If we said they had to go in 2020 it was because they did not help us feel safe. More importantly I am wondering why in the times, which has been many today --

[12:18:47 PM]

[buzzer] -- There are only four incidents from the last five years that come up? Where is the data that and has offered for alprs to come back with 145 investment. Has council seen this data? How many crimes were solved when they were being used? Where can the community access this information? I'm also an expert at this just like police are. Please vote no. I urge you to vote no. Someone that is directly impacted --

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

[Applause].

>> Kevin Welch and then Chris Harris.

>> Thank you for letting me speak today, council.

>> Mayor Adler: Hang on a second. We don't have a microphone.

>> Oh, that one, my bad. Thank you for letting me speak today. My name is Kevin Welch,

[12:19:47 PM]

current president of the board at eff Austin. I want to thank multiple members of council who have worked with my non-profit, especially I want to praise the leadership of

[indiscernible]. We are very pleased to see so much of the feedback that we gave him to incorporate a safer resolution. My colleagues have said it's one of the finest ones they've ever seen crafted. So we still would like this conversation to continue. There's additional improvements that can be made. I would urge -- this is a complex issue to get right and all the stakeholders, people who rightfully want to solve [indiscernible] In their cars, we want to serve their issues, but we've heard there are other issues around this. Privacy is a human right and literally in the U.N. Charter and we need to understand all the issues in this thing. I want to hear from the experts to help make the policy even better. But if you invest on voting today I must just say that policy is a vast improvement over the original one and I strongly urge you to consider it over the

[12:20:48 PM]

original. Thank you.

[Buzzer].

>> Chris Harris and then sandy Ramirez.

>> Council, mayor, thank you for the opportunity. I want to start by thanking the co-sponsors of this resolution for responding to many of the concerns expressed of police abuse of alprs and asserting. I want to further thank council member vela for an even more thorough response and even more protections. However I must point out the lack of data being used to drive this decision. This program was in place. Where is the data to prove its effectiveness? Someone mentioned 20 cameras. Those 20 cameras would generate million and millions of hits of people around this city. Previous speakers spoke of audits. Who undertook those and why weren't these included in the backup when we have statements from the Apa

[12:21:50 PM]

instead? Only police seem to get away with telling scary stories for increased funding. While we appreciate the inclusion of community input on both drafts I echo the sentiments about why isn't community input considered about whether to improve this program and not just how the program will operate? Ultimately I oppose this technology for all the risks you've heard. The state of Texas in particular, where the state makes enemies of people trying to vote, librarians and teachers, Tran kids and their caretakers. We can't difficult them more power in the state.

>> Sandy Ramirez and then Benton berry.

>> Hello again everyone. I'll continue with item 90. I was not surprised that I could talk for both. Anyways, data is only retained for 30 days and would only be used for investigating and prosecuting criminal activity. When the police department had the program previously there was a 365 day retention period.

[12:22:52 PM]

An annual audit and review on the data and the program will be completed and shared with the public safety committee and office of police oversight. Annual training of all Austin police department personnel will be conducted on the policy jurisdictions concerning license played readers, camera, data and usage. The city manager will post the Austin police department's usage on the website. In 2016 a local teacher befriended and sexually assaulted a 16-year-old student after his initial arrest. The teacher bonded out of jail, moved to Lubbock and threatened to kill the victim. He traveled from Lubbock to Austin to carry out this heinous act. The lpr locate the his vehicle at a hotel --

[buzzer]. I'll finish with this, with a hotel where he was taken into custody before he was able to find the victim. Officers found a loaded revolver, zip ties and duct

[12:23:52 PM]

tape located --

>> Mayor Adler: Thank you.

>> The amount of money is there. Have a good day.

>> Susan S and then Chantal pidgin.

>> Thank you, mayor and council. I wish to speak in favor of 90. Am I too far? Okay. Can you hear me?

>> Yes.

>> In 2019 we had 1959 sworn officers. You reduced that to 1809 and then you added three for the airport this year. And that means you have cut 150 positions from our police force. Media is saying that of those people, 270 more positions are vacant. That means we are 420 slots down. That is 23%. To me it feels like an attack on law enforcement, attack on the people who work here, who do not commit crimes and an attack on our police officers. This is a very inexpensive

[12:24:53 PM]

tool to make them more efficient. And I know people are concerned about privacy. You know, in this day and age, to walk in this building, you know, they look at your purse and they look at your bag. If you do to a store they're filming it. Unfortunately that's today. But who is not here today are the people who are working -- [buzzer]. And the victim of crime. I ask you to support this as a tool that our police need. Thank you very much.

>> Chantal pridgin and then Jay Crossley. Is Ms. Pridgin back? Okay. Jay Crossley, item 92, and then Daniel cavelman.

>> Hello mayor and council members. Thanks for your time and for your service. I want to talk about how our region has a crisis of destroying natural space and

[12:25:57 PM]

land and nature for the people of Austin to get to enjoy and that crisis has caused pretty much half by the transportation policies and half by the land codes and how difficult it is to build housing here. The most environmental issue for us here in Austin is allowing dense housing in this city. And so I hope you will reconsider the idea to make it more expensive to build housing in the city and to build density in this

city, which is the most important environmental thing and the best way to provide access to parks is to allow dense housing around our parks. Thank you very much.

>> Mayor Adler: Thank you.

>> Daniel cableman, item 92, and then Mario Cantu.

>> I think he just went to the bathroom.

>> Mario Cantu, item 93 and 98. And then Joseph Reynolds.

[12:26:57 PM]

>> Good evening, council. I wanted to talk briefly about the waterfront "Austin american-statesman" property. It will be very important that we do get affordable housing out of that change because there's going to be a zoning change over there. I ask you to support Kathie tovo in her decision in making and receiving affordable housing for that. As far as the floodplains in Austin, many years ago as you know, there was a lot of displacement and loss of life in dove springs. You have an item that's coming up to the table shortly today that needs to be recognized as to how the future of flooding is going to be in Austin. We have a lot of first responders that do go out on these events when they take place and it's difficult for them. If we do not as a council and as citizens have input about how these things and how these changes are going to be made, we can put a lot of lives in place and not only that, but a lot of

[12:27:59 PM]

commercial buildings and residential buildings. Thank youment.

>> Joseph Reynolds on item 98. And then Roy Whaley on 102.

>> Mayor and council, I'm Joe Reynolds, I live a west 49th street speaking for myself. I oppose item 98. The code change giving watershed director administrative approval of rebuilding in the floodplain, it's unneeded as there's no queue of projects waiting for hearings before rebuilding. I included in late backup 10 issues that should be corrected before such a code change is passed. There are problems with poor data used to predict flooding, problems with office procedure due to limited quantitative analysis and problems with process. It's ridiculous to reduce oversight of building in the floodplain. Thank you.

>> Roy Whaley item 102, and

[12:29:02 PM]

then Daniel cableman.

>> Mayor Adler: Is either speaker here?

>> I know Daniel is. Daniel is speaking on item 92.

>> Hello, mayor, council. Thank you for the opportunity to speak. I'm here to speak on 92 and about the parkland dedication fees in general. It seems that we are just really increasing this way too much and we're obsessed with putting all these fees on new development, but a more equitable option for parklands would be a the broadcast is now starting. All attendees are in listen-only modeer funding strategy. And I think that the mayor and councilmember harper-madison have some good ideas for keeping these fees within reason in the upcoming fiscal year. And also on moving the fee payment time to these certification of occupancy instead of at the beginning to make financing for these projects better. And we just need to keep in

[12:30:06 PM]

mind that housing is very much the most pressing issue in this town and that the parks, while very important, they can't get in the way of having more housing options, getting in the way of projects, delays, fees. We need to bring the fees into a more reasonable place compared to our peer cities.

[Buzzer]. And think about housing first. Thank you so much.

>> Mayor Adler: Thank you.

>> And one more speaker, Greg Anderson for item 136.

>> Mayor Adler: Is Mr. Anderson here? I don't believe so.

>> That concludes the in-person speakers that I have.

>> Mayor Adler: Okay, thank you. Anybody else think they signed up that we didn't recognize? All right, colleagues, it -- did someone raise their hand? Would you check with the clerk, please?

[12:31:10 PM]

>> Downtown I realize that they got lasers on the trucks and the metro, and can I just show for the record?

>> Mayor Adler: You can show the clerk and she will show us.

>> [Inaudible - no mic].

>> Mayor Adler: Thank you. All right. Colleagues, it is 12:30. I think we should take public communication, if we want to bring in some

[indiscernible] As we go through that, but let's work quickly because it's already 12:30. We won't take up consent. We'll hear from the speakers and take a break. We will probably come back, handle the consent agenda so that we can take care of that, hopefully quickly, and then go to -- well, we'll go to executive session at part of lunch. We'll set a time after we

[12:32:14 PM]

hear from public speakers and then do the scent. So if there are pets they need to be brought in. Should we be --

>> Kitchen: Mayor --

>> Mayor Adler: No, I was going to start calling the speakers to start coming up so we could maybe do both those things concurrently.

>> Kitchen: I wanted to let my colleagues know that I will be posting some amendments to item 90 and apologize for not getting them posted before now, but they will be posted shortly. I know it will be awhile perhaps before we take them up.

>> Mayor Adler: Okay, thank you. All right. So if we have pets, they can certainly come in and we can let some people at the dais hold the pets and we can talk about that. But let's go ahead and call the speakers for public communication.

>> It looks like I have two remote speakers. The first is mustafa Shahid.

[12:33:36 PM]

Brandon Pyle. Mr. Pyle, are you on the line? Mayor, that was the only remote speakers I had so I'm going to switch to in-person.

>> Mayor Adler: Sounds good. We have Richard viktorin. Richard viktorin, are you here? That's you?

>> Mayor Adler: Do you want to come up and speak to us? Sir? Sir? Do you want to come speak to us? Colleagues.

>> Mayor, council, I'm being up staged by paws everywhere.

[Laughter].

>> Mayor Adler: But you have our attention.

[12:34:37 PM]

>> Mayor, council, city manager. 11 years ago this summer council voted not to fund 40 million for formula one in the circuit of Americas. Only one council member is gone from those deliberations, city manager two. In the winter of 2011 our studies found numerous errors and overstatement which inflated the senate as much as three fold. It took much effort, hundreds of hours of pro Bono time to perform the analysis and advocacy. Economic development staff repeatedly sought to undermine our work with tax revenue and budget to protect the city's chief financial officer was nowhere to be found. The legislation which created the 300 million incentive for formula one was written by senator Kirk Watson, now candidate for mayor. So it is important to remind voters about the extreme degree of dollar waste and fiscal abuse which attended senator Watson's efforts for formula one. To be clear about formula one and its purpose, Kirk

[12:35:38 PM]

Watson senate bill 1515 from 2009 was a stadium deal which scheduled 10 30-million-dollar payments, 290 million total for the multipurpose sports and entertainment facility known as the circuit of the Americas. Sb1515 was back door financing for track promoters, including the billionaire red McCombs and Hege fund profit capital and its partners. If this was not problem enough, senator Watson, formerly mayor Watson, from late 2022 when legislation was conceived, through may 2010 when f1 was announced, approximately 20 months total was hold from this body and city management what was coming, a race track. Apparent strategy to compress available time for public debate and financial review. Questionable conduct towards a city and colleagues and a body he now seeks to lead again. Senator Watson's sb1515 had many curious features, including a dead audit

[12:36:39 PM]

clause, a pretend audit clause, which 11 years on has produced not one audit covering hundreds of millions of dollars. We also found bait for campaign finance in senate bill 1515. Retained statutory approval for all major events, scores of bills, requests for funds for public funds have been written the last dozen years. Watching then and now 2011 and 2022, formula one then, statesman pud now, same actors, Richard Suttle representing a developer, Rodney Gonzalez the city. Audits in the public interest urges caution and more time to understand and fully consider the level of financial support directed at the statesman pud. More time, please, to know what we don't know. As to the formula one incentive, but also with concern about the central health transfers to the medical school, large buckets of public funds, lacking transparency, having questionable fiscal

[12:37:40 PM]

integrity, ensuring senator Watson's authorship --

>> Mayor, is this appropriate? It sounds political to me.

[Buzzer].

>> Mayor Adler: Thank you. Next speaker.

>> Next we have Brian leach and on deck is Janie leach.

>> Mayor Adler: Mr. Leach.

>> I'm Brian leach. I own 7500 bluff springs road. My family has owned for half a century. 18 months ago an apartment complex started construction right next door to me. I share a 1200 feet property line with them. The first step of construction is to put the silt fence up and have a city meeting to make sure everything is right. They started construction without putting up a silt fence. As a result they came over on my property four feet and went six hundred feet down my property line, took out 150 trees and put the silt fence up on my property, the silt fence up on my property and it's still there to this day. I've emailed you, Steve, 100 times about it. The first time it rained two

[12:38:42 PM]

months into construction since I didn't have any retention ponds, mud started racing across my property, across my neighbor's property and into the south boggy creek greenbelt. An inspector said that the city council approved that they start construction while the retention pond was in construction even though that's completely illegal. We walked over to the greenbelt and he freaked out, came to my fans and ran off my property and never returned. The in connection inspector told me he had a heart attack the week before and couldn't get out of his truck. He told me the retention pond was not supposed to be built. There's no such thing as an above ground retention pond. I brought it up, it's on the plans. It's underground. Nine months later they start building, seven months ago. They start building the retention pond. There's a portion that's 25 feet underground. The whole thing is four to six feet underground.

[12:39:42 PM]

It's bigger than a football field. I asked David Chapman and Robert Ortiz, the inspectors, and they don't know why it was built, they have no idea even though I have been screaming at them for nine months to get it built. Once it's built I notice it doesn't seem right. The hydro logical flow doesn't seem right. I begged the city months and months trying to get all the plans. It doesn't show up until a day after I was on the local news. They finally find it. It shows the retention pond, the pipe comes out at 599 feet. My property is 601. It's 200 feet wide. It happened last night. I sent you a video last night. It's happened 19 times in the past 16 months. It smashes into my property, causes erosion, kills my trees and when the rain subsides there's a lake that sits there. All through the drought, signet water on my fence line. I've

sent it to the city council all the time. Never hear anything back. If you come to my property today there's stagnant water

[12:40:43 PM]

sitting there. Next time it rains, it will -- I've sent you many videos of that. And it will create more and more erosion. This A&M forest department has come out to my property three times and they said this mud is insane. We just published it. You have to stop the mud floods and then we can come and clean up all the mud and the natural clone flow water will hopefully ease the situation.

[Buzzer]. Well, that hasn't happened. Do you want me to keep going? This isn't even the tip of it.

>> Mayor Adler: I appreciate that. Is it possible to get code to send us a note, a memo that says -- that helps us see if there's action that code should be taking? Sounds like some of the things the gentleman is talking about could be possibly things that code should be dealing with. Some of the things sound like private actions if someone trespasses on your property. There might be private actions that the city can't bring --

>> The city has a permit to do it.

>> Mayor Adler: That's the code. There are two universes

[12:41:44 PM]

here. There's the code issue things --

>> Do you want to hear the rest of the code violation. There's five more.

>> Mayor Adler: Whatever they are, I'm asking for staff to get with this gentleman and let the council know in a document that will be available to him as well what, if anything, the code should be doing here so that he has an answer.

>> Thank you, mayor. Rodney Gonzalez, assistant city manager for economic opportunity. Staff has had conversations with Mr. Leach and they have explored this situation. They found that the drainage has been constructed according to approved plans.

>> Why is it in revision now.

>> Mayor Adler: Hang O.

>> And to the extent that code has been involved I will check with staff. I wanted to make staff -- I'll make council aware, but to the extent that Mr. Leach's concerns, staff has had conversations with him but we'll find out to what extent code is --

>> Just emails. This won't talk with me in person.

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

>> So the retention pond

[12:42:44 PM]

they built -- you don't care about the illegal dam wall. It's supposed to be four feet wide.

>> Mayor Adler: We can get you the response from code.

>> [Inaudible - no mic].

>> Mayor Adler: You're finished.

>> [Inaudible - no mic].

>> Mayor Adler: I want to give your wife her full three minutes as well. You can't, she can, though.

>> [Inaudible - no mic].

>> Mayor Adler: Okay. You also signed up and you have three minutes as well.

>> Mayor Adler: Can we get the microphone on, please?

>> Is it on?

>> Mayor Adler: Yes, it is now, thank you.

>> Hi. Yeah, we've owned the property since 1973. And it has never flooded

[12:43:46 PM]

until the California apartments come in about, what, a year and a half ago.

>> 18 months ago.

>> And we have these enormous mud flows and water flows coming on to our property.

>> Last night.

>> And so now it's not only water and mud and whatever they have in their parking lots or whatever, it's trash. Our property -- we have five acres. And the last two acres is being flooded with mud, water, trash, but as you say the permits were permitted, but I don't know how that can be proper to flood us when they never flooded since 1973. I don't know how that is happening or why. And since they're not getting the cad files back to my son to go over them --

>> I did a public

[12:44:47 PM]

information act, that's illegal, they're breaking the law.

>> Mayor Adler: And I hear it and it sounds horrible.

>> You won't even let us finish, though.

>> Mayor Adler: No, no.

>> I can't finish it.

>> Mayor Adler: You can't finish for her, but she can. And I thought when you started talking I thought she was finished. But certainly, ma'am, if you want to go ahead and finish, you can.

>> Well, he's got all the information.

>> Mayor Adler: And he's had a chance to speak.

[Overlapping speakers]. The retention pond won't even work. It will overflow and go crazy. Mike Mcdougal, he said you've got to fix it. He said we won't check in the big project. We don't check ought data. Just the small projects. He contacted Andrew Evans the engineer and said it was off by two acres.

[Overlapping speakers].

[12:45:49 PM]

[Inaudible - no mic]. You have to protect all natural soil, can't even drive a truck over it. They have gotten rid of all the natural soils, first thing, there's 13 feet of compact base. Beyond that there's -- you cannot have them near buildings or roads. They have them all through the apartments --

[overlapping speakers].

>> Mayor Adler: I'm trying to figure out what it is that you want us to do. And I'm trying to help you with that because it sounds to me like there are two things that could happen. It sounds like most of the things you're raising are things that you need to get an attorney for. They're violations as you say of your rights by a neighbor, which is not something that the city adjudy indicates. So I would suggest to you first that you get a lawyer to be able to --

>> We have lawyers. The city is breaking the law.

>> Mayor Adler: To --

[overlapping speakers].

>> Mayor Adler: Okay, I've tried. We'll get a response as best

[12:46:50 PM]

we can from our staff with respect to the code violations but that's all that we can do. That's all that the city does.

>> [Inaudible - no mic].

>> Mayor Adler: No, the code people -- okay, thank you. Got it, got it. I'm now going to call the next speaker.

>> The next speaker is Debbie Romero.

>> Mayor, while the next speaker is coming down I didn't know if councilmember pool was going to say a word about Thursday? And if I could introduce this sweet little puppy and then I think it needs to leave the dais.

>> Mayor Adler: Did you want to say something?

>> Pool: Outside are some kittens and puppies that are available for adoption. I got to hold two kittens a little bit ago. There's a family here to adopt kittens on this very day. I think there's some puppies. Fran seen is here and looking for a home and my

[12:47:50 PM]

colleague councilmember tovo has a sweetheart on her lap. Tell us about that one.

>> Tovo: I do. And I'm excited to see fursday back here again. This is an opportunity I had a chance to work with the animal services on long ago and councilmember pool thank you very much for encouraging them to come back.

[12:48:53 PM]

>> Kelly: I wanted to say that I got to know Francine over there pretty well. She was practically making out with me. If you have a dog that wants to give kisses to you, Francine is absolutely wonderful and kind.

>> Mayor Adler: Great, thank you. Ma'am, please come on up.

>> Debbie Romero and on deck Simone talma flowers.

>> Hello, Mr. Adler and the council. I'm an advocate for 4811 south congress, a mobile home park. I'm here to let you know that we got a notice, a 36 month notice to vacate the property. The reason I

brought it to y'all is because y'all had sponsored us, adopted us for the zoning that it would just be used for trailer park purposes only. I'm here to let you know that we're just not a file, we are law-abiding citizens. Here's my community. They're here present in the -- here and present here with me.

[12:49:54 PM]

We pay our rent on time. Always never been late. They have picked up the rents several months. Every two months it's another 40, \$50. I have the proof here. We're here to ask and see if you can help us meet with the new owners. The old owners don't want to give us any information. Usually we just switch hands and start paying the new owner because it's basically strictly for trailer park use only. We had won the zoning in 2019 we came and thank you, Mr. Adler for helping us. That's why I brought it to your table. We're asking that there are billionaires, they want us to leave. We're asking that they pay us to move for relocating us, inspections of our trailers to move. That's what we're asking at this time is to just continue to live there, get to meet the new own around continue there. I'm offering my volunteer work to help the community stay safe in the community and work for free there to manage the property because the old managers were not -- they're doing a very awful

[12:50:55 PM]

job there as you can see. Like the letter that we've got. Also, I know that you will be leaving, you will truly be missed. Me, my community we voted for you. We're here asking for your help. As long as you stay here we ask that you help us at least do a mediation hearing with the new owner. Right now we know the owner is under investigation right now going through bankruptcy. There's a lot of discrepancies. Us as a community we need more inside help through city hall today if y'all can help us.

>> Mayor Adler: Reach out to my office and let's see if we can bring in your council member in your district adds well and see if there's something that we can suggest.

>> Yes. I reached out with y'all. Pio [indiscernible] Is our district. I also reached out to Basa, tenant's council. Everyone on your list I have reached everyone on the list and I have been unsuccessful to meet with the owners. I've went there to all the sites much they've all been closed down. Please, we're at your mercy today.

>> Mayor Adler: I understand.

[12:51:56 PM]

Next speaker.

>> Simone Talma Flowers signed up and I believe is not here. I just wanted to double-check.

>> Thank you.

>> Okay. Silver white mountain. And then on deck is Rick Krivoniak. On deck is Rick Krivoniak.

>> Hello, everybody. There's no time for pleasantries. Who has the timer? Before you start the timer does anyone else need to go to the restroom?

>> Mayor Adler: Your timer has started.

>> I will need the rest of you to hold it then. I don't know anyone walking off on my speech. There are some pressure pads at intersections that trigger the loop that triggers the traffic light or they may be weight scales. I don't know. Traffic is backing up at some of these intersections where sensors are supposed to ease the flow of traffic. One is located at Gabriel Collins and McKinney Falls Parkway.

[12:52:56 PM]

An 18-wheeler was stopped at the light but not in the area where the sensor reader was located. Traffic was backed up early about 40 or more vehicles. I was about eight or nine vehicles behind. I had to get off and walk over to inform the driver that his truck needed to pull up to trigger the sensor. He seemed puzzled so I said there's a scale and your truck needs to be on it to trigger the light. He obliged and the light changed. Another intersection traffic is always backing up because vehicles do not stop on the sensor or they are not working. Something is wrong. So either order them taken out, paint stop on sensors, stop on scale, figure it out. I researched this a bit and a lot of drivers don't know about these underground sensors. On other business, I had to train one of your new employees who answered your main line. First when I called to find out the date for the next meeting to speak at citizens communication they didn't have that information. I said look around for a pamphlet. She said I found it. I said open it and look at

[12:53:57 PM]

it. Then I didn't receive a call in a timely manner about if I had been asked to speak. I called again and was told the information was not available. She said I would get an email before the meeting. I may be cantankerous for wanting to receive a phone call. Also I need a call because my 4G phone was phased out. I can't curse because my mom washed out my mom with soap, I will say this, your momma wears combat boots! I have to complain to you all because the traffic sensors, when I called TxDOT or the city I am sometimes told I went to classes for this and I have a degree for that. I respond that's why I find a problem, it is your job to fix it. I'm just trying to solve a fraction of the traffic problems in Austin. There's plenty more to go around. And just like I found some problems outside, I was -- that north entrance was locked, I had to go -- direct me to enter at the front. Two cars were blocking it.

[12:55:00 PM]

I have the rkp5376, I had to get on the street, I'm trying to make it to 70. I've got two years ago. I need you to take care of some other traffic problems. Thank you.

>> Rick krivoniak.

>> My name is Rick krivoniak. My home is now in district 1 but I will be in district 4 in January. I'm an architect, I am not speaking for anyone but myself today. I'm sure you're all aware of the recent Windsor village site plan interpretation appeal to the board of adjustment. The Austin men non-ite church appealed to the Windsor neighborhood park and contact team. Thank you for approving the 2,919-dollar reimbursement filing fee, though I believe the neighborhood association which struggled to pay the fee would appreciate the

[12:56:01 PM]

remaining \$300, especially since that appeal process does not work. I'm a part of a working group that includes five other design professionals and real estate professionals. We've met weekly for two years pouring over the six vmu Windsor village site plan provisions asking them questions along the way and hinting we would appeal. Once the plan was approved we were told there was no appeal process for us. However, dsd's Brent Lloyd found a state law allowing a party within 200 feet to appeal. The working group put together a package detailing several of the staff's faulty interpretations of the ordinance. Still we lost 4-6. I came away from that boa meeting sensing that no matter what we presented it would not have changed the outcome. The four members did agree the approval was questionable, it seemed the rest did not want to take what would no doubt be considerable time to correct the considerations, feeling that might be construed as rewriting the code and were advised they could be found

[12:57:01 PM]

liable for reversing the appeal. Ask your boa appoint t3s. The review process is broken. Straight from subchapter E, article 4, section 3.3.3, prior to filing any site application for a development that will contain a vmu building the darn shall request in writing a pre-application conference with the director to provide an opportunity for an informal pre-application evaluation of the applicant's proposal and to familiar eyes the applicant and the city staff with the applicable provisions of this subchapter. That did not happen for winder village. And the developer seemingly had no concept of what constitutes a vertical mixed use building nor what Austin's design standards and mixed use ordinances were intended to produce or did almost everything possible to avoid it because they already had their plan designed. I know you're all interested in the housing that vertical mixed use can provide, but it's called a mixed use for a reason and vmu was sold to

[12:58:02 PM]

Austin citizens with very vivid descriptions of what that looked like. One last thing, you can immediately direct the city manager to no longer allow live work units to qualify as a commercial use since in every building code we could find they're defined as a residential use. We are losing Austin businesses because this is allowed. Thank you.

>> Mayor?

>> Vela: Rick, I appreciate all the time that the working group has spent trying to improve --

[buzzer sounding]

>> Vela: The project and looking at the vmu ordinance, and the issues with it. I will be bringing an item trying to tighten up some of those issues down the road as the budget and other things have gotten away. I wanted to mention one other thing I've noticed on Cameron road, the new apartments that opened up there where the church was prior, I can't remember the cross street there on Cameron.

[12:59:04 PM]

But little things that we don't really think about but that the code effects their drainage, their watershed drainage where they catch the overflow. They put it on Cameron road. They put it fronting Cameron road. It should go toward the back. But I think because of the compatibility restrictions, it's basically better for them to put that on the Cameron road frontage than at the back. It's an unattractive piece. It affects the look and feel of Cameron road. Thankfully it's not that big, but those are the little design considerations that we have to be careful about what we're incentivizing as we craft the code. Thank you very much. I appreciate your comments.

>> Mayor, that concludes everyone for 12:00 P.M. Citizen communication.

>> Mayor Adler: Okay. All right, colleagues. It is 1:00.

[1:00:06 PM]

We're going to stop being out here. Let's call the executive session to start at what, 1:30? Is that good, touch base? Gives everybody 30 minutes to kind of get together on stuff. At 1:30 we'll do executive session. We'll come out of executive session and see if we can quickly handle the consent agenda, which means we're not going to discuss anything. If there's one quick question it can stay on. More than one quick question we're going to pull it off. Then we'll get to the speakers that will start showing up at 2:00. Okay? Mayor pro tem.

>> Alter: I wanted to ask what we're going into executive session about.

>> Mayor Adler: We're going to be going into executive session on item 92, 102, and 136. I'll call them out here in just a second. Councilmember kitchen?

>> Kitchen: When we take up the zoning speakers, are we going to take up both the in-person and the --

[1:01:07 PM]

>> Mayor Adler: Yes.

>> Kitchen: So all the zoning speakers will be -- it doesn't matter whether they're in person -- thank you very much.

>> Mayor Adler: Okay. All right, colleagues. City council will now go into clear and convincing evidence -- closed session to discuss legal issues related to item 92, which is fee schedule 102, which is parkland dedication, 136, also parkland dedication. Without objection, there is music going to be played here in just a second, and I urge you all to hang to listen to that if you want to. Otherwise, at 1:30 we'll be in executive session and we'll do that virtually since we're all not physically present. The time is 1:01. We'll see you in a bit.

[1:10:55 PM]

>> Mayor Adler: All right. So, you guys are here for what is truly my favorite part of city council meetings. And I apologize that we've been delayed in getting here. You all got to watch what our lives are like up there, which is how you know to appreciate as we do when music comes into this place. And I want you to know that we take this music and these sounds and we press them into the walls so that tonight at 10:00 and 11:00 when I'm -- and we're still listening to important and tough issues in our community, I can still hear that music and still hear that sound playing. And that's important in this building, in this city, because we're like the live music capital of the world. And when artists come in to be part of this space, this is like Austin's version of Carnegie hall. It's the best we've got, guys.

[1:11:57 PM]

It just is a real gift. Now, we pay musicians because I frankly don't think that musicians should be performing anywhere in this city and not being paid. But it is still a gift when musicians come and play for us. And today we are so lucky to have Kydd Jones with us. He is a singer, song-writer, visual artist, director, and MC. He is a native Austinite and his musical influence and stylings range from melodic R&B and hip-hop and southern trap. Jones has worked with Austin FC on their 22-23 season theme song, as

well as the Round Rock express on their Austin black senators marketing campaign and has also performed at the billboard hot 100 fest, Austin

[1:12:59 PM]

city limits musical festival and the Brooklyn hip-hop festival. Please join me in welcoming to city hall, kydd Jones.

[Cheering and applause]

>> I appreciate everyone coming today. I've got this song. It's called James Baldwin, I'd like to play for y'all.

[1:15:51 PM]

>> Now make some noise, Austin, Texas.

[Cheering and applause]

>> Appreciate it. Thank you. Thank you, thank you.

>> Mayor Adler: So, that was great. Thank you. If somebody wanted to find you, you have like a website or something they could go to?

>> Yes, you can follow me online, on Instagram at kydd Jones, that's @kyddjones, or kyddjones.com, everything kydd Jones.

[Applause]

>> Mayor Adler: That works. If somebody wanted to come see you, where's your next gig?

>> My next gig is next month on the 9th -- this month on the 9th at Anton's night club, it's a comedy show, the kydd Jones

[1:16:53 PM]

comedy jam, perfect for a date night. If y'all have the time, come out and enjoy some comedy and some music at the end.

>> Mayor Adler: All right. Sounds great.

[Applause]

>> Mayor Adler: I have an important proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends and 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, do hereby proclaim September 1st of the year 2022 kydd Jones day in Austin, Texas.

[Cheering and applause]

[1:18:43 PM]

[1:57:36 PM]

[music]

[Music]

[3:02:08 PM]



[3:04:30 PM]

>> Mayor Adler: All right. Let's see if we can do some things that are not going to require deliberation or discussion. Thank you. But, as a reminder, it's Thursday, September 1st. The time is 3:04. We are out of executive session. While we were in executive session, we discussed legal issues related to items 92, 102, and 136. Colleagues, we're going to try to get through the consent agenda. If anything looks like it requires any real length of conversation other than at most a quick question of staff to get something on the record, we're going to pull that off. We're going to get through consent. It looks like there are things we ought to be able to act on quickly and let staff go. The potentially really quick votes, manager, that I think we

[3:05:32 PM]

might be able to deal with would be the 94/96 eminent domain matters. It looks like the hfc is a question of convening that meeting, voting, and recessing. The commercial redevelopment exception, 98, looks like it would go really fast. Item 101, the parkland change and use, I think councilmember Fuentes may have just a very quick question on that, but that shouldn't slow us down. I think that's more record-building. I have a quick question of staff with respect to the contracts on permanent supportive housing and other kinds of things, a confirmation, that will be really fast. I want to alert staff to those, let staff start being nearby. Colleagues, on the consent agenda, it is items 1-91. Also, 133-138.

[3:06:32 PM]

The items that I'm showing being pulled are items 6, 21 . . . Is there a number to fill in the --blank on 55?

>> That's the settlement of the lawsuit. You received a memo, \$156,000 to settle Nunez vs. City of Austin, a 2018 car wreck involving the Austin police department. Payment is to Ms. Nunez, \$78,000, Mr. Nunez, \$78,000.

>> Mayor Adler: Those numbers will be filled in the blank and remain on consent. Item 59 has been pulled. Also 84, 85, and 90. And 136, 137, and 138. Is there a -- motion to approve? Councilmember tovo makes a motion.

[3:07:32 PM]

Councilmember kitchen makes the second.

>> Mayor.

>> Mayor Adler: Discussion? Councilmember tovo.

>> Tovo: I have comments, but first, I wanted to move that we postpone indefinitely my ifc on the sixth street local historic district.

>> Mayor Adler: Which is item number 84?

>> Tovo: Yes.

>> Mayor Adler: Okay. Is there any objection to 84 been postponed indefinitely? Hearing none, that action will be shown on the consent agenda. Okay. Any further discussion? Mayor pro tem, then councilmember Kelly.

>> Alter: Thank you. I wanted to confirm that we are postponing and dividing item 57 to September 29th?

>> Mayor Adler: Being postponed to the 29th. It will come back as two separate items.

>> Alter: Thank you. I wanted to make two comments very quick. One, for the visit Austin budget, I want to say for the

[3:08:34 PM]

hotel industry that I really hope that we can get that in place this fall. It's been quite a while. I know we've been through covid and there have been extenuating circumstances, but I'm really looking forward for us moving forward with that aspect. And secondly, I wanted to speak to item 133, which is our ems contract. I'm really pleased that the city, and our ems association, have been able to come together on a contract. It is for one year. It does important things and lays the groundwork for a longer contract. It increases wages. It allows us to have the ability to hire in at the paramedic level. And there's a whole host of other things that it allows us to do that are really important. I think that our chief and our

[3:09:35 PM]

association are very committed to addressing the vacancies and making sure that our ems is the world-class response unit that it can be, and the place that people want to work. And making sure that we are able to have our professionals there to respond. I want to thank our negotiating team, including Devon, who will be leaving the city of Austin, and thank the ems association, Selina and the fellow members there for coming together and really trying to solve problems through the contract. At its best, these contracting processes help us to uplift our employees and help us to solve challenges that we're having that state law on its own doesn't allow us to do. It often requires some creativity. It also requires us to lean in and say we need to be paying

[3:10:36 PM]

more. I think this is a really important next step for us as we work with our ems association, but it is just a next step and we need to make sure that when we move forward with a longer contract, that we really keep the bigger picture about how important ems is to our community and our ability to provide public safety. So, thank you for those of you who were involved to make that happen.

>> Mayor Adler: Thank you. While we're on the topic, we should take a second and recognize Devon, who just left the city of Austin. It's good to have you back here. You just can't stay away, huh? But you have been our lamp through several pathways as we tried to negotiate public safety contracts. I just want to take a second and thank you.

[Applause]

>> Mayor Adler: And you did

[3:11:37 PM]

good on this last one here before us today. It's good to have you here today as we pass that. Manager, I have a quick question with respect to some of these items that deal with the health department contracts, that deal with permanent supportive housing. I don't know if Lauren is here, or nearby?

>> We do have her virtually.

>> Mayor Adler: Okay. Hi. Thank you for joining us. I'm really excited to see us moving forward on putting to work a lot of the dollars that the council prioritized to be spent on permanent supportive housing and helping this effort of actually getting 3,000 additional people off our streets over this three-year period of time, which if we're able to complete that will have the city in an entirely different world than it exists in today with respect to

[3:12:40 PM]

homelessness. So the work that you, and Diana gray have done, all of city staff on this, others in the health department, but also in collaboration with all the community partners that are part of this enterprise. And I appreciate that. And there's a lot of contracts on it. There's one for family elder care, one for integral hair, -- care, rapid rehousing and heal, E.C.H.O., arc, community health workers, permanent supportive housing. I want to confirm that staff's policy is to ensure that permanent supportive housing that's created through our rfps and the like integrates with the coordinated entry system.

>> Good afternoon, Laura with Austin public health. Yes, the department is excited to be working with the homeless strategy division and can confirm that through our solicitation process, we've made

[3:13:40 PM]

it clear that any program participants that obtain referrals need to obtain those referrals from the coordinated entry system.

>> Mayor Adler: That's great. We're pulling in so many different people in the community now and the city, and St. David's and E.C.H.O. Have done such a good job making sure everybody is participating in the same data collection effort now, the same -- that's such a huge advance from not very long ago. And I think having everybody working and united to help on the coordinated entry system is part of that. So,

thank you very much. It's just real good to see those things on our agenda. Further conversation? Thank you very much, thank you. Yes, councilmember Kelly.

>> Kelly: Thank you. When the vote happens, if the clerk could reflect my no votes on items number 19, 48, 49, 64, and 71, abstaining from 86. Thank you.

>> Mayor Adler: Thank you. Any further discussion? Councilmember pool and then

[3:14:40 PM]

councilmember Fuentes.

>> Pool: Thanks, mayor. I am bringing item 86 today, which is the freedom to read. And it's notable on our agenda and I wanted to take just a moment to lean into it here. The freedom to read is at the heart of our democracy. The freedom to read is about the freedom to think, and to speak, and to exchange ideas. It is an inherent element of the fundamental rights that we enjoy and that are the basis of the governance of these united States. But we are having assaults on our libraries and our freedom to read. They have become increasingly frequent, as book bans multiply, targeting books involving gender or rates, sexuality -- race, sexuality, politics, human rights, but including other titles, the reasons for their banning are confounding on their face. For example, earlier this year, the Texas state rep put out a list of almost 850 books that he

[3:15:44 PM]

wants banned from Texas libraries. He state that had we must get -- stated we must get rid of books that make people uncomfortable. That is a startling statement. A state rep should decide that a book is uncomfortable to read? That is startling and truly a dangerous statement about public freedoms in a country like ours that was founded on freedoms, including the embrace of a broad array of beliefs and cultures. You may be wondering why the books are on that list. Here's a top line. A collection of political essays from 2010. A bioethics adult book from 2005. Novels written by well-known authors like James Patterson and Richard north Patterson. I've read their books. I can confidently assert that there is nothing pornographic in them.

[3:16:44 PM]

Award-winning books are on that list, like the pulitzer prize-winning the confessions of nat turner by William, and Harvey award's book of the year the magic fish. That's on the list, too. And then there's this is your time by ruby bridges, one of the first black students to integrate into an all-white school. And, of course, the year they banned the books is on the list. It is a book about book-banning.

[Laughing]

>> Pool: That has been making people think since 1999. So, rather than simply stew about these efforts to control what I can and cannot read or what any of you can or cannot read, an overreach that I absolutely oppose, instead, today, I am honored to present this resolution amplifying the work of the Austin public library led by director Roosevelt and the Austin library

[3:17:45 PM]

commission, and endorse the freedom to read statement that was put forth by the American library association, which clearly lays out why the freedom to read is crucial to democracy. So, the city of Austin explicitly opposes book-banning. We celebrate the creative and determined works of our library leaders to -- protect the community's right to read including a rapid response team ready to defend libraries and librarians, and the wonderful banned camp set up by the Austin public library and director roosevelt-weeks and banned in this sense is banned. It's a series of events designed to encourage freedom to read and share ideas. So, my thanks to all of my cosponsors on this important resolution, mayor pro tem alter, councilmembers tovo, harper-madison, Fuentes, vela, kitchen, and the entire council for your solid support.

[3:18:45 PM]

And I want to recognize the important work of Austin public library director roosevelt-weeks, library commissioner Courtney Rosen Rosenthal who represents district 7, my district, on the library commission and the chair of the library commission, mark Smith. So, thank you all. And let's go read some banned books.

[Applause]

>> Mayor Adler: Councilmember pool, thank you for your leadership on this. I did not join as a sponsor just because it looked like everybody was, and it was just piling on, but hearing the speaker that came to speak to us today when the community was invited to speak to us, what he said resonated with me. Perhaps not the way he intended it to resonate with me. But I would like to be added as a sponsor to your resolution as well, if the clerk would so note. Thank you.

[Applause]

[3:19:46 PM]

>> Mayor Adler: Councilmember vela.

>> Vela: I just wanted to first of all echo councilmember mayor pro tem alter's comments with regard to the ems contract. She said it very well, very heartening and encouraging to see us come together with the union on the agreement, and thank councilmember pool, my mother was a retired now, but was a public school librarian and I would always go to her library after school and I distinctly remember banned books week, where she would have the display of books that had been banned at one time or another. And that just is burned into my memories and I very much appreciate this resolution.

>> Mayor

Adler: Harper-madison, after councilmember Fuentes.

>> Fuentes: Thank you. And thank you, councilmember pool, for your leadership on the freedom to read resolution. I stand with you. Just the other day we were veg a

[3:20:46 PM]

team meeting at our central library. It was 9:00 A.M. We walk in and director weeks was right there. He was personally greeting folks as they walked into our library. That was really special to see our director there. Shoutout to director weeks for his leadership and I know that he stands strong on the freedom to read effort. Colleagues, I want to draw your attention to item 48, which moves forward our grocery store co-op initiative. That was an item that was earmarked for funding as part of our American rescue plan act deliberations, here we are moving forward on that effort. I think this item really is a unique and innovative solution in how governments can engage on addressing health disparities, particularly when it comes to food access. In southeast Austin, we have had food deserts for several years. My community in del valle has been organizing for other a -- over a decade on getting a

[3:21:47 PM]

grocery store in their neighborhood. And so this model that we're creating here in Austin will be a national model that other cities can look to and what it looks like in bringing a grocery store co-op into your community. So I'm excited that this initiative is moving forward and it's moving forward in a way that is centered and powered by the community, where the community will have a say in what their grocery store looks like, on the prices that are at the grocery store, that it's affordable and culturally inclusive. So I'm excited to see this important work move forward. Thank you.

>> Mayor Adler: Okay. Councilmember harper-madison.

>> Harper-madison: Thank you, mayor. I appreciate it. A couple things. So, I need to recuse myself on item number 80. I'd like to be shown recusing myself on that item because our legal staff advised me I don't have a conflict of interest, but because one of our favorite former staffers now does do a lot of work for the black men's health clinic and I obviously

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absolutely support the organization's mission, I think it's more appropriate for me to sit that vote out just to not cause any conflict. I'd also like to speak to just how grateful I am to have had the opportunity to join the group on the freedom to read. At a time when we're trying to have a very much-needed reckoning with racism and bigotry, book bans are the last thing we need. The same people who shouted about cancel culture over the renaming of monuments to white supremacy are now trying to silence voices and snuff out ideas that challenge their own worldviews. Diverse, dissenting views are part and parcel of a democratic society, and progress starts with the freedom to think for ourselves. I'm extremely proud to join the council, with councilmember pool, and our colleagues in support of the brave work of our

[3:23:50 PM]

Austin public library and the Austin library commission. This is a great standup effort for our rights and I really, wholeheartedly appreciate being able to be a part of the effort. And that's all. Thank you, mayor.

>> Mayor Adler: Thank you. Councilmember kitchen, then councilmember Ellis.

>> Kitchen: Thank you, mayor. I wanted to comment on a few items. I echo your comments, mayor, on items 71 and 72 related to rapid rehousing services and services related to H.E.A.L. I think that we're making progress with regard to addressing homelessness in our community, and that progress is key to housing, rapid rehousing for those who aren't as familiar with the term, helps folks get into apartment complexes and other types of locations so that they can have a roof over their heads and move towards permanent

[3:24:52 PM]

housing and jobs, and getting back on their feet. So, I'm very pleased to see items 71 and 72, which are contracts for the social service agencies to provide these kind of rapid rehousing services. And in addition, related to H.E.A.L. I also wanted to thank councilmember pool for her leadership on the freedom to read initiative, as well as to thank my library commissioner, who has -- whose initiative has been very important to Steve himself, and he's had the opportunity to visit with him about this initiative. I also want to speak to item 89, which is my resolution related to creative space bonus and incentive program. As we all know, and all of us have been working for quite some time on, we recognize the

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importance of creativity to Austin's identity and economic prosperity. And we all know that arts and culture and creativity are essential keys to our unique and distinctive identity. And so what this resolution does is it directs the city manager to move forward with options to -- for provisions in our land development code to preserve creative space. And so this builds off -- not builds off of, but it's parallel to and is a nice complement to the resolution that the mayor brought forward, I think it was last week -- not last week, but our last meeting -- related to live music venues. So what this one does is to -- it's a similar type of resolution that relates to the visual arts and creative spaces. So, I'm excited to move forward with this, and I'll be excited when both of these items come back to the council to give us

[3:26:54 PM]

an opportunity to be more specific in our code about ways in which we can incent and help ensure creative spaces and live music spaces in our community. Finally, I wanted to speak to item number 133, with regard to the ems contract. And I share and echo the words of my colleagues in speaking to that contract. I know it's been, you know, it has been a bit of a road in terms of having discussions to get to this phase, and I think a one-year contract helps our ems employees move forward. And I want to thank them for all the work that they do. And I'm excited about the -- what I've been -- the work that ems has been doing, and the potential we have for some very creative initiatives through our ems department. So, thank you.

>> Mayor Adler: Councilmember kitchen, on your move forward on

[3:27:59 PM]

the resolution to establish artistic and art spaces, recognized in our code and to innovate and to incent those, thank you for that. Full support of that. I appreciate your leadership. It seems to me that one and the music one need to move forward together with one another with the staff. I spent more time on mine on the definition side and less on picking up the incentives. Yours has less to establish the definition, but more on the incentives. They probably help each other and I hope, manager, they both go forward, probably together. Thank you for your leadership.

>> Kitchen: Yes, thank you.

>> Mayor Adler: Yes, councilmember Ellis.

>> Ellis: Thank you, mayor. I wanted to speak briefly. Item 2 is a service extension request that's outside of district 8. We worked closely with Austin water staff to be able to understand better just what the needs of the community were and what the development was to entail. And so we were happy to learn that this service extension

[3:29:00 PM]

request has only been approved for what the applicant has applied for, and nothing greater. And if anything were to change in the future and they wanted to do something different with this property it would have to go back through the water utilities. But right now it is in compliance with all of our modernized standards. That's really important for the tracts of land, both inside and just outside of district 8. And I, too, am very excited about the new ems contract. I'm really proud of the work that our medics are doing. We just had a new cadet class graduate. We're really excited that our team is expanding and appreciate the leadership of councilmember pool on the freedom to read day. That's really important for our community. I know our district 8 commissioner, Dwyer, is always of constant service to the library commission and keeping us informed on their productivity. We definitely really appreciate our library commissioners today.

>> Mayor Adler: Okay. Colleagues, anything else before we vote on the consent? Councilmember tovo.

>> Tovo: I want to add my

[3:30:01 PM]

thanks to Devon, his team, Selina, for all of your work and the work that our ems folks do day in and day out. On 36, colleagues, I want to remind you I did pass some budget direction last week that relates to this item, and this is a contract for custodial help at Austin energy. And this is another example of one of those services that we know we have an ongoing need for, and those positions need to become permanent. Manager, I look forward to getting a report back from that budget direction, which is our plan and our path for bringing those services in-house and making those employees permanent employees when we know there's going to be an ongoing need, as per our previous council direction. 58, I'm really excited to see the city move forward with the intern to implement the resilience hubs. This is critical work. Thank you to our resilience officer for taking this step. And there are some great -- several of my colleagues have talked about some of the social service contracts that are going to be so useful in helping us

[3:31:04 PM]

end homelessness in Austin. I want to highlight one we've had for a while, the passages program, number 68. I do so because some of us probably still remember that day on council where several of our colleagues were missing and we failed to get the votes to pass our contract for passages. And this is a critical program that takes place at the Salvation Army. It's a partnership with the Salvation Army and it provides necessary childcare for those single parents, primarily single moms, with kids living in that shelter so that they can go to work and get jobs, and continue that journey of getting permanent housing. So, I look forward to continuing to see the city fund that program. I think it's really critical. And that's it for me.

>> Mayor Adler: Thank you. Councilmember vela.

>> Vela: I just wanted to reiterate, recusing on item 64, Rio grande legal aid. My wife is employed by them. I filed the appropriate affidavit with the clerk.

[3:32:04 PM]

>> Mayor Adler: Thank you. I'm not voting in the S.A.F.E. Alliance issue. Don't have a conflict, don't have a personal financial interest, but my wife, Diane, is treasurer on that volunteer board. All right. I think we're ready to take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed? And it is all of us. Thank you. And thank you, councilmember harper-madison, I see you.

>> Mayor.

>> Mayor Adler: Yes.

>> Tovo: I had pulled 6 and 21 and I think they can be dealt with quickly.

>> Mayor Adler: Is it as quick as asking a question?

>> Tovo: Yes. 21 I've already asked the question and I'm awaiting a response, but 6 what I'd like to do is I'll make a motion for negotiating with the request that it come back to us for execution and I can explain why. I had asked some questions. Why don't I make that motion.

>> Mayor Adler: Does staff have any concerns or issues with respect to 6 not being approved

[3:33:06 PM]

and executed, and just approved -- negotiate and execute, not negotiate and execute, just negotiate and come back?

>> Tovo: I can be specific about what I'd like them to do. I'd like them to take another look at the value that's been set on that. I had asked a question about the valuation. I got back an answer about how it was calculated, but I do think it seems quite low.

>> Mayor Adler: Let's hold off on that one. It needs a few minutes to run that down. We have some things I want to take care of real fast so we can let staff go. Then we're going to get to the speakers. The things that I think we can handle just absolutely quickly include items number 94 and 96, our eminent domain matters. Is there a motion with respect to 94 and 96 being nonconsent items to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the properties described in the agenda for this meeting for the current uses described therein?

[3:34:09 PM]

That motion is made by councilmember tovo. Is there a second to that motion? Councilmember Renteria seconds. Any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. I don't see councilmember harper-madison. There it is. We're unanimous on the dais. That -- 94 and 96, approved unanimously. Item number 98 is the commercial redevelopment exception. Is there a motion to approve item number 98?

>> Mayor Adler: Was that set for a public hearing? It was. Is there a motion to approve item number 98 and to close the public hearing? Councilmember vela makes that motion, second councilmember Renteria. Any discussion? Those in favor, please raise your hand. Those opposed?

[3:35:10 PM]

That one is also unanimous --

>> Mayor, I voted no.

>> Mayor Adler: I'm sorry.

>> Vanessa.

>> Mayor Adler: Councilmember Fuentes, go ahead. Councilmember Fuentes will be recognized as voting no on that item 98. Item number 101, councilmember Fuentes, did you have a quick question on that one?

>> Fuentes: We can have director morales, yes, staff, whoever is available. We heard some concerns earlier today during public comment. Given flooding concerns in the area with this reuse mains going through onion creek, I wonder if you can speak to the flooding concerns that were raised on this project and any involvement with our watershed department to the extent that watershed would be involved.

>> Thank you, councilmember Fuentes. This is the director of the watershed protection department. I have Shea Olsen as part of the water utility. So, this particular action item is on land use for parkland.

[3:36:11 PM]

This project did have some input from watershed in the early process. We weren't part of this process, but as it relates to the concerns from the residents, we understand that there's been quite a bit of flooding issues in this particular part of town. This particular project's going to be horizontally directional, we don't expect much impact. It is being managed by project management and it has been inspected by public works. We have a great relationship. Any issues that arise, we'll reach out to watershed. If there's any particular questions, definitely have water utility here to answer on the project.

>> Fuentes: Thank you. No further questions on my end, unless you wanted to also provide comments as well.

>> I do have to read into the record, Greg with the parks and recreation department, I have to read into the record that this public hearing was due to a permanent change in use from parkland to non-recreational use, the reclaimed water line before you today. It goes through several different parks, one of them

[3:37:11 PM]

being two golf courses, Jimmy, and also the onion creek soccer complex and the onion creek metropolitan park. The legal fact-finding is that there is no feasible alternative to the taking of parkland and includes all planning to minimize harm to the parks. There is a project mitigation fund totaling \$818,542 that will be paid to the parks department. The notification was sent out in the Austin American statesman on August 7th, 14th, and 21st of this year.

>> Mayor Adler: Great. Thank you very much. Let's take a vote on this item 101. Those in favor, please raise your hand. Those opposed? Unanimously, this item 101 is approved. Let's go ahead -- thank you very much. I'm going to recess the city council meeting here at 3:38, and I am going to convene the

[3:38:13 PM]

Austin housing finance corporation meeting. Today is Thursday, September 1st, 2002. The time is 3:38. We are in Austin city hall. And we are convening to consider the agenda for Austin housing finance corporation issue. We have 17 items on the agenda today?

>> We do. Mandy Demayo, Austin housing finance corporation, it's a jam-packed consent agenda agenda with 17 items that I'm not going to go through unless you have any questions about them. But I do want to draw your attention. The reason there's 17 items is 14 of the 17 items are related to requesting authorization to move forward with loan agreements for 14 different rental housing development assistance and ownership housing development assistance applications. Those total more than \$46 million and will result in more than 1,250 units of affordable housing, and almost

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500 of those units will be permanent supportive housing for people experiencing homelessness. I do want to point out that our sources of funding are both federal and local for these 14 different projects, including the 2018 general obligation bonds, project connect anti-displacement dollars, home funding

through the federal government, and our local housing trust fund. So I'm happy to answer any questions about specific projects, or any of the other items on the agenda.

>> Mayor Adler: I want to congratulate you and our staff and all our community partners, and everyone who has done this. The folks that came before us and help set this up in terms of funding in the city, but real proud to be working with my colleagues, in part because of time that we're in where affordability is such an issue, in part because available funding now that might not have been available in the past, folks stepping forward to really do big bond elections, first

[3:40:14 PM]

recently in 2013, but again in 2018. There's another bond before us here in November. The amount of affordable housing that we're building and will have online soon, it so dwarfs what we were able to do in the past. And I want to congratulate you and everybody that's involved in that.

>> Thank you.

>> Mayor Adler: Is there a motion to approve the consent agenda, which is items 1-17? Councilmember tovo makes that motion. Is there a second to that? Councilmember Renteria seconds that. Any discussion on the consent agenda? Those in favor, please raise your hands. Those opposed? Councilmember harper-madison? And it is unanimous on the dais here.

>> Renteria: Mayor.

>> Mayor Adler: Director Renteria.

>> Renteria: I want to thank the staff. Y'all did a wonderful job. This is going to be a big leap forward in solving our homeless

[3:41:14 PM]

problems and our housing needs here in Austin. And I just want to congratulate the staff for the hard work y'all did. And all the nonprofits that are out there that are really working hard to make sure that we house our people. So, thank you.

>> Thank you very much. We have staff members here who appreciate the thanks and work really hard to get all of this done.

>> Mayor Adler: Great. Congratulations. Thank you. All right. I'm going to adjourn the meeting of the Austin housing finance corporation here at 3:41. I am going to reconvene the Austin city council meeting and we're going to go straight to speakers. This is -- speakers for this afternoon. Can we do -- [off mic]

>> Mayor Adler: If you're prepared to do it, let's call up item 6. Councilmember tovo?

>> Tovo: My motion was to approve negotiation to come back to execute and ask staff to take a hard look at the valuation of

[3:42:15 PM]

this tract. This is an encroachment agreement to create a swimming pool and so it's not creating additional housing or other kinds of benefits. And the valuation is extraordinarily low for downtown real estate, even if it is air rights. And so it's my understanding, based on -- that we, you know, did our due diligence. We got an appraisal, but there's also an ability to approve at a figure that seems more appropriate given the market values, so I would like to ask the staff to move forward with authorizing the negotiations, but to come back to us after we've had some additional conversations about valuation.

>> Mayor Adler: Does staff have any reservation about handling the motion today in that way? Michael, I'm sorry.

>> Michael is sick.

>> Michael, services officer. With respect to the change to drop the execute, I'd need to defer to dsd.

[3:43:19 PM]

I don't know, with respect to the developer's plans, if that's going to be problematic or not. I don't know if anyone from dsd is available.

>> Rodney Gonzalez, assistant city manager. We should have dsd on the line, either Jennifer or Elizabeth, one of them. I'm not sure if they're being asked to be move over or not.

>> Mayor Adler: Let's move over if we have them and let's go to 21.

>> Elizabeth Boswell is on the line right now.

>> Mayor Adler: Okay.

>> Mayor Adler: If Ms. Boswell is talking, she's muted.

>> Okay. Can y'all hear me now?

>> Mayor Adler: Yes.

>> Yes. The only comments that development services would have to negotiating the price is that historically, we have followed the 1411, from the city code, which basically states that we

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are required to gain an appraisal for an encroachment agreement. There are issues that we may encounter if we step outside of that type of parameter into a world of negotiation. What we would need, first of all, if council does direct us to attempt negotiations, we would need some kind of parameters as to what we should shoot for as far as the actual, you know, price, negotiated price itself, i.e., you know, in standard negotiations, depending upon who you're negotiating with and who the other entity is, you know, there may be a possibility that if the other party is a strong negotiator, they may -- we may come up with a situation where they're pushing for a lower price. So, in order to prevent that and

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to keep in, you know, spirit of what we're trying to achieve, I think in order for staff to do this, we would need some type of parameters from council, i.e., you know, what is the maximum we should shoot for, etc., just so we know that we're not stepping outside of our, you know, our responsibility or ability to negotiate.

>> Mayor Adler: Councilmember tovo, help me. I understood your question to be, you wanted staff to take another look at how this was being calculated.

>> Tovo: Yes.

>> Mayor Adler: And whether it's appropriate.

>> Tovo: And my research to this point suggests that it's an extraordinarily low value for downtown, even if it is an air right. Just to make it clear to the public who's listening to this, gripping discussion about aerial encroachment, the value is

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\$21,196, appraised. It's an aerial encroachment for 319 square feet, but there's not a lot of -- again, it's to create a swimming pool, which will be of benefit to those residents, but it's not serving a broader community value and I think that that's still an extraordinary low value so I am asking that we authorize negotiation, but not execution, and ask our staff to go forward and, you know, I'm not going to name what I think would be a more acceptable price on the dais. I don't think -- that's not my role. But I would ask our real estate staff to sit and take a hard look at it.

>> Mayor Adler: So, help me. If we own a piece of property as a city, there are rules with respect to what -- we have to make sure we get fair market value.

>> Tovo: We have to get at least fair market value. We have to order an appraisal. But market value is determined by the seller and the person

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requesting that entitlement. And so I would suggest that the city no -- not arrive at this particular valuation. This may be a conversation we need to have more discussion about off the dais, but I think allowing them to negotiate without finally executing it and asking for a hard look at this particular valuation issue gives us time to do that. And they can come back in two weeks and let us know.

>> Mayor Adler: For me, I wouldn't want them thinking that we're trying to get more than -- for me -- than the fair market value. If we're calculating the aerial value differently, or there's a different theory, or we can use different sales, I'm all in favor of our staff looking at that. I do have some difficulty if for this particular user we would be straying from our normal practice of selling property at fair market value in it's excess -- if it's excess and we

[3:48:24 PM]

don't need it.

>> Tovo: We've had this conversation multiple times talking about downtown alleys and others. I would like to see us strive to get closer to actual market value when we arrive at fair market value, because this seems low, just as the allocations seem low to me.

>> Mayor Adler: With that parameter I'm okay with it, try to get us really true market value. We're not trying to get something beyond that, from aholdout price. But to the degree that these are tricky because aerial easements for swimming pools don't frequently convey, I don't have any problem taking a look at how it's calculated, or the theory that was involved in it, or the comparable sales that were used in that to see if there's a better determination with respect to what that market value is.

>> Sure. I think the question that staff has is because we do this repeatedly, as you know, council asking us to look at the process

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from a go-forward basis and make a change to the process, which we would prefer, versus every time we bring one of these up there having a conversation like this. We'd like to know what those parameters are from council as we go forward.

>> Tovo: If I may.

>> Mayor Adler: Go ahead.

>> Tovo: You know, I've mentioned a few times I've been working on this real estate ifc and I will embed this within it. I'm hoping to come forward at the next meeting with it. Thank you, acm Gonzalez. That's good feedback. However, we don't -- we never seem to be making progress on this issue even though we've highlighted it multiple times. I welcome your thoughts on how to do it going forward. I want not to approve another one until we take a hard look at this. I would ask that we -- you may come back and say this is appropriate what's going forward, but this is what's appropriate for this particular contract. But if we recognize it's an issue we want to take a look at,

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I would say let's take a look at it on this.

>> Mayor Adler: On this one, stick with the appraisal process and market value, but look at it and see if within the rules as we've been doing them, is there different comparable sales or a different way to look at it. And councilmember tovo, I think you should tee up straight up, the question of -- I'm happy to talk to you off the dais about how to tee up -- I think that further question.

>> As clarification, because we did recently talk about market value, that was under the context of when the city is the property owner. And we do a lease with someone else. What we're talking about here is when we are not the property owner other than the right-of-way and somebody wants to acquire that right-of-way from us. And so I do recognize I think that you had had some questions on that first part, when we're the property owner and leasing. This to me is a new conversation. But if council wants to talk about those parameters, we can, to figure out from a policy

[3:51:27 PM]

perspective where council would like us to land.

>> Mayor Adler: We can talk about that. Market value is market value. Theoretically market value should be the same whether we're selling or buying it. There are rules and standards to market value that are independent of who's the buyer and who's the seller. That's the rules we follow now. We should continue to do that. I think what councilmember tovo is saying, and I think it's a legitimate policy conversation is should we look at that differently. When we own the property should we be looking at it differently. That's a fair question. So I would suggest that this probably should move forward under the rules that have gotten us here. Councilmember tovo, I would join with you to tee up that question. You and I might be in different places, but I would like to work to help that question get Teed up for council consideration. But, that does not mean negotiate and execute today, because the question is still present, are there ways within the rules we are following now,

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because of limitation over sales or the uniqueness, within those rules, is there a way -- another number that is also appropriate within those rules. I think that's the question that you have to then come back to us, or see if it exists then negotiate that way. If not, come back to us, or negotiate -- whatever that analysis is. Separate from the different policy question, which councilmember tovo, she says that sounds good. So that's how we'll proceed on that. On item number 26, thank you, a motion to proceed. Mayor pro tem, do you have a comment? Okay.

>> Alter: I just want to say that I'm very much in agreement with councilmember tovo on this. I haven't been able to look too deeply at the calculation that's in the q&a, but \$63 per square foot in downtown Rainey street, even if it's just a balcony over

[3:53:28 PM]

there does not seem like we're getting fair value for what we need. And I understand there's cubic feet and a whole bunch of other ways of calculating that I've never seen us use before when we've gotten this information, but it just -- I don't -- you can't buy any real estate for \$20,000 in Austin at all, let alone 300 feet, so.

>> And I have to mention, if I'm looking at that, I'm looking at the closed captioning because it can be difficult to hear completely on this end. Thank you.

>> Mayor Adler: Not a problem. Is there a motion to approve this item 26? Number 6. Item number 6. A motion to approve item number 6. Councilmember tovo made that motion. Is there a second? Councilmember pool seconds that. Those in favor, please raise your hand. Those opposed? It's her motion. It's to negotiate but not execute, but negotiate within the parameters of our existing

[3:54:30 PM]

policies and then we will come back with consideration of a different policy shortly. Okay? What's the next item, it's item number -- councilmember harper-madison, did you want to say something? Did I miss you? Okay. Councilmember tovo.

>> Tovo: So, 21 is for a contract renewal for cones and other traffic management things that the city needs to do on an on-going basis. I asked the staff -- the question I had for staff, the reason I pulled it is whether the city of Austin has run the numbers on what it would take to develop that expertise in-house and buy the cones and things so that we don't need to continue engaging in this contract, because it is a fairly large one. It is increasing the amount by almost \$5 million for revised total contract amount not to exceed \$8.2 million for the next -- for a term of three

[3:55:31 PM]

years. So --

>> Yolanda Miller. Yeah. Thank you. Deputy purchasing officer. I think the director, Mendoza, is on the line and he is able to answer the question for you.

>> Thank you, mayor and council. And Richard Mendoza, interim transportation director. Yeah, thank you for your question. Our transportation department signs and marking division, we definitely have the expertise to provide these services in-house. We have that capability. What we lack, however, is the capacity to provide the services in addition to our normal workload, which is maintaining all the traffic signs and markings throughout our mobility network through the city. If we were to take on this workload, it would impact our response times to 311 calls. It would also impact our ability

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to maintain minimum reflectivity standards for both signs and markings, for which recently the federal highway administration has updated standards for pavement markings and stripings. These minimum reflectivity standards are critical to us achieving our goals for vision zero. In addition, you know, this service is primarily used for special events, temporary traffic control, temporary pavement markings. It also supports special and large projects and emergency maintenance. And so we utilize -- along with other departments -- this contract to help us provide those services throughout the city. I have not run the numbers on what it would take financially to bring this work in-house.

[3:57:37 PM]

You know, I could definitely look at that. However, you know, that would also introduce a process by which the transportation department would have to be reimbursed for these services that are not strictly mobility related.

>> Tovo: Thank you, director Mendoza. I mean, certainly I would never want to see our safety impacted, or the reflectivity of the signs and all the things you described not being attended to. But I would be interested, manager, in seeing that comparison, because if it's a service for which we're spending up to \$8 million, that's a pretty ongoing need. And there may be some real cost savings to doing it in-house. So, is there a path to renewing this contract for a shorter period of time to allow you to do that cost-benefit analysis and providing the city council with that information?

[3:58:38 PM]

>> Well, the contract expires in November, so if we needed to postpone it and figure out a different path, we could.

>> Tovo: Well, I was thinking -- it extends it for three years. Is it reasonable to extend it for a shorter period of time and allow you to do that?

>> I think we could do it for one year, so that would give us more time.

>> Tovo: That would be my recommendation. These are all services we need to continue to provide, both the ones that director Mendoza explained and this work for special events, which we have enough of that it's an ongoing need. So I think my motion will be to extend it for one year with the direction to the manager to come back and if it's reasonable to do so, you could come back with that analysis quite quickly and we would have the option at that point of either extending it for the additional two years so that you've got that three-year contract by November, or setting on a path to doing something different in the future.

>> Mayor Adler: Okay. That's the motion on item number 21. Is there a second?

[3:59:43 PM]

Council member vela seconds that. Any discussion?

>> Tovo: Manager, is that something -- do you believe that you could come back with that analysis relatively quickly so that we would have an option of just extending it the next two years if it doesn't look like it's worthwhile to take this up again in a year, but just to make the decision now?

>> Certainly, council member. I can certainly talk to staff about what that analysis would require, but having the one year is helpful.

>> And just to clarify, the authorization amount would go to \$1.64 million.

>> Tovo: Thanks very much.

>> Mayor Adler: Noted that's the motion. Those in favor raise your hand? Those opposed? It's unanimous on the dais. That passes. All right. Let's get to speakers. I appreciate everyone's patience here with us today. Colleagues, I think we have about 90 speakers or we did a little while ago. Every speaker gets one minute to speak. If everybody speaks we're probably effectively about an hour and a half to close to two hours of speakers.

[4:00:44 PM]

Why don't you go ahead and start with -- I think we start with the ones that are remote.

>> Kitchen: Mayor? I don't -- I don't know if councilmember tovo had -- earlier she said that she was going to look into the number of speakers related to the statesman pud. I don't know if she did that. I just noticed she's -- councilmember tovo, I just wanted -- I didn't know if you wanted to say about how we're taking the speakers. You had mentioned it earlier.

>> Tovo: Mayor, you were citing some numbers and I didn't catch how many we have for the statesman and what the difference in time would be if we allowed the statesman speakers to speak for two minutes, which would be my preference.

>> Mayor Adler: Postpone my staff could help me, please. We have about 90 speakers total. About how many speakers are on the pud question?

[4:01:49 PM]

Council member vela, do you know what kind of motion you're going to make on this? Do you know what motion you're ultimately going to make on this?

>> Vela: It was sent out and I've got paper copies to be distributed. I think given the kind of uncertainty or I would like to provide direction to staff a motion that would provide direction to staff to bring it back for a potential second reading.

>> Mayor Adler: At the end of September. So no vote on second reading today.

>> Vela: That's playing it by ear, but what's that I was probably thinking it.

>> Mayor Adler: I would probably support that, but I asked because earlier this morning you asked that question how it might evolve we might not need to do that today.

>> Tovo: If there's a will on this council to discuss, to hear testimony, but not to vote on second reading, then that is a different matter. I would welcome the thoughts of my colleagues, but I do want to be sure that if we're voting on second

[4:02:49 PM]

reading -- council member vela, could you point us to -- I got that packet, but I can't figure out what you're proposing. It looks like my amendment, planning commission's amendment --

>> Mayor Adler: Hold off on that. No one has had a chance to look at it yet and I don't want to get down there. I want to get to speakers. The only thing I heard that was operative for me was the suggestion that we debate today what kind of direction to give staff, but no vote on second reading until the end of September. That makes sense to me because there are too many things up in the air and on second reading we need to give better direction to staff on what westerly want. So I would support that. Councilmember tovo.

>> Tovo: It does matter to necessity what that direction is. If the direction is to strip out the amendments we made on first reading that's really a vote. So that's a pretty substantial vote and then I really want to afford the speakers more time. So if we could get to the bottom of what's going to be proposed, that would be helpful.

>> Mayor Adler: Then my suggestion didn't help. How many speakers do we have

[4:03:51 PM]

on --

>> Mayor and council, joy Harding with the housing and planning department. We have 30 speakers in-person for the statesman pud approximately and seven remote. So we're looking at 37 total speakers just for the statesman pud.

>> Mayor Adler: 37 speakers on the statesman pud. For me I would keep everybody speaking the same, but people could certainly make the suggestion and do something else. Let's go to speakers then.

>> I'll just lay this out, joy Harding, housing an planning department -- the postponed items I want to lay those out quickly. Number 106 is a postponement request by the mayor pro tem to your September 29th council meeting. 107 and 108 is land caster, that's a staff postponement request to the September 29th meeting. We have item 116 that's a staff postponement request to October 13th. 119, Swanson ranch an

[4:04:53 PM]

applicant postponement request to September 29th. We have item 121, Albert road, that's a postponement request by councilmember kitchen to your September 15th meeting. Item 129 is town hall, that's a postponed request by staff to September 29th. And just to note 111th is withdrawn. I don't think we have speakers on that item.

>> Kitchen: Mayor?

>> Mayor Adler: So again, give me the numbers of the postponements.

>> Real quickly, 106, 107 and 108. 116, 119, 121, 129, those are postponements. And 111 is withdrawn.

>> Mayor Adler: Okay.

>> Kitchen: Mayor? I wanted to just briefly speak to my postponement request on 121. It's postponed to September 15th with the understanding that that would provide time for the applicant and the neighborhood to have some

[4:05:56 PM]

discussions. If we determine through that process that they need additional time then we may be pushing it to later.

>> Mayor Adler: Okay, thank you. It's 4:00. I think the speakers are going to take us close to 6:00. Let's go ahead and get started, call the remote speakers, please.

>> Yes. The first remote speaker is Clifford Vandyke speaking on '99 and 115.

>> Mayor Adler: Hang on one second. Excuse me, hang on one second.

>> Tovo: Could we resolve the question of how much time the statesman pud would have?

>> Mayor Adler: The default is one minute but if you want to propose something else we could do that real fast.

>> Tovo: I would like to pape that those speaking on the statesman that we allow them two minutes.

>> [Inaudible].

[4:07:15 PM]

>> Mayor Adler: Council has suggested that we consider giving everybody two minutes if we're going to give anybody two minutes. I'm not sure that we need to do that, but I wanted to share with you the suggestion and advice. To go past dinner tonight with speakers is something I would not recommend. I think we should just move forward. Councilmember tovo is suggesting that we increase by one minute the speakers for 37. It sounds like -- we could give everybody two minutes. With you in front of us is the suggestion by councilmember tovo to increase by one minute. Could we see who is in support? Just the statesman pud question. Could we see who's in favor of that? Okay, three council members in favor. Let's keep with one minute and let's go ahead and start. Go ahead, please, remote speakers.

>> Mr. Vandyke.

[4:08:16 PM]

>> Thank you. Council, this is Clifton Vandyke, vice-president of osha and a resident of the kealing neighborhood since my childhood in the 1930s. I have seen the good, bad and ugly from various groups of stakeholders have lived through and implemented change and need to stop inflicting harm on the area. Our current is amplified sound that shakes houses and windows, from currently open air venues next to homes at both ends of the street. As bad as that is, every problem we raise to you is not about enforcement or lack thereof, as Mr. Mcmillan asserts. We raise questions of policies. 20 years of

planning and implementation towards the mixed use corridor to serve the entire community, not an entertainment district. Please listen to the 48 property owners who signed a petition against expanded bar use permissions, osha, the urb, planning commission

[4:09:17 PM]

and all the folks who wrote and called again. 10-1 about listening to the people.

[Buzzer]. Please vote no on any expansion and reject war politics. Thank you.

>> Mitch oringer on 99 and 115.

>> Hi, my name is Mitch and I'm a resident of east 13th street. What I'm going to say is very simple. We don't need another relevant here on east 12th and east 13th. Please vote no to the music venue. Thank you.

>> Nicole Blair, 99 and 115.

>> I grew up in east Austin and I live at 11 center con for 18 years. You should have received my

[4:10:18 PM]

petition. Long-standing residents of Blackshear like myself, including six African-American neighbors who have lived here for 40 to 60 years, signed this petition. We stand in solidarity with east 12th street neighbors and oppose the expansion of cocktail lounge use here. There are many nearby districts where bars are allowed, Cesar Chavez, east sixth, 11th as of last month's council vote. If the LLC has bought up a lot of lots on east 11th want bar tenants they should have bought properties where bars were allowed. We who have lived here for generations propose the growth of our community. Restaurants already allow live music and while they also provide a community service with at least 50% food service sales, there is no need to expand cocktail lounge use in our neighborhood on east 12th. Thank you.

[4:11:20 PM]

>> Beatty Coleman, 99 and 115.

>> Yes. This is bb Coleman. I've lived in about every district in the city of Austin, and done a lot of living and working in district 1. I'm calling in support of the zoning change to vote yes with the view of African-American community. One problem that we have had over the last 28 years since I've been here is where do we go to see each other, to connect with each other. And I think that this 12th street district is

a final stake in the ground. We've been displaced and moved around a lot, and this is a prime opportunity to preserve the culture and entertainment is a big part of that, and have a space

[4:12:21 PM]

that let's the black community know across Austin where the population is declining among black people, making it unique among any urban growing city in the country --

>> Thank you, your time has expired. Dewey Smith, 99 and 115.

>> Yes. Good afternoon, council. It should be noted that I'm councilmember harper-madison currently appointee on to the African-American advisory committee. Today I'm speaking as a community member from district 7. Please consider the limiting impact on future development possibilities for the 12th street corridor if cocktail lounge use is prohibited. The district could benefit from expanded options to remember and reimagine the vibrant culture that has been historically and can be done. I believe that voting in favor supports continued collaborative development of

[4:13:21 PM]

a viable vision. Thank you for this opportunity, for your time and for all you do for the city of Austin.

>> Patrick rose on 104.

>> Hello, my name is Patrick rose. I office at 1608 east fifth street in Austin and my wife and I reside in San Marcos. While I am here in my individual capacity, I am here decidedly because of my belief that an accessible regional public transit system is so critically important to the future of our city. I'm in support of item number 105 because a transit system is only as good as the places it connects and the people it serves. It takes expertise, capital, placemaking that is embodied by this project in order to bring project connect to life. When you look at the handful of sites across the city, this is the few and I would argue the best, that can truly catalyze that project.

[4:14:22 PM]

That's one of the primary reasons why approval today I believe is so critically important. Thank you for your consideration. Thank you for your service.

>> David king, 104.

>> Thank you. The statesman pud lack front property is among the most valuable real estate in Texas. The tallest and most luxurious towers in Austin's history will be built on this site. Please support the

workers defense project request for better builder standards for all workers on all construction projects at the pud. Please support save our springs requests to ensure that the pud protects 9.2 acres of public parkland along lady bird lake shoreline, maintains full access to the hike and bike trail, complies with the waterfront overlay setbacks and development regulations, and removes all public subsidies to the billionaire developer. Please do not allow

[4:15:22 PM]

fee-in-lieu for affordable housing for this housing with front row views of lady bird lake and downtown Austin. Low income families have a basic human right to live and thrive in this high opportunity luxury development with a multitude of public amenities, services and jobs. Please vote no on the statesman pud of inequity.

>> Renee pepin, 105.

>> This is Renee. I want to register my opposition to 105, the statesman pud. We need to keep that area as pristine as possible for parkland and the river and access for all residents and all users of the trail. We don't need to give subsidies to wealthy developers. And we need to keep the bat viewing area accessible for everybody. I was so proud of the Austin

[4:16:23 PM]

city council in 1992 when they voted to protect Barton springs from pollution from developers. So it's time for the council to step up again to protect the hike and bike trail, water quality on lady bird lake, parkland and a bat viewing area. That's all I have, thanks.

>> Barbara martin, 105.

>> Hi. This is Barbara martin. As a resident of Austin, Texas for over 40 years and a regular user of the hike and bike trail around lady bird lake, I strongly oppose the plan for the development of the statesman pud located currently being considered by the council. Not only will heritage trees be cut down, destroying the area, and potentially harming the bat migration and habitat, which brings millions of dollars to Austin, but the developer is asking to further encroach on to the parklands than what is currently in place. The plan will also remove

[4:17:24 PM]

the current hike and bike trail access from the southeast corner of the congress overpass. The new development will be built flush against congress bridge, forcing any access to the hike and bike trail to

feed through the new development. Construction on this prime real estate should not be graded and the current access restricted. The developer is asking for taxpayers to subsidize this development and give giveaways and incentives. This is a front to the residents of Texas. This is our parkland and we ask taxpayers to find incentives is just not right. If the developers --

>> Thank you, your time has expired. Barbara Macarthur, 105.

>> Hi. I would like to ask you to put the public first in your deliberation of the statesman pud. Please do not reduce by 60% the primary setbacks from

[4:18:24 PM]

town hall. Instead adhere to the south shore regulations. Please do not allow development in the critical water quality zone. Please do not increase the allowed impervious cover with exemptions. Please do not reduce the amount of required parkland by 16% more more if the light rail station is built on the property. Think about the proposed removal of 20% of the caliper inches of trees from this already developed property. These changes do not create a superior project. 540 feet of height is a very large entitlement. Please do not allow hotels on this property and please do not support a tirz district for this property. Thank you.

>> Michael antonora.

>> Hello?

[4:19:25 PM]

>> Yes, we can hear you. And we do have your video up if you would like us to start that.

>> Okay, thank you. Just want to make sure I'm speaking on item number 112, the historic zoning for 1403 Cesar Chavez. Good afternoon, council members, my name is Michael. I am an architect working with the owner of 1403 Cesar Chavez. I'm opposed to the historic zoning of this property due to the very poor condition of the property, which would be cost prohibitive to repair as well as the lack of original fabric, historic fabric. I would like to show a 20-second video clip from the June 28th planning commission meeting where structural engineer Jerry Garcia provides his expert opinion that the house is in such poor condition it would not survive being lifted to repair the foundation or move it to another location on site or off site. I am available for questions later in the open session or closed session. Thank you.

>> It's best certainly if you're going to go through the effort of replacing the foundation piers, it's your opportunity to raze the

[4:20:30 PM]

building. Moving the building in any direction is a rather precarious notion, not knowing if it would hold itself together or not. So if you're willing to roll the dice. No, I would not recommend it, I truly would not recommend it. I do not think it would survive.

>> Beth turner.

>> Good afternoon, council members. My name is Beth turner and I'm against historic zoning of 1403 east Cesar Chavez and I wanted to show a video clip of the planning commission hearing for this one.

>> Question about the foundation, yeah, there are structural issues throughout the building. Again, the limited areas that we could see had cedar posts, which is very common for the times. And we assumed the remainder of it is considering it's the same vintage or older, is also cedar posts.

[4:21:30 PM]

Not knowing how deep they are, more than likely if -- when you pull one of them up, they are pencil points and you could not keep them. They have to be replaced. The beams that span between them are two double sixes. Now would be it's a or tens depending on the spans. So everything that was utilized was based on the construction efforts at the time, which don't meet current standards. And given its age and neglect, it loses integrity quickly.

>> Andrew Wilkinson.

>> Good afternoon, council members. My name is Andy Wilkinson. I'm also speaking against historic zoning on the 1403 east Cesar Chavez property. I also have a short video from Jerry Garcia's testimony.

>> It's a perfect storm. Indeed, you want the

[4:22:30 PM]

building to behave as a whole and when you have four or five components that have been added to not knowing how they were built individually, and expect them to perform in kind, that's more than anyone can hope for. So yes, it is a perfect storm. So that happens a great deal in older homes, older neighborhoods like Travis heights or pemberton or wherever where part of it is on slab and parts pier and beam. It's a very, very serious concern that structural engineers have and this one is no exception especially considering its age.

>> Nestle cook. A little technical difficulty. Are you there?

>> Yes, I am. Hello, my name is Nestle and

[4:23:32 PM]

I'm also against the historic zoning for 1403 east Cesar Chavez. I have a video clip to show of the planning commission hearing for this case as well.

>> As I drive by it's not one that I see as significant that's memorable and even as I walk around it, when I went to visit it today, it was awkward. Even with the -- and now I understand why because from the presentation we see all the additions, and it kind of shifted the layout on the site. It didn't make sense. The porch that was added on the side was shifted off to the side more so than I thought proportionally. There's something off about it. And the presentation I saw explains this because of all the pieces that we're adding on. And then the other thing is being that hodgepodge, the issue with that is as I was talking to Jerry Garcia about that was is that it is very difficult when we do

[4:24:32 PM]

additions or when we assess renovations --

>> Sylvia lunce.

>> Yes, hi. My name is Sylvia and I am against historic zoning of 1403 east Cesar Chavez. And I am going to show a video clip of the planning commission hearing for this case too.

>> To piece together a building that has so many different types of foundations on that. And one is going to deteriorate quicker than the other. One is going to be slightly off from the other. And once you put two stories on it to make it viable oh, knows what's going to be there. And I know Jerry's because we worked together on historic landmark project up the street on east Cesar Chavez, at 2205, and I know he knows what he's talking about. And when we were able to save that, he tries. Jerry really does try. He's not just making this stuff up.

[4:25:32 PM]

So I appreciate you taking your time to come down here and give us your insight. The other thing is, you know, the viability. I spoke a little bit about economic viability in these things. The concern I have, for economic viability I look at the ability to look at what else can you add on to it to make it more fit the times, the uses of what we need. But in and of itself, because all these different pieces it lacks its own integral viability, just to save itself it's already a confusion of different things. So that's why it's like on this one I -- I'd like to really think through things and give an opportunity for preservation, but this one is just -- it's just too difficult.

>> Mary faro, 105.

>> Hello?

>> Yes, we can hear you.

[4:26:32 PM]

>> Shall I speak now.

>> Yes, please.

>> Thank you. I am calling about the statesman, number 105. I believe you all, city council, care deeply about our city, but worry that you're losing sight of all the people you claim to represent because of the blinding flash of money in Austin. Today you consider potential development of perhaps the most desirable property in downtown Austin, an iconic spot along a trail of lady bird lake named to honor her beautification and unification efforts. It's the front yard for Austin and the state of Texas. The trail symbolically unites north and south, east and west Austin and it should remain free and accessible for all the future. We don't need tax increment financing to lure companies to Austin when there is a literal land rush happening in our city and we don't need a scheme that restricts the expenditure of future taxes to this zone. More buildings can be built,

[4:27:34 PM]

but accessible public land must be vigilantly protected. Please protect open access, maintain primary setbacks from town hall, protect critical water quality Zones. Honor the legacy and commitments of the past and save the bats, thank you.

>> Sara Z, item 105.

>> My name is Sara and I'm a licensed master social worker, proud austinite and opposed to the development of luxury apartments, hotels and shops proposed by item 105 that is planned for the waterfront of the Colorado river, also known as lady bird or town hall. We are facing a climate crisis in which our rivers are drying up or reaching historically low levels, not witnessed in hundreds if not thousands of years. Now is the time to protect our waterways from further pollution that could jeopardize our water, wildlife, environment and communities, while being -- water is life, water is

[4:28:36 PM]

sacred. We are suffering from low levels, stagnant waters, dying wildlife and blooms of bacteria present as blue-green algae which is caused by fertilizer runoff and other chemicals used by commercial projects such as the one proposed in item 105. From my research into toxic bacteria, there is no testing of the levels present in our drinking water which the city of Austin draws from the Colorado river.

[Buzzer]. Yes we know the levels are dangerous due to people's pets repeatedly dying from swimming or drinking from the river. Why would our community --

>> Thank you, your time has expired. Gerald balaca, number 114.

>> This is Gerald and I live at 1800 west 34th street. My property touches 1809 west 35th street, which is item 114. Please review the printed handout that was distributed

[4:29:38 PM]

by Kirk from Alison alter's office. The diagram shows that five properties on 35th streets are sloped to us. Essentially my yard is their drainage ditch. A lot of my driveway has ended up being washed into shoal creek. The applicant visited my house, they said they can reduce impervious cover by about 10% but they have absolutely no plans to do anything about the runoff. They write me and they suggest things like -- things I should do to manage their drainage, like paving my driveway. About five or six inches would need to be dug out and hauled off, otherwise my backyard would fill up with water. This is not an inexpensive process. City planning meetings tell us that new developments will manage their own drainage. The applicant thinks --

[buzzer]. I'm simply asking that watershed follow up on this during the development process like the city

[4:30:38 PM]

promises. Thank you.

>> Alter: Mayor? I just passed out the document that he referenced for item 114. And I'll be asking some questions on consent that will be addressing his concerns.

>> Carey slater, 99 and 115.

>> Good afternoon. I've lived at 12th and Chicon for 21 years. I didn't move into the neighborhood based on its potential. I had no idea what the urp or nccd were. I moved here because I liked the neighborhood and could afford it, well, 20 years ago. That said, the ask was to align the nccd and the urp, both of which restrict cocktail lounge expansion. We already have four bars. We don't need more. Council is throwing everything against the wall and seeing what sticks with no guardrails for residents. Why? Who is asking for this? Not my neighbors. I think we all know who mainly benefits from this, eureka,

[4:31:40 PM]

a home owned by them behind my house was listed for rent for \$7,500 a month and the description reads would be perfect for a bar. It's not zoned for a bar but perhaps they know something I don't. Best of luck to us can code enforcement, right? But who wins? Eureka, not even an Austin based firm wins and the families will lose out. The trash, lack of parking, pedestrians, noise. 12th street would benefit from a lot of things, sidewalks, grocery stores, but bars are not something we need or are asking for. Go to the current bars and let me know if we're preserving the African-American cultural district. They're almost entirely filled with anglo faces. Thank you.

>> Tracy witty, 99 and 115.

>> I am a former staff member of councilmember harper-madison -- a former staff member of councilmember harper-madison would an exit email to the city of what he believed to be unethical behavior by the

[4:32:41 PM]

council member.

>> Harper-madison: Mayor, is this about the item and is this appropriate for her to complete her statement?

>> It's related to the item, ma'am.

>> Mayor Adler: Start there. Start with the relationship so we can understand.

>> Pardon me, sir?

>> Mayor Adler: Please start with the relationship. Go ahead and start with the relationship so that we can understand the tie.

>> Thank you. He reported what he believed to be unethical behavior by the council member. His communication dated April 17th, 2019, states that the council member acting as a local developer might give her a financial break on housing in the district. Before you vote on the urp and 12th street cases maybe councilmember harper-madison will clarify whether she or her family has ever had a housing relationship with any east 12th street property owners that will benefit from her bar initiative. Maybe all their lots should be off limits for this benefit. This week eureka advertised a house as perfect for a bar

[4:33:43 PM]

for \$7,500. 20 bars at 3500 square feet at that rate has a potential of 615k a month. What do we think is going to happen? Mayor and council, please consider how you are harming people in such neighborhoods hi supporting councilmember harper-madison's bar initiative. She's not -- [buzzer].

>> Mayor Adler: Thanks for joining us. Next speaker.

>> Abe Moses, item 128.

>> Thank you, council members. I'm here to oppose the request to rezone 7311 and 7313 bluff springs. I believe it's item 128. There are six issues that affect the best interest of our community. The first is 20% of adjacent landowners within 200 feet of the land in question oppose the rezoning and I believe they submitted their opposition. I've submitted to you large trees that I just measured a couple of days ago that have been recently clear-cut without a tree survey. And of course that was

[4:34:43 PM]

before asking for permission to rezone. Three, the proposed rezoning is not capable with land use within our subdivision and east of bluff springs. So we have small family lots and long-term noise for multi-family housing inside our subdivision goes against our quiet enjoyment of our living spaces and can be an eyesore in our community. Additional developments would ex-sass certify rate the choke point of bluff springs and William cannon. The meadows of bluff springs subdivision plat roll number 23 prohibits the rezoning,

[buzzer]. Specifically stating the subdivision shall be developed and constructed as a small lot subdivision.

>> Thank you, your time has expired.

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

>> Mayor, that concludes all the remote speakers. One moment and I'll switch to in-person.

>> Mayor Adler: Great, thank you.

[4:35:51 PM]

>> The first in-person speak is don Thompson and on deck is Dante Clemons.

>> I'd like to bring attention to the area that has for so long made that area -- that area has made east Austin very valuable for musicians, for artists. It has supported the growth of our youth. And for 65 years it has progressed in my eyes I've

[4:36:52 PM]

watched this be a very valuable, very valuable asset to Austin, east Austin. And hopefully, and I will myself, help grow, help the youth grow into what has become a basic -- a history that we can't afford to lose.

[Buzzer]. Thank you.

>> Mayor Adler: Thank you very much.

>> Dante Clemons and then Mr. Bowers.

>> Is Mr. Bowers here.

>> He had to leave.

>> Edward Winston and then Lee Sherman.

[4:37:52 PM]

>> Michelle hogan, Nellie Garcia. Lee Sherman number 99 and 115.

>> Hello. I'm Lee Sherman, born in Austin, lived on the eastside for 26 years. 13 of those on New York avenue backing up on east 12th. My wife and I are public servants and have two daughters ages six and 10. The amendment proposed with 200-foot spacing between cups cannot a meaningful compromise as it still allows a bar district. We can honor black capture in an nccd. We have problems with bars not being good neighbors and we don't want to depend on enforcement to live peacefully. DUI, noise issues are correlated with bar districts. 78701 we had 137 D.W.I.S so far in 2022. Concentrated around east sixth and relevant. Land use is correlated to

[4:38:55 PM]

public safety. My African-American neighbors don't want bars and loud venues behind their homes. Two such neighbors asked me to speak for them as they couldn't get off work. Charles Alexander and Charles Winston. We have 48 diverse people signing our petition who want a friendly amendment development, not more bars.

[Buzzer]. If you won't honor our valid petition, please amend with some conditions. And we have suggestions if you're interested I'll read them.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Michelle hogan followed by Nellie Garcia.

>> Hello. My name is Michelle hogan and my husband and I live on east 13th street. Our house backs up to east 12th and we've been there for 20 years. For many, many years there have been issues with loud music coming from the property behind us. Years ago we used to call 311, but we stopped because

[4:39:56 PM]

that never did any good. With these -- with this proposal to expand bars, cocktail lounges and outdoor entertainment venues, the problem will just increase 100 fold. I feel that the developer' gain -- stand to make a lot of money off of turning east 12th street into an entertainment district, but the quality of life for the residents will just go down. Our house was one of the older homes, it was built in 1925. And when there's loud music the windows literally shake. So we would ask you to vote no on the expansion of cocktail lounges and outdoor entertainment venues on east 12th. Thank you for your time.

>> Nellie Garcia, and then Patrick Hauck.

>> Thank you, mayor and council members. I own a business on 12th and Chicon. It's a bakery that's been open for about a year and a for two whole years my family and I, my sister, my mom and I, we try to find a

[4:40:56 PM]

location everywhere. At the domain, don't even dream about it. Up north at Lamar, everywhere we could. For two whole years nobody would lease a space to us until we came to Chicon and it turns out it's our first time and we've been thriving. Our neighbors is also female owned, minority owned. And the neighbors after that is also female businesses. So if you both know to this -- vote no to this you are closing the doors to people like me who are just trying to find a place to lease to open a business and compete with all of these people. We're not going to get a chance at the domain or anywhere else. Please, I vote for support of this. It's also like I said again for people like me who hope to be able to

[indiscernible] We're not trying to create a new Rainey street, we're just trying to create services that our neighbors want. Thank you.

>> Patrick Hauck. And then rah Sha carry.

>> My name is Patrick, I'm an evil 12th street homeowner in the urban renewal plan.

[4:41:57 PM]

I currently serve as the president of kealing neighborhood association. Planning for east 12th street was spearheaded by African-American property owners and they agreed to a vision for the street that is

housing, professional offices, civic uses, businesses and services. They agreed no more bars. You heard Michael young report that on first reading. The district 1 office insists it is not a residential area. It creates a complete community for people who can't find enough places to drink. We are teachers, students, civil servants, lots of parents with day jobs. Enabling bars and venues on every lot will allow up to 20 new Stites. It will allow drinking and partying to dominate and damage all other established uses as well as the daily services that so many people before I got here envisioned, planned. A cup is permanent. There's no zoning rights against an individual property seeking a cup. They are robbing people of their property rights and

[4:43:00 PM]

[buzzer]. Please honor our valid petition and vote no in allowing more cocktail bars. Thank you.

>> Rah Shakir, and -- Rebecca Leonard and then Stacy Williams.

>> Good afternoon. I'm Rebecca Leonard. I am owner of lion heart planning landscape architecture and urban design firm in east Austin. I've been working with eureka on a vision for their land holdings. I support ordinance number 99 and 115 and believe that it aligns both with the vision of the urban renewal plan and delivers on the spirit of a sixth street -- of the sixth square cultural district. Thank you.

>> Stacy Williams. And then Susan oringer.

[4:44:05 PM]

>> Thank you for your time and consideration. My name is Stacy. I am very active in the arts and culture community here in Austin, Texas. Right now I'm focusing on the eastside because I believe that's where the most need is. I think that we kind of get into the weeds about some things with this nccd. As much as people are saying that it's not the case, and I said this last time I was here, east Austin was a vibrant cultural heritage district that had bars and restaurants and places for people to drink and things and places for people to go and gather and enjoy the black culture that used to exist there. As much as people are saying that it's not an entertainment district, it is, it is, it is an entertainment district. It absolutely is. And in order to have a vibrant cultural heritage district no matter what the culture or heritage -- I can't say no matter what. Ere Eth certainly some that are dry. But most of the cultures that hang out in Austin, in order to have a vibrant cultural heritage district you have to have options, you need various options.

[4:45:05 PM]

We're not saying we want to put a bar on every corner. That's not what the nccd is asking.

[Buzzer]. As a community we want to be able to have the option to ask for what valid stakeholders have in the neighborhood, not just people pushing back against the bar culture. It's not what we're asking for here. Let's focus on what it is that we're asking for. We're asking for the space to ask for the things that we need to build a vibrant cultural heritage district. That's it. Excuse me.

>> Your time is up.

>> It's not your time at all.

>> Mayor Adler: Hey, please. Who is the next speaker.

>> Susan Oringer. And then Sylvia a.

>> Good afternoon. I live on east 13th and am a mother of a special needs child. Our neighborhood east 12th is already being used as an illegal, unpermitted entertainment district. A eureka property advertised for \$7,500 a month is

[4:46:05 PM]

already being advertised perfect for a bar. It's zoned grmu. Are they banking on your gift today? Sites on the street are already being used as illegal event spaces that feature amplified sound, light shows, hosting very large crowds. This is a mixed use district. Your rule, Natasha, is going to amplify and the suffering of your constituents. You never help anyone when we ask. This is not an enforcement issue. 311 does not help us. The people hosting these events do not live in our neighborhood. They can go home to their houses to sleep. Neighbors cannot get into the driveways or garages. The alley is being used as a party entrance 20 feet from private residences. This goes against everything the developers have advertised their going to do and they're not. Please hold eureka accountable. Please provide services --

[4:47:06 PM]

>> Mayor Adler: Thank you very much.

>> Sylvia a, and then Thomas Miranda.

>> Hello, my name is Sylvia. I was born and raised in east Austin. I love east Austin. When I had the opportunity to buy a home, I bought in east Austin. My dream, my idea was to bring my parents to live with me. My parents are elderly. They're 90 and 85 years old. That is slipping away from me. If this goes into action, I won't be able to bring them. How could I do that in good faith thinking that they would get a restful night's sleep with bars everywhere. People walking everywhere. Loud talking. And what she said that they're not proposing a bar on every corner, they're proposing a bar where I live my house backs up to an historical marked home. They're proposing a bar to put a bar there.

[4:48:07 PM]

100 feet to the east of me is another venue. That's on two blocks now. So what this lady was saying before me, it wasn't happening, it's happening. Please make -- I oppose this. Thank you.

>> Mayor Adler: Thank you.

>> Thomas Miranda, followed by Waz garuba.

>> Good even, Mr. Mayor, city councilmembers and staff. My name is tomás and I've been an Austin resident for at least 23 years, maybe 25. I've come here to talk about nccd. I'm a former board chair of the hispanic chamber of commerce here in Austin, Austin Ed fund, mission capital, and have served on around 12 boards in the region. We heavily supported economic development and initiatives that enable upward mobility. Most of my servant leadership is -- to date has been personal and stems from growing up in an economically disadvantaged neighborhood like you see in

[4:49:10 PM]

east Austin. I could support council member's motion today and in general I would say we have all seen a tectonic change in landscape and anglo relevance over the last 20 years. Most likely we will see this continue for the next 20. This is the first time I've actually witnessed that there has been a collaborative framework and a collaborative environment with that region to infuse culturally relevant programming in growth and opportunity and I --

[buzzer] Wholeheartedly support this and really think we could establish something great for this district.

>> Waz, monesha.

>> Good afternoon, honorable council. Thanks again for the opportunities. This is my third time speaking on this issue. I'm sure you are all aware that I stand with councilmember harper-madison on this matter and today I speak on behalf of my fellow business owners, professors, mothers and others who have invested interest but cannot be here. As you know this meeting has dragged on and many people have jobs to get to, kids to

[4:50:10 PM]

Fick up, so they can't speak on their own. With that said there have been some letters submitted from those who could not be here which you all will be receiving. I would like to state as business owners, finding good locations, particularly one in an African-American cultural historic district are doors that

can be opened by councilmember harper-madison are short sighted and I believe on a case by case matters all the matters with liquor licenses can be addressed, but we don't want people taking advantage of it in a way that is historically relevant and consistent. I and with councilmember harper-madison on this and thank you for your time.

[Buzzer].

>> Manesha and then Michael Lee. Michael Lee.

[4:51:13 PM]

Harold Mcmillan. Moving on item 102, 105, Roy Whaley.

>> Howdy y'all. I know it's been a long day wake-up. Listen up and hear the public. And I appreciate, my name is Roy Whaley and I'm the conservation chair for the local Sierra club here in Austin. I want to thank y'all for giving me one minute to address this item. I don't know if I'll need all of that, of course, but that's one minute for democracy, thank you very much. We've had some great speakers on this. The main thing is billionaires don't need to come to me asking for a

[4:52:14 PM]

handout. If you can't afford to build it, don't. If you can't afford to use the most valuable piece of property in the state of Texas and make a profit without my help, don't build it. It's real simple. You've gotten some great info on this.

[Buzzer]. I want to say no boardwalk. There's been a trail there forever. Let it continue to be the trail. We have a boardwalk where it's needed on the eastside and thank you very much, but don't give away the farm for Christ ago sake, thank you.

>> [Indiscernible] Garcia, and then Jim witliff.

[4:53:16 PM]

Esperion and Jim.

>> Hi, council. I am just here to encourage you to approve the Menchaca road rezoning on third reading. Last time I was here I was asked to negotiate with the adjacent property owner. We did that. We have provided council member vela with written proof that the two parties are in agreement. So that's it, thanks.

>> José Arrellano and then Andrew sansom. Andrew? Betty weed for item 104.

>> Your honor, members of the council, I am Andrew, I currently serve as vice-chairman of bat conservation international

[4:54:17 PM]

and I appreciate the opportunity to appear before you today to support the efforts of the statesman pud to protect the bats under the congress avenue bridge. We have worked with bat conservation international, Merlin tutttles bat conservation, the Austin bat rescue and the city staff to find a way to make sure that if this development goes forward the bats will not only be protected, but would be an asset to the project. We have worked on key buffer Zones, setbacks and orientation of the buildings, moving the parking garage underground, minimal impervious cover, downward facing lighting where possible and no lighting on the bridge and improved bat viewing areas. We've determined that there's no particular need for any additional height restrictions on residential units -- [buzzer]. Indefer has agreed to

[4:55:20 PM]

dedicate 1,000 square feet of commercial space to bat education and we have jointly committed to continue with the parks and recreation department for annual planning to reduce issues on the bats. Thank you.

>> At the time by weed to item win had and then Cynthia San Miguel.

>> Council members, mayor, thank you for the opportunity to speak. My name is Betty weed. I am a long time resident of Austin. I understand that the land where the old statesman building sits is prime for development. And we do need more housing in the central city, more affordable housing. We also need more parkland, and we need to maintain and I will prove access to the park for all. Buildings can be big, they can also be tall and with appropriate setbacks they can avoid claustrophobic

[4:56:21 PM]

canyon. What this amendment to the statesman pud proposes is an increase in the canyon effect. A reduction of parkland. And it also greatly diminishes public access. Why are you even considering this? Think about it. This is the center of the city, the Ann Richards bridge crossing lady bird lake. It is the center of the hike and bike trail.

[Buzzer]. This is a shameful giveaway of the city of the city to create ultra hi-rise, ultra luxury residences for the ultra rich. Why? These residents will not -- these residences will not be affordable.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Hope landing, item 104. And then joesette Ayala.

>> Hello, my name is hope

[4:57:21 PM]

and I'm a member of the local 23 union. I worked as a host at the Austin Hilton convention center for eight months now. I want to talk about the challenge of service workers in the Austin city. As for myself, I will speak about my challenges. I want a family. I want a place for us to grow and bond together. We can't afford that, which means we can't be comfortable having children right now. We need more affordable housing. We ask that you replace the hotel with affordable housing in the statesman pud. This is something that's really close to my heart. I want to be able to afford to live in the city that I love and raise a family in the city that I love. But right now it's just not possible. So that's what I have to say today. Thank you.

>> Mayor Adler: Thank you.

[4:58:23 PM]

>> Josette and then Rachel Melendez.

>> Hello, my name is joesette Ayala. I'm a member of unite 23 and I work at the Austin airport as a cashier going on four years. I want to speak today about the challenges for working people to live here in Austin. Rent is too high even for apartments. Everything keeps going up. I have three kids on my own and I barely even make it with my car payment and the apartment. We need more affordable housing. We ask that you replace that -- replace the hotel with affordable housing. Thank you.

>> Rachel Melendez, item 104. And then Barbara hilliard.

>> Hello council. Rachel, united local 23. You've heard from our members for the past eight months on this project.

[4:59:26 PM]

About their difficulties paying rent, feeding their kids, staying in the city. When we were talking about the minimum wage, you heard from hundreds of people in the city talking about the difficulties of living in Austin paying for the basics and necessities for life. We want to thank council member Fuentes for

introducing the amendment to prohibit hotel use and the problems we are facing in this city are going to require creative solutions. We can't allow developers to try to continue business as usual, that's why we're here. That's how we got here in the first place. I also want to thank each of you for taking the time to really listen to our members and to folks who are struggling in the city. Struggling in the city. You have a real opportunity right now to make a decision about what kind of city we're going to live in, what kind of city we're going to have. So, thank you. Please support councilmember Fuentes' amendment to prohibit hotel use. Thank you.

[Buzzer sounding]

>> Barbara Iard, and then Mario

[5:00:36 PM]

Cantu. Mario Cantu.

>> Good evening, council. I just wanted to mention just one more time about the affordability in Austin. You know, a lot of decisions are being made, to be gauged as to affordability and I will mention, before I arrived here, the decisions you're making are critical to the future of Austin. Also, take into consideration how children and teenagers are taking the decisions that you're also making as well. They're looking at those decisions as to how their future's going to be. Nowadays, mental health is very high, because these kids have to go to school and have to decide how they're going to live in this city. And if there's going to be

[5:01:38 PM]

affordable housing. If I was to bring an 8 or 12-year-old in here today, some of the things they would say is you've got thousands of people living in the woods. And you hear about shootings. And then you would ask, well, what was one good thing that you heard about? Well, I heard that --

[buzzer sounding]

>> I wish these individuals could do something and why aren't they doing something. And the third thing would be the good thing, they had kittens and dogs here today. So, really think about that, okay? Thank you.

>> For 104, Jay Crossley, and then Daniel. Mr. Crossley? Daniel cableman. Moving on to item 104/105, David

[5:02:39 PM]

Todd.

>> Good afternoon, council. My name is David Todd. Thanks very much for letting me have a moment to talk about items 104 and 105. I oppose those and urge you to reject those two items as well. I find that the proposed P.U.D. Amendment falls short of what the city should expect in several regards -- affordable housing, parkland access and protection, traffic flow, context-sensitive height, and the specificity and the clarity of the proposal. I also wanted to mention a few other things that occur to me that are problems with the proposal. First is the proposed building's shadow that would be laid across the lake. And I think that would contribute to the, sort of, canyonlike condition there.

[5:03:40 PM]

Secondly, I think that the tiered subsidies would be inequitable and costly and open-ended for the city. And lastly, I think that there's been a lack of regard, and frankly --

[buzzer sounding]

>> For the volunteers who have put in years of study on these projects, whether it's the neighborhood association, the parks board, or the Schwab. Thanks very much. Please oppose those two items.

>> Item 105, Amanda morrow, followed by Andy pastor. Amanda morrow? Andy pastor? Bill Oliver. After bill Oliver is bill bunch.

[5:04:44 PM]

>> Thank you, folks. I'm bill Oliver, long-time resident, a love song for our puddle-pushers. Kathy, good luck out there. New town, towers, 500 feet high. Like five giant hyatts, side, by side, by side, by side, by side. Crowding the river and the hiking path.

♪♪ Fleecing the city and scaring the bats setbacks and variances, who's fooling who town lake's the keepsake we're sticking to enforce the code and protect the shore

♪♪ your variances aren't very fun anymore ♪♪

♪♪ these moments are precious these chances are few ♪♪

♪♪ we're spiting ourselves

[5:05:46 PM]

and we sell out like fools ♪♪

♪♪ this land is alive with a lady bird heart Austin should buy it and make it a park ♪♪

[cheering and applause]

>> Mayor Adler: Thank you.

>> Bill bunch and then Craig Nasir.

>> Mr. Bunch had to take his daughter to a volleyball game, but I know all of you have received emails. Read them, reread them, take them to heart. Thank you.

>> Craig and then Doug Voight.

>> Hello, my name is Craig and I'm a long-time Austin resident and environmentalist. There we are! What do you notice about the city hall? Trees. Whenever people come to visit

[5:06:46 PM]

Austin I bring them down here and I take them on a bat cruise. The best views of Austin is cheap and it's incredible, because -- next slide, please. Look at these nice buildings. What's in front of them? Trees! Next. Ah, trees, nice building. Next! Ah, more trees, new building. Next! Ah, bald cypress, they'll live over 2,000 years. The largest tree in all of north America, it's not a redwood and it's not a sequoia, it's a bald cypress with a circumference of 170 feet. These trees are amazing! They've gotten big real quick and they'll do really well there. Next slide. More, three in a row. They like to grow close together. Next.

[Buzzer sounding]

>> That's the path, look how shady it is. That was yesterday. Next slide. Ah, over the trees, bats. Save it!

[5:07:47 PM]

Don't it always seem to go that you don't know what you've got until it's gone?

[Cheering and applause]

>> Doug Voight and then Elizabeth mcgrievey. Mr. Voight? Ms. McGrievey?

>> Hello, everybody. I oppose the ordinance amendment proposed under item 105 as a stakeholder of the 2016 south central waterfront framework plan. I helped continue lady bird Johnson's vision to regenerate the natural ecology of a previously barren town lake waterfront. Lady bird's work was done for the people of Austin and the Texas she loved. She did not do this to benefit

[5:08:48 PM]

wealthy developers and force taxpayers to shoulder the burden. She did not do this to see her trees cut down and public land usurped from citizens, only to be replaced with automotive service shops, excessive impervious cover and mega-towers. Passing this ordinance flies in the face of lady bird's dream. Do what lady bird would do and vote no. Thank you.

[Cheering and applause]

>> Jennifer scowland and then Larry hallwell. Jennifer? Larry. Lorraine Atherton.

>> Hello, council. I'm Lorraine, a long-time member of the zilker neighborhood zoning committee. I'd like to highlight the parks

[5:09:51 PM]

board's recent unanimous vote against the statesman P.U.D. And also the second page of the letter from srcc, where the neighborhood describes why it has withdrawn its support of the statesman P.U.D. It boils down to, for decades volunteers and neighborhoods and on boards and commissions have been negotiating environmental protections and improved standards for redevelopment of the waterfront. Those community standards have been codified, but they are perpetually undermined by P.U.D. Applications like the statesman proposal. It's time to enforce the superior community standards on the waterfront by denying the statesman P.U.D. Stop wasting our time on this P.U.D.

[Buzzer sounding]

>> And allow us to move forward with the responsible redevelopment of the south central waterfront.

[5:10:52 PM]

Thank you.

[Applause]

>> Mayor Adler: Thank you.

>> Mark. And then Meghan baker.

>> Before I begin, thank you so much, councilmember pool, for the freedom to read. I'm proud of that very much. I'm going to go to the library and get a banned book to read this weekend. Thank you, everyone, for your work on that. I'm mark fairworth, I live in the spyglass neighborhood, district 8. I'm here because I received some emails that had some information negative about the 305 south congress project. And I support that project. I spent some time investigating these claims, and found them not to

be true and I wanted to share that with you today. So the first claim was that the developer would be retaining control of the public parkland. The 6.5 waterfront parkland is one of the most compelling a

[5:11:52 PM]

compelling -- aspects of the project. I would be concerned if they were holding the control of that. What I learned was the developer is dedicating the park in phases. The developer is going to work with parks and rec on that. And they will have control of the park to be determined.

[Buzzer sounding]

>> The second was having to do with confined water quality and water controls. The plan exceeds all known water quality treatment. So, thank you for your time today.

>> Mayor Adler: Thank you.

>> Megan baker. And then now Elias. Nowe Elias. Sander Moun. Virginia palmer.

>> Tovo: Mayor, I think sander is here.

[5:12:53 PM]

I wasn't sure if he decided not to speak?

>> Are you Virginia? Okay.

>> Mayor Adler: What's the name?

>> Tovo: Sander.

>> Okay. Virginia.

>> Hello, I'm Virginia palmer, founder and director of resources unlimited human development foundation. I've lived in Austin most of my adult life and have been environmentally activated all this time. And it was with a sad heart and heartache I watched the paving of paradise. I ask you to vote no on this P.U.D. Development. Thank you.

>> Wendy price-todd and then Fabiola beretta.

[5:13:55 PM]

>> Hello, everyone. You've heard a lot from me in your emails. Thank you for the opportunity to speak today. I'm Wendy price-todd, president of south river city citizens neighborhood association. And I was a

representative -- their representative to the south central waterfront advisory board. Prior to that, I was on the stakeholder outreach group for the south central waterfront vision framework plan. And I'm here to tell you in person that our neighborhood association opposes the P.U.D. Amendment as it's been -- the ordinance as it's been published. And I also have a presentation. Did that come in? Yeah. Okay. So if I can indulge you, on the screen is -- are two -- they're two animations of shade and shadow that the tallest building will cast around the clock. You can just watch that as I

[5:14:55 PM]

speak, but this project needs a lot more study and a lot more clarity to have the kind of citizen and stakeholder buy-in that develop the framework. Thank you.

[Buzzer sounding]

>> Fabiola beretta. And then Laura sebel.

>> Good evening, council. My name is Fabiola, I am the Austin policy coordinator at workers defense. As you all know, workers defense is a membership-based organization that supports Texas low-income construction workers in improving their lives in and out of the field. And we are neutral on item 105, the statesman P.U.D. We're grateful during the April 7th, 2022 council meeting, councilmember tovo presented a motion sheet, part of which included better builder as a

[5:15:56 PM]

priority for council, as a priority on this development. And as of now, the applicant has not signed you a better builder pledge. The construction industry is one of the deadliest industries in the state with one construction worker dying every three days. As we all know, these standards were collectively designed by construction workers to create better and safer jobs here. This is not a new concept. Austin has successfully implemented these better builder standards in small and large construction sites like, including in the grove P.U.D., Springdale, and Austin fc stadium.

[Buzzer sounding]

>> We urge you to endeavor to commit to better builder. Thank you.

>> Laura sebel and then Emily.

>> Good afternoon, council, thank you, I'm chair of the parks board here tonight to clarify a mis-characterization of our unanimous recommendation. The 305 south congress P.U.D. Ordinance before city council

[5:16:56 PM]

would be denied by the parks board as not superior. In the adopted vision plan, a grand staircase was proposed, fanning out from congress avenue south of the bridge into the park. This design offered sweeping views of the bat viewing area, trail, river, and downtown and created equitable access inviting tourists and residents into parkland. The parks board recommends that kind of access be preserved, not a small, dangerous canyon trail in the shadows, but a more visible, welcoming, and equitable access for city residents to this park. The applicant plans a 525-foot building blocking access we've used for half a century. They moved the steps to the center of the development, shifting access and views so a maze of skyscrapers has to be navigated, a less equitable entry that makes the park feel like a private front yard for this development.

[Buzzer sounding]

>> We ask you to hold the applicant, like all others, to

[5:17:56 PM]

full superiority. Thank you for your time.

[Applause]

>> Good evening, council, I'm Emily Timm, co-executive director of workers defense. We are neutral on item 105, the statesman P.U.D. Ten years ago, construction workers in our community created the better builder program to ensure better, safer jobs through a set of commonsense standards that include living wages, osha, and workers compensation coverage. The program requires independent third-party monitoring to ensure that these standards are met. Since then, better builder has been accepted by our community and the Austin city council as the minimum level of protections to ensure construction in Austin meets our values. The program saved lives, helped recover over \$100,000 in stolen wages and directly impacted over 38,000 construction workers in Texas, many of whom reported receiving osha and workers

[5:18:57 PM]

compensation for the first time in their careers. The key to success of this program is high-quality third-party monitoring. We know that without monitoring, these standards are only as strong as the piece of paper they're written on.

[Buzzer sounding]

>> We urge endeavor to adopt these standards fully and independent monitoring. Thank you.

>> Mayor Adler: Yes, councilmember vela.

>> Vela: Ms. Timm. Just a quick question. I remember a while back there was a white lodging, the Marriott that went up there on congress. Is my memory serving me when there was an agreement reached with white lodging at the time to guarantee certain benefits, but my understanding was that there was not any monitoring.

[5:19:57 PM]

And in a year or so into the project it was discovered that they were not. Is my memory correct, could you just, you know, speak about that for just a second?

>> Sure. That is correct. White lodging, when it came before council, committed to paying a higher wage, a prevailing wage to the construction workers on its site. A year or so into the project it was discovered that they were not at all adhering to those standards and that there were workers on that site that were owed a considerable amount of back and stolen wages.

>> Vela: Was that the, kind of, the spark for the better builder program at the time?

>> That was one of the cases I would say. And one of the experiences that some of our construction worker members and construction workers in the community, that really led to say it's not just enough to require the policy. That we must have independent, accredited monitoring that will ensure that those standards and those promises are actually kept.

>> Vela: Appreciate it. Thank you.

>> Thank you.

[5:20:59 PM]

>> For item 106, Randy Lawson followed by bill. Is is Mr. Lawson here? What about Mr. Meachum? Leslie McCallum. Patricia Michael. Srinivas minikanti for item 128.

>> Good afternoon, everyone. My name is srinivas, I am owner and applicant for the rezoning application for 71 springs road.

[5:22:00 PM]

And we are requesting to rezone from single-family, I'll be available here in you have any questions. We did receive some public comments during the zoning and planning commission, but most of the comments were under assumption that development would be high-rise similar to the one on the west, but we are requesting to rezone for single-family six so we can cluster houses since the property has

multiple constraints like shape of the lot, and easements, multiple things going on. I'll be available if you have any questions to discuss. Thank you.

>> Daniel Sewell, 131. Micah King. Mayor pro tem, that concludes all the speakers I have.

[Buzzer sounding]

>> Alter: Thank you. Joy, would you like to come up and take us through the next

[5:23:02 PM]

steps, please?

>> Thank you, Mayor pro tem. Again, Joy Harden with the housing and planning department. So, your zoning agenda begins with item number 103, C14-2021-0187. This item is being offered for consent, second and third readings. Item number 104, PMA2019002.2, the Statesman P.U.D. This will be a discussion item. The related rezoning is item 105. C8-14-89-00, this is a discussion item. Item 106 is 20220044, this is a postponement request by Mayor pro tem Alter to your September 29th council meeting. Item 107, MPA2022, a staff postponement request to September 29th. The related rezoning is item 108, C142022sh, a staff

[5:24:05 PM]

postponement request to your September 29th council meeting. Item 109 is MPA20220016.01. This item is being offered for consent on all three readings. The related rezoning is item 110, C1420220054. This item is being offered for consent on all three readings and I know Councilmember Renteria has a conditional overlay he would like to propose, but we also have transportation here to address that. So I think we'll just wait until the end if that is okay with the will of the council. We have item 111, C14 --

>> Mayor Adler: Are you suggesting that one be a discussion item so that we can work that through?

>> I'll defer to council. We were going to offer for consent on all three readings. I was told that Councilmember Renteria had an amendment that he wanted to limit vehicular access to a street and transportation has concerned about --

>> Mayor Adler: Let's pull

[5:25:05 PM]

that one.

>> We'll pull that for discussion.

>> Mayor Adler: What number?

>> Item 110.

>> Mayor Adler: Thank you.

>> So, item 111, c14, withdrawn, no action is required. Item 112, c14h20220071, this will be a discussion item. 113, mpa.01, this time is being offered for consent on all three readings. Item 114 is the related are rezoning, 0021. And I can offer this for consent on all three readings with changes to the ordinance. It's a tad long, so just bear with me. Amend the caption to add the conditional overlay language to the zoning string, add new parts 2 and 3 to the ordinance and renumber the remaining sections, the property within the boundaries of the overlay

[5:26:06 PM]

established by this ordinance is subject to the following conditions -- develop the property, development of the property shall comply with the following regulations -- number one, for any commercial permitted use on the property that include an outdoor seating area elevated above one story or 15 feet as measured from ground level. The elevated seating area is limited to 2,500 square feet. This shall not apply to residential uses and number 2, a five-foot buffer shall be provided and maintained along the south property lines. Any trees planted in the buffer shall be compatible with utilities and have a spacing of 20 feet. Improvements permitted within the buffer area are limited to drainage, underground utility improvements, or those improvements that may be otherwise required by the city of Austin or specifically authorized in this ordinance. Part three, except as specifically redistribute -- restricted under this ordinance,

[5:27:07 PM]

the property shall be used in accordance with the regulations established for limited office, lo district and mixed use, mu combining district. I can offer this for consent on all three readings. And mayor pro tem, I know that you have a question and we'll have Kevin on the line later. So, item 115, c1420210037 is the east 12th street nccd. This will be a discussion item. 116, c1420220040. This is a staff postponement request to October 13th. Item 117, c81420120152.

>> Harper-madison: Mayor, I'm sorry.

>> Yes.

>> Harper-madison: I didn't hear, what was postponed until October 13th? Did you say the nccd?

>> No. So, the nccd item will be discussion. That was 115. That will be a discussion item.

[5:28:09 PM]

116 was c1420220040, that's the pioneer plaza and that's a staff postponement to October.

>> Harper-madison: Thank you.

>> October 13th. Moving on to 117, c81420120152.04. This item is being offered for consent on all three readings and mayor, the public hearing related to this, the public hearing item is number 100 and I'd like to offer that for consent as well. That's the annexation that annexes this property. So, 100 and 117, consent. Item 118, that item is being offered for consent on all three readings. Item 119 is c1420220053 and there's an applicant postponement request to your September 29th council meeting. Item 120, c1420220055, offered for consent on all three readings. Item 121, c1420220056, a

[5:29:11 PM]

postponement request by councilmember kitchen to your September 15th council meeting. Item 122, mpa20220014.01, offered for consent on all three readings. The related rezoning, 123, c14, is being offered for consent on all three readings. Item 124, c1420220060, offered for consent on all three readings. Item 125, c1420220074, offered for consent on all three readings. Item 126 is c1420220063, offered for consent on all three readings. Item 127 is c1420220043, this item is being offered for consent on all three readings. Item 128 is c1420220067. This item is being offered for first reading only. The staff recommendation.

[5:30:13 PM]

And I understand councilmember Fuentes, that I know that you'll be looking into this more before we bring this back for second and third. And I know you heard from the speaker as well. Item 129, c142022001, this is staff postponement request to your September 29th council meeting. 130, c1420220011, offered for consent, second and third reading. Item 131, c1420220064, offered for consent on all three readings. 132, c1420220079, offered for consent on all three readings. And this concludes your zoning agenda.

>> Mayor Adler: Good job. In summary, the zoning agenda is items 103-132. Which ones are you showing as

[5:31:14 PM]

being pulled?

>> 104 and 105, statesman. 112, that's the historic case. 115 --

>> Mayor Adler: 110 for transportation question. 112.

>> The historic item. And 115, east 12th street.

>> Mayor Adler: Okay. Just those four.

>> Yes.

>> Mayor Adler: So the other postponements are agreed or okay between parties.

>> Yes, absolutely.

>> Mayor Adler: Okay. Is there a motion to approve the consent zoning agenda? Mayor pro tem makes that motion, councilmember tovo seconds that motion. Is there any discussion on the consent agenda? The mayor pro tem and then councilmember tovo.

>> Alter: Thank you. Is Mr. Shunk available? Can you move Mr. Shunk over, please? This will take just a second.

[5:32:15 PM]

In theory. Great. Mr. Shunk, are you there?

>> Mayor Adler: While he's coming over, it looks to me like we might be able to take up 110 and 112 real fast, let that staff go if there's not going to be discussion or disagreement on those?

>> Alter: Mr. Shunk, can you hear us? We can't hear you. Can you unmute?

[5:33:22 PM]

>> How about now?

>> Alter: Great.

>> Thank goodness. Sorry about that.

>> Alter: So on item 114, we heard a concern about flooding from the parcel to adjacent parcels that's being exacerbated by this zoning change. That's the concern.

>> Yes.

>> Alter: I have a question for watershed and Mr. Shunk is here to answer this question. Mr. Shunk, can you confirm that during the design of the proposed site, the engineer would have to provide

information regarding the flow rate of water leaving the property at each outflow location and that this information would be reviewed by the dsd drainage engineer and that if there is an increase in flow rate, the proposed design would have to mitigate that rise with some sort of storm water detention, is that correct?

>> Yes, that is absolutely correct and that's part of the drainage criteria manual as well as the land development code.

>> Alter: Great. Thank you very much. Appreciate it.

>> You're very welcome.

>> Alter: And I want to thank my staff, Mitchell, and the

[5:34:25 PM]

applicants and the neighbors for working diligently to get to a resolution that everyone can be comfortable with given these drainage issues and other issues. Thank you.

>> Mayor Adler: Okay. Thank you. Just to note on the consent as part of 117 is also 100. Councilmember tovo?

>> Tovo: I had a question about 132. And I think my question is probably for the parks department. So I'm trying to understand -- I understand the use that's intended for this tract, which is for project connect. And what I'm trying to figure out is who owns the tract right now. It looks to me from the backup as if Ricardo is the applicant, I assume -- is that accurate, director?

>> Kimberly is the director for parks and recreation, I missed the item number.

[5:35:25 PM]

>> Tovo: 132. This is the tract that is near the park, part of the expo center.

>> So that tract of land is owned by the parks and recreation department, perhaps not pertinent, but right now it is being leased by Travis county for the expo center. And so it's my understanding that this is just a zoning change from -- it's zoned sf3 and it would be zoned public. So if there's other questions own what that is about, I would have to defer to our real estate officer to others, but that's the parkland piece.

>> Tovo: It is -- owned by the parks department. When it starts to be used by project connect, will there be mitigation for the use of parkland?

>> What is planned is that that piece of property would be condemned. There would be a chapter 26 process through condemnation that would be hosted and conducted by cap metro.

[5:36:27 PM]

In the future, should it continue down that track. And then there would be a payment to the city for that piece of land.

>> Tovo: Do we we have any sense about how much that payment maybe?

>> I do not.

>> Tovo: And what is the intended use of those funds at this point, do you have -- has there been any discussion? I'm thinking because there is a big funding gap at colony park, which is nearby, it would make sense to me to potentially provide some direction, or at least put it out there into this conversation that those funds might be well-utilized.

>> We have not had those conversations up to this point.

>> Tovo: Okay. Well, that was my only question. I would suggest that that continue to be part of the conversation, as the process moves forward, if it does move forward in that direction, that that might be a good intended use of the funds.

>> Mayor Adler: Okay.

>> Renteria: Mayor.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: I want to let my colleague know that -- also going to provide rapid bus

[5:37:29 PM]

service for that area and that's why we really supported it, is to make sure that this transit desert there, they have right now takes them an hour to an hour and a half to get downtown. And this was going to provide a way for them to get down every 15 minutes.

>> Tovo: Yeah, I have no concerns, councilmember, about the rezoning or the intended use. I was just trying to think through if it is parkland whether it would go through our regular mitigation process, or -- it sounds like this one's going to be a little different, but there's still going to be monies generated by it.

>> Renteria: I support that also.

>> Mayor Adler: Let's go ahead and move forward. The consent agenda is items 103-132, pulled is 104, 105, 110, 112, and 115. It's been moved and seconded. More discussion? Councilmember kitchen?

>> Kitchen: Oh, I just wanted to note the work that was done

[5:38:29 PM]

on item 103, manchaca. You know, we've been through -- we've been working on this for a while, and I appreciate the efforts of the applicant, working with their next-door neighbor on that, so.

>> Mayor Adler: Okay. Thank you. Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed? The consent agenda is passed. Can we do 110 and 112 quickly, the transportation issue on 110? Let's see if we can resolve that. So, councilmember Renteria?

>> Renteria: Yes, and the only reason I'm pulling it to have a discussion on there is that one of the overlays, conditional overlays that was agreed with the neighbors there, it limited a vehicle's access, because it's

[5:39:31 PM]

going to be facing airport boulevard and only to emergency vehicles. Normally I don't support these kind of items, because I think that we should have access to different ways. But this has been a hard-earned request through the neighborhood and they're concerned about the lane. And they have a lot of soccer games and the elementary school there. And that's what they're requesting. I'll let staff come in, if they have any concerns on that.

>> Thank you, councilmember, Curtis, Austin transportation department. We're not outright opposed to the conditional overlay. The applicant has indicated they are not, at this time, seeking access to shady lane. We would like to reserve the

[5:40:31 PM]

opportunity to examine the site plan, because with this site, approximately half the frontage on airport boulevard is taken up with the guardrail with the bridge over the waterway there. Then also with the spacing requirements from adjacent driveways we may be creating a situation where putting a driveway on airport boulevard, only one driveway could be problematic. We would like to reserve the opportunity to examine how they're going to access it, so we can also address safety concerns since airport boulevard is a high-injury network.

>> Renteria: Could we just add on as a direction for staff to do, instead of -- I mean --

>> Mayor Adler: Rather than putting in a limitation, a direction that asks staff to take a look at whether access should be denied to shady lane at time of site plan review.

>> Renteria: Yes.

>> Atd would accept that. We're not opposed to it.

[5:41:32 PM]

We would encourage the access, but --

>> Renteria: I would like you to reach out to the community also and get their input while you're doing that.

>> Mayor Adler: Any objection to including that direction? Seeing none, that's part of 112, the motion -- 110, rather, thank you. It's part of 110. That's right. It's part of 110. Is there a motion to approve 110 with that direction? Councilmember Renteria makes the motion. Councilmember Ellis seconds that. Any discussion? Those in favor, please raise your hand? Those opposed? That's all of us. That passes unanimously. Let's call up what was it, 112?

>> Yes, mayor, 112. Staff presented this case at your last council meeting and the council postponed it, and Kalin is here if you have any questions. And this does have a valid

[5:42:33 PM]

petition, so it does require a supermajority vote. I think councilmember Renteria had a comment.

>> Mayor Adler: Okay.

>> Renteria: Yes, mayor. You know, I did pull and request that. We zoned it historic but I realized the cost was so much that they probably wouldn't be able to rehab it. So, I'm willing to go ahead and support -- withdraw my support, with the understanding that they put a plaque outside or some kind of mark that recognized the history of this site, because it is a very historic area with a long history in Austin.

[5:43:36 PM]

>> Mayor Adler: Okay. Is the owner representative here?

>> Kitchen: I didn't quite understand what councilmember Renteria was saying.

>> Mayor Adler: There's --

>> Kitchen: Okay.

>> Mayor Adler: There's a request to zone this historic. I'm not sure anyone's going to make that motion.

>> Kitchen: He's withdrawing his support for historic.

>> Mayor Adler: Correct. If no motion is made it's just going to move on to the next item. But I wanted to -- he also asked that there be a plaque and I just wanted to know --

>> Mayor, the owner's representative is not available here today. My understanding is they're online, Mr. Thrower, if you'd like to talk to him. If we don't zone it historic, we'd need his agreement to do a plaque. We're seeing if we can pull him up right now.

>> Mayor Adler: I understand.

>> Hello?

>> Mayor Adler: Yes, councilmember pool?

>> Pool: I also just wanted to say while we're waiting for

[5:44:37 PM]

Mr. Thrower to get on the screen there, I appreciated having a chance to go over and look at the birth house, and it's in pretty sad shape. It really -- it's just sad. And there's nothing to be done about it at this point. I support councilmember Renteria's position on this and I also would point out that it's my understanding that it is in such bad shape that it can't even get insurance, structural insurance. That insurance policy, and Mr. Thrower could probably speak to this, I believe lapses today. I think it ended today. And the owner wasn't able to get it reinsured, despite trying really, really hard.

>> Renteria: Mayor, if we could just defer this to later on today, until we can get Ron

[5:45:39 PM]

thrower.

>> We might not have to do anything.

>> He should be on right now, Mr. Thrower.

>> Mail and councilmembers, councilmember Renteria, we absolutely will do a historic plaque on the property to memorialize the family and this location for their homestead. Thank you very much.

>> Mayor Adler: It's nice of you to offer to do that. One second. I would point out that one of the things think we need to take a look at in terms of resourcing our staff is getting our staff in this department the resources to be able to address this kind of situation. So, our staff comes in and says we want to zone this historic, the property owner comes in and says it's never going to work that way, here's my engineering report. Our resources don't exist.

[5:46:41 PM]

You need to mute, Ron. Our resources don't exist in a way that enables our staff to be able to suggest otherwise. And in the case where the property owner has an engineering report, if our staff wants to take the position that that's wrong, we have to figure out how we resource them with the ability to carry that burden or make that case.

>> Thank you, mayor. I can talk with Rosie and Jerry about the resources.

>> Mayor Adler: In the next budget or sometime, because if confronted with a case where the property owner has two engineering reports that says something can't happen and our staff is in a position to say it's a historic building but we didn't look at it or inspect it because we don't have either the capacity or the resources to do that, I don't know that for me I could vote for anything other than the two reports we have. And that's a disadvantage to our staff in trying to protect something historic. I just note that. Okay? Councilmember pool.

>> Pool: I wanted to ask Mr. Thrower if he could just

[5:47:43 PM]

affirm the piece of information about not being able to get the structure insured, is that correct?

>> Councilmember pool, that is correct. The land owner tried two different insurance agencies and was not able to obtain insurance, finally got insurance through a third. And that insurer has informed our client 60 days ago that the insurance was going to be terminated on September 1st, today. Thank you.

>> Pool: Thank you.

>> Mayor Adler: All right, great. Councilmember tovo.

>> Tovo: I regret the path that we're moving forward on but understand, councilmember Renteria, your reasoning. We recently put more funding toward doing a historic survey and I would say this is an area where as a city I hope we can find resources to help out property owners who have to make needed repairs. I have been the owner of a house that was not able to get insurance initially when we purchased it. It needed repairs.

[5:48:45 PM]

And now it has insurance. So I think it's not -- that in and of itself doesn't say to me that a house is not able to be renovated, restored, and then occupied. But I do think as a city, if we're going to invest in doing surveys to identify historic assets, we need to find ways to be able to support those assets when they come here to council through one process or another, looking for historic zoning, when our

landmark commission identifies and recommends houses that have been identified in various surveys of the east Austin historic survey or the other survey work that's coming forward. It's really a shame to lose the sites. So, I'm not sure exactly what the solutions are, but low-cost ones, other -- loans, other programs, more proactive ways to keep those structures in our community are something we should work towards.

>> Mayor Adler: Thank you. All right, colleagues, we're going to take a break here for

[5:49:45 PM]

proclamations and for dinner. My papers show that what we still have yet to handle are item 59, item 85, item 90, item 136, 137, and 138, with item 136 comes item 102. With item 137 comes 139. And with 138 comes item 40. I anticipate we're going to get kind of an agreed motion and postponement on the license plate issue, so that -- I think we still want to have the chief to talk to us, make his presentation, but probably not deliberate on that tonight. Yes.

>> I would request that if we do move forward with the postponement of the license plate reader item that

[5:50:47 PM]

councilmembers who have amendments they'd like to bring forward would post them to the message board so we can review them in anticipation of the next meeting and also that we ask the chief tonight questions in order to formulate a better position for when it comes back to council.

>> Mayor Adler: We'll go ahead and do that and make that request. We won't deliberate tonight but we'll give the chief a chance to make the presentation and answer questions. The other items I see us still having to deal with obviously are 92 and 93, that relate to the other items. Also item 99 and 100 which relate to 115 and 117. And we also have then the pulled zoning matters which are 104/105, which relate back to several others. We have 115 and then we have

[5:51:49 PM]

staff has prepared followup answers to the questions we raised earlier on the south central waterfront. They've handed out a presentation. I think that's just presenting that information. That shouldn't take too long. So we'll try to get that handled as well.

>> Kitchen: Mayor. , I'm so sorry, I'm not sure I followed all that.

>> Mayor Adler: I'll go through it again.

>> A quick point of clarification. I wrote down that 100 was taken up with 117, the pilot knob, voted on consent. Is that your understanding?

>> Mayor Adler: Yes, did I call that again? I apologize, but you're right. All right. The things I see we still have to deal with are 59, 85, 90, 136, 137, and 138. I'm going to go back for a second. That was the consent agenda. Also, we have items 92 and 93.

[5:52:50 PM]

And we also have item 99, as well as 139 and 140. We also have 104, 105, and we have 115. Okay?

>> And 102.

>> Mayor Adler: And 102.

[Laughing]

>> Mayor Adler: I don't know how I missed that. 102. Okay? So, it is 5:53. We're going to go ahead and go to proclamations. How about if we're back here together at 7:00, does that work, dinner break?

>> Harper-madison: Mayor, may I ask a technical question before you -- I'd like very much to -- even if I just pop my face on for a second there's a proclamation being delivered tonight on my behalf by

[5:53:52 PM]

councilmember vela, but I'm so sad that I'm unfortunately under the weather and not able to be there. Is it -- this is an atxn question, can I stick around in the background so I can wave or say congratulations or something to the members of the proclamation, the dj bling proclamation?

>> Mayor Adler: I don't see any reason why we can't do that. We'll call that up first. There are four procs. There's one being given by councilmember vela and then councilmember tovo, councilmember Kelly, and then -- councilmember vela would go twice. We'll have the dj bling, we'll have the Raza unida, we'll have the jack speer, Carol, and the emergency preparedness. All right. See you guys back at 7:00.

[5:55:19 PM]

[6:00:40 PM]

[6:03:14 PM]

Recognizing D.J. Bling and the foundation. We know that opportunities are not shared equally across our city. The beginning of the school year is a difficult time for a lot of families who don't readily have access to the resources they need to get their young scholars prepared, but we're lucky to live in a community that looks out for its own. Governments, agencies, organizations, groups, schools, families, and all kinds of individuals in the work -- put in the work every year to hold back-to-school drives that provide critical supplies and services to austinians who might otherwise not be able to afford them. We're here to honor one of those individuals and his organization today. So, without further adieu, let me read the proclamation. Be it known that whereas, since 2013, D.J. Bling foundation has held its dj bling back-to-school event every August, becoming one of the largest back-to-school events in the city of the Austin, and, whereas, dj bling's

[6:04:15 PM]

back-to-school event has featured live music and free haircuts and dental and health screenings and school supplies for Austin scholars. And whereas, even though the covid-19 pandemic forced the events to transition to a virtual platform in 2019 and 2020, the foundation still successfully connected critical resources and supplies to thousands of aid families. And whereas, with more than 12,000 students served, and 1.5 million dollars worth of resources and services invested in low-income communities in Austin, that the dj bling foundation has a proven track record and is poised to continue building upon its foundation for future successes. Now, therefore, I chief vela and along with councilmember harper-madison and mayor Steve Adler do proclaim August 12, 2022, as dj bling foundation day in Austin. Thank you all very much. Thank you to dj bling.

[6:05:16 PM]

And if you want to say a few words? You want to say a few words?

[Applause] I just want to say thank you to the city of Austin, councilwoman harper-madison and councilmember vela, and Mr. Adler. We're looking forward to doing more for the city of Austin and, you know, just education matters.

[Applause] Thank you very much, very much.

[6:06:47 PM]

[Applause]

>> Tovo: Good evening, I'm councilmember tovo and I'd like to welcome up jack speer, and Carol kallendorf and their big group of fans. I'm Kathie tovo and I represent district 9 and this is a great honor to present a proclamation to jack and Carol, to jack speer

[6:07:50 PM]

and Carol kallendorf. They are not just friends of mine, but they are also former neighbors, and role models and I have the great privilege of serving on the board of the foundation that you're going to hear about here in a minute. So back in about 2010, jack and Carol formed something called the dream come true foundation. And this was really a very interesting idea about how to support -- how to support individuals, how to support families and really breaking the cycle of intergenerational poverty. And I had the privilege of serving on their board very briefly, but to see them in action and just their passion and their commitment for this work and their -- their ability to take a concept that was really different from so many other non-profits here in Austin, and to see it -- to see it grow and to see it develop into just an extraordinary resource here in our community. And it has had great success. And I expect that you'll hear a little bit about that here in a

[6:08:50 PM]

minute. And I know that they're joined here today by friends, by board members, past and present, who can also testify to the work. So, without further adieu I'd like to present the following proclamation. Be it known that whereas, Carol kallendorf and jack speer, long-time austinites had a vision for disrupting poverty, and whereas, in 2010, jack and Carol translated that vision into the dream come true foundation which partners with exceptional individuals to move from poverty to Independence through education, mentoring and financial assistance. And, whereas, building on community partnerships, public donations and volunteers, jack and Carol have forever changed the lives of their dream achievers who have earned professional careers and financial stability for their families. And as have become contributors to the economy and to their communities and whereas, with their impact through their innovative approach to ending poverty, now, therefore, I

[6:09:51 PM]

Kathie tovo, on behalf of mayor Steve Adler do hereby proclaim September 21,, 2022, as jack speer and Carol kallendorf day in the city of Austin, Texas. Congratulations.

[Applause] Speak about 30 seconds. Troif wonderful. Jack speer.

>>> Hello, everyone, and we are delighted and we thank you for this honor, councilman Kathie tovo, and the only thing that we want to say is that we began the dream come true foundation on the back of an envelope. And we wanted to answer and serve the least served group in poverty and those are the people who want to get out. We look for people who had already taken steps, and we find people in minimum wage jobs in

[6:10:51 PM]

about two years, and we were able to put them into an income. We appreciate the fact that there are many people who are in poverty, living in tents and on street corners, but we believe that the P in poverty is also stands for possibility. And we believe in the possibility of every person to achieve their dreams. And, Carol...

>>> Thank you, councilmember tovo and mayor Adler and everyone here. And just such a wonderful privilege. We thank you all for this. And it's been such a privilege to be able to plant dream come true in the city of our heart -- Austin, Texas. And so many people have played such a big role in this are founding board members like councilmember tovo, and Foss

[6:11:55 PM]

here, our executive director and our current board chair, Heather Bailey. And then just recognizing the mayor who is one of our community impact award winners before he was mayor, and I still remember the very first check that dream come true got -- you wrote. And we thank you so much for that. And this next year we will be moving 35 individuals, which represents an average family size of 3, so over a hundred people decisively out of poverty into a professional career, and in the course of our many years now, we have had almost no people fall back into poverty. Thank you so much.

[Applause]

[6:13:31 PM]

[Applause]

>> Thank you very much. Coyle good evening, I'm couple member Kelly and I'm joined by other councilmembers as well and I'm thankful for their support in this proclamation. I'm the vice chair of our

public safety committee and I represent district 6 in far northwest Austin, but today I have a message for all of Austin. Austinites have been tested by trial and tragedy since our community was founded, but year after year, no matter what the

[6:14:31 PM]

hardship, we pull through and forge ahead. Recently, we have experienced disasters like the winter storm, covid-19, and looking ahead we might even have a tropical storm or hurricane this season. Therefore, it's essential that you and your loved ones prepare for -- not if -- but when these disasters and emergencies strike. I know this firsthand with my experience -- working alongside first responders prior to being elected -- or elected to the city council. And I can tell you that the outcome of a disaster depends on your preparedness before one strikes. Disasters and emergencies can happen anywhere, and without warning. And with a little advanced thinking and actions, people and our community can be better ready to cope when a disaster occurs. During disasters, times are difficult, but as we've seen in the past, the power of community among our neighbors who step up to help in challenging times is incredible.

[6:15:31 PM]

Preparing for an emergency can reduce the fear, anxiety and losses accompanying disasters. Preparing ourselves to meet the unknown challenges of tomorrow is a duty that we all share. And when confronted with a crisis, we need to have done everything possible to prepare. That's why I'm presenting this proclamation on behalf of the entire city council of Austin so that the office of homeland security and emergency management here in Austin and we're joined by Travis county emergency management, declaring September as emergency preparedness month. We will be emphasizing the importance of readying ourselves and our communities to be resilient in the face of any emergency we may encounter. I'll now read the proclamation. It says, whereas, emergency disasters in Austin can happen unexpectedly, and, whereas, the entire Austin community can take actions to become prepared to respond to and recover from any natural or manmade disaster, no

[6:16:33 PM]

matter how big or small, the more people who are prepared, the quicker our community will recover. And, whereas, Austin first responders may not always be able to reach you in an emergency or disaster, and the most important step that you can take in helping them is being able to take care of yourself and those in your care for at least a short period of time following an incident. And, whereas, ready.gov recognizes national preparedness month as an observance each September to raise awareness about the importance of preparing for disasters and emergencies that can happen at any time. And, whereas,

during national preparedness month, September 2022, the community members are encouraged to take time to prepare themselves and those in their care for emergencies and disasters that can impact our neighborhood for days at a time. It's really easy, guys, you should just prepare. And, whereas, in November 2021, FEMA's ready campaign and the ad council broke ground by producing the first ever

[6:17:35 PM]

national preparedness campaign specifically targeting the Latino community for national preparedness month. And, whereas, this year's national public service announcements are being developed and will be released throughout the country this September. So look out for them. To help to get preparedness information into the hands of those who live in underserved communities and, whereas, residents are encouraged to sign up for free real-time emergency alerts from local emergency officials, via warncentraltexas.org, and whereas -- I'm almost done, hang in there -- we urge our fellow residents to make sure that you and your family are prepared for an emergency as proposed by the city of Austin homeland security emergency office to, one, make a plan. Two, build a kit. Three, know your neighbors. And, four, stay informed. So now, therefore, be it resolved by the city council of the city of Austin on behalf of myself, Austin city councilmember district 6, and

[6:18:36 PM]

the mayor and the city council of the city of Austin, that we do hereby proclaim September 2022 as emergency preparedness month.

[Applause] And, thank you all. Now I'm going to turn it over to director Ortiz from homeland security and emergency management to say a few words. Thank you.

>> Thank you, councilmember Kelly, mayor Adler, and all of the city council for the recognition of emergency preparedness month. We appreciate your support during this important time. Everyone can prepare in advance of a disaster, by making sure that we are familiar with the four pillars of preparedness. Make a plan. Build a kit. Know your neighbor. And stay informed. Information is available at the

[6:19:37 PM]

readycentraltexas.org website and visit that website to find out how to prepare before a disaster. This year you're about to have -- we're sponsoring a preparedness fair in conjunction with over a dozen city departments and community partners. Please join us on Tuesday, September 20th, from 3:00 to 7:00 P.M., at the asian-american resource center to find out how you can prepare before a disaster or an emergency, and make sure that your family and your friends and neighbors are as prepared as they

can be. Now, additional information on that preparedness fair is also available on that website, readycentraltexas.org and with a few words from Travis county, the emergency preparedness coordinator, Eric Carter.

>> Thank you all, and thank you, director Ortiz and councilmember Kelly and mayor Adler and the rest of the council for inviting Travis county to come and to kick off national preparedness

[6:20:38 PM]

month with y'all. On behalf of the county judge Andy brown and the commissioners court, they're all enthusiastic supporters of individual and community preparedness. And so this is a great opportunity and we appreciate it. Individual preparedness is really at the bedrock, the foundation of community preparedness. I know a lot of times on TV we see the lights and the sirens, but really the ability and the success in a disaster for first responders begins with you and your readiness. So taking that effort now and today -- taking a few small steps to make sure that you're ready in the next disaster is really critical. One small step that you can take is downloading that readycentral Texas app that Mr. Ortiz talked about. And another one, if you have the energy, please go sign up for warn central Texas so that you're in a position to get those alerts when we have emergencies and we're sending out how to be safe and actions that you can take, it's your responsibility to put yourself in a position to get those messages. So, please, take those steps.

[6:21:40 PM]

But overall, thank you very much. We talk about preparedness, individual preparedness and family preparedness and business preparedness year round, but September, this time of the year, is when we can really put an emphasis on it and we're really happy to be here to add emphasis to what you guys are doing. So, thank you very much.

[Applause]

>> Tovo: Picture time.

[6:22:45 PM]

[Laughter]

>> Vela: All right, and last but definitely not least, we're here to -- we're here to remember, recognize, honor, celebrate, the Raza unida party. Everybody, come on up, and everybody please join me up here. I

am very much a child of the unida family. And my father passed away in 1999 and is no longer with us and our mother could not join us but both were extremely active in the party through its really

[6:23:48 PM]

its entire existence. And I grew up -- ruby -- and I grew up with the principles, the spirit, the attitude of the Raza unida party, fighting for an equitable distribution of public resources, fighting for civil liberties, civil rights, for mexican-americans in Texas. It has shaped me, it has shaped who I am. It was a brief period of time, but one that had a tremendous impact, not just on mexican-americans in south Texas, and in Texas, but really on politics in the state. Today so much of who we are today, so much of our gains and accomplishments, we really owe to those activists that stood up, you know, in the late 1960s, the early 1970s, and really inspired a movement that we still are part of today.

[6:24:50 PM]

Again, it's an honor and a pleasure to be here and to recognize the organization, and to remember its history. And let me go ahead and read the proclamation. And then I would like to ask -- because I know that we have many people here who have memories and stories to tell, and let me go ahead and ask folks to also come to the mic and tell us a little bit about the heydays. So, be it known that, whereas, the Raza unida party was established on January 17th, 1970 at a meeting of 300 mexican-americans in crystal city, Texas, beginning a quest to bring economic, social and political self-determination to Mexican Americans in the state, especially in south Texas where they held little or no power in local and county jurisdictions, though they were often the majority of the population. And, whereas, the chicano

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leaders and activists will convene in 2022 at the downtown campus of the university of Texas San Antonio to commemorate and to celebrate the 50th anniversary of the founding of the Raza unida party. And whereas, the members of the Raza unida party from Texas led in establishing the Raza unida party at a convention in el Paso, Texas, in 1972 with delegates representing 17 states and the district of Columbia, and the Raza unida soon fielded candidates for local and state offices in Arizona, California, Colorado, Illinois, New Mexico, and in other regions of the country such as Washington, D.C. And, whereas, the Raza unida party's platform championed workers' rights and student rights and bilingual education and cull rattily relevant curriculum and improved health care and a living wage for farm workers and opposed the war in Vietnam, with Mexican American women playing prominent roles in the establishment and founders

[6:26:50 PM]

and officers and candidates for political office and rank-and-file members. And whereas, the Raza unida party registered significant elect victories in south Texas, winning school board and city and county offices and even getting 6% of the votes in the 1972 gubernatorial election, and inspired achievements throughout Texas including what is Lincoln university in Austin and a mexican-american institution of higher learning. And whereas, the Raza unida helped to usher in single member voting districts for communities and lowered the voting age to 18 years and trained and inspired generations to run for elected offices and increased Mexican American representation in the southwest and other parts of the country. And, whereas, Austin city council acknowledges and celebrates the 50th anniversary of the founding of the Raza unida party and its contributions to Texas. Now, therefore, I, chief vela and along with members and mayor

[6:27:54 PM]

Steve Adler do hereby proclaim September 1,2022 as Raza unida party day in Austin, Texas.

[Applause] And let me begin by inviting you to come and to say a few words.

[Laughter]

>> Hi, everybody. I have to say that we had lived in Austin for seven years before we went to crystal city, south Texas in crystal city, to join the movement. And we're family members of the Raza unida party, as are all of our colleagues here in the various parts of the state that they were in. But I have to say that Austin was definitely an inspiration, and not in a good way.

[Laughter] There was so much that -- that we all became aware when we moved to cities like Austin from

[6:28:55 PM]

south Texas, or from the border. And so in that way, the issues that we had in Austin inspired us to take on the Progressive policies and the politics and agenda that you saw. And everything is true. Everybody here representing Raza unida today and representing Austin -- some of you were teenagers -- um, helped to draft this Progressive agenda which has never gone away. You know, we came back to Austin after three years of working in the movement, and continued the Progressive agenda. A little bit -- it was a little bit of discomfort because our -- our democratic allies had to take us back, but I'd like to say that -- I would like to say that I believe that the party helped to push the democratic party to a more Progressive stand. And so we came back as Democrats.

[6:29:55 PM]

And, you know what, we were known as bads -- born again Democrats. But I want to thank -- on behalf of our group, I certainly want to thank the mayor, I want to thank chief -- your parents would be so proud of you -- I am so proud of you, I can hardly speak. And bill who has been there through the good and the bad times, and, of course, Vanessa, a child, [chuckle] Thank you so much for always being -- all of you, the Progressive voice in Austin. And Austin is always a good place to go back to, no matter where you are. And it's been a home. A lot of -- I should share some of the photos of the scandalous people here like Gerard Kenny and Malcolm, who were with us in crystal city. And so, thank you so much, we're so happy. We're so happy today.

[6:30:56 PM]

Thank you. Gracias.

>> Vela: You know, one of the things that I think that inspired my father growing up in Laredo, Texas, it's really a cocoon of [speaking Spanish] There's not a discrimination, 97% mexican-american but when he moved away from there he was shocked. You know, when he moved to Waco, to San Marcos, he was shocked that he didn't realize that he was a second-class citizen until he left Laredo and that awakened his activism. And he said, no, I'm not a second-class citizen and I deserve full rights just like everyone. So it really rings true, sometimes, you know, moving away -- it can spark that -- that consciousness. Ernie, would you like to say a few words, Ernie?

[Speaking Spanish]

[Applause]

>> Thank you.

[6:31:56 PM]

We're also very proud of you. First of all, I want to thank the mayor, and the city council for recognizing this 50th anniversary. Just a short statement on working the Raza unida agenda back in the 1960s, 1970s, 1980s. When we'd go door-to-door organizing, trying to organize, and raise awareness of the political situation that our community was in, we lost a lot of enemies. A lot of friends, rather. Because they were really against the formation of Raza unida, because it interfered with the democratic party. But we pursued and in that process we made a lot of friends. We made probably more friends

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than we lost. And one of the things that I'm very proud of is the association that I've had through the years with these friends that were working in, you know, in the Raza unida party movement. I treasure that friendship. And while at 83, I remember a lot of the friends -- it's embarrassing, because the mind doesn't pull up information like it used to.

[Chuckle] And I want to apologize to Amelio, because I could not pull up his name. But I knew damned well I knew that guy.

[Chuckle] So, my apologies Amelio, whoever the hell you are.

[Laughter] So, anyway, the concentration that I have of Raza unida, even

[6:33:59 PM]

though there was a lot accomplished is the friendships that we formed. Thank you.

[Applause]

>> Vela: Thank you very much, innery and one more, Dr. Samora and helped me very much with the proclamation and I wanted him to say a few words as well.

>> Just a few words. I'm the last chair of the Raza unida party in Travis county.

[Applause] And I'm very proud of that. This represents an important point in my development intellectually and socially that I will never forget. And as said, the friendships last a lifetime, the ones that we build under that pressure -- the political pressure of Raza unida. I'd like to say a couple of things. I interviewed Ramsey muñiz recently who is living in corpus, and his wife is taking care of him and shows going straight to heaven, we have no doubts about that. She's doing divine work with

[6:34:59 PM]

him. But he asked me, by the way, if I. Ed to be his campaign -- if I wanted to be his campaign manager because he wants to run for governor again.

[Laughter] And I said, absolutely, Ramsey. So I have something to say to Beto O'rourke, be careful, when you win in the city and in the governor's office we're going after you, Beto. And the other thing they wanted to say and I know that Ramsey is going to see this later in Corpus Christi -- Ramsey is just an extraordinary individual, and when I interviewed him he said something that really moved me -- a lot of things that moved me, but one of the things that he said was a response to a question that I made to him. Because he kept talking about "My people," my people." And I said, what would you tell your people, can you tell the camera right now and tell your people through the camera what you want them to know. And he said, our people are still being born. Our people are still learning

[6:36:00 PM]

how to walk. New people are learning how to walk. My dream is to walk towards the horizon hand-in-hand with each other, until we reach our liberation as a people. He said that -- that is the kind of language that we were using, that's the kind of passion that we spoke with, and that's what we now as Marta said, carry forward into the present. And I -- I'm -- I'm so pleased that we're being honored. And I want to acknowledge also and to honor all that have left us. A lot of very important individuals, including your dad. There are many others that have left us, and they've left an imprint in our minds and our hearts. As fellow travelers in a very important point in our history as Mexicans in the U.S. Thank you very much.

[Applause]

>> Vela: Thank you all very

[6:37:00 PM]

much. And let's get a photo right quick and then there's also a reception right after. We've got some food and stuff, so please stick around and I know that people want to talk and trade stories too.

[6:38:08 PM]

[Applause]

>> Come on, everybody, raise your fist.

[Applause]

[7:00:37 PM]

[Music].

[Music].

[Music].

[7:15:02 PM]

>> Mayor Adler: All right. I'm going to reconvene. Are we ready? Reconvene the Austin city council meeting here at 7:15. Still September 1st, 2022. Forgetting numbers for a second and just talking about substantive areas it might be easier to follow this way. We have nine things left for us to do and I am going to propose we do them in this order. The first one is we have some people that are kind of still working their way here. I want to say let's start with the south central waterfront presentation. It's about a 15 minute presentation -- sorry? 93. That way we can do that as people are shuffling in. It answers questions that were raised last week. Then I'm going to propose that we handle some of the pulled items that I think that we can handle pretty quickly, the pan am issue, the pan am naming, it's a

[7:16:02 PM]

pretty discrete issue. That's 59. So we take that one up second. Councilmember pool has a compromise that I'm probably going to recognize her to bring forward for us on that. Number 3 is the rowing club issue, and I believe we have some language with councilmember tovo and I believe that one might be relatively fast. I don't know what number -- 85. Then I think we have the lpr. Weaver going to hear from the police chief so he can answer questions so that we have that information available in front of us. And then consistent with what councilmember Kelly suggested for that so that we have additional time to work on that. What number is that? 90. Thank you. And then I'm going to call

[7:17:07 PM]

the -- then 137. Then next is the convention center parking issue, which is number 138 and 140. I think. It's not 137 and 139 that go together?

>> [Inaudible].

>> Whatever it is. Castleman bulls is going to be up fifth. Sixth is going to be the convention center parking. Eight is going to be the east 12th street issue. And then the next one will be parkland dedication. And then the ninth one is going to be the statesman pud. That's the order I'm going to follow.

>> Alter: Can you say it one more time?

>> Mayor Adler: Yes.

[7:18:08 PM]

We're going to do south central waterfront briefing followed by the pan am rec center followed by rogue club, followed by license plate reader, followed by Castleman bull building, followed by convention center parking, followed by east 12th street, followed by parkland dedication, followed by statesman pud.

>> Alter: Thank you.

>> Mayor Adler: Yes, councilmember Kelly.

>> Kelly: Could you go through the numbers associated with each of those again, please?

>> Mayor Adler: Yes. We're going to start with number 15 -- what was the number? 93. We're going to start with 93, which is south central waterfront. Then we're going to do 59, which is pan am. We're going to do 85, which is rowing club. We're going to do 90, which is license plate reader.

[7:19:09 PM]

We're going to do 137, which is the Castleman bull house. We're going to do 138, which is convention center parking. And then we're going to do east 12th, which is number 112. And then we're going to do parkland dedication, which is 102, 136. And then the statesman pud, which is 104 and 105.

>> Harper-madison: Mayor, you've gone over this before, but 112 is not the east 12th street item.

>> Mayor Adler: 99.

>> Harper-madison: And 115.

>> Mayor Adler: All right. You see we have a lot of things in front of us so my

[7:20:09 PM]

suggestion would be that we move through these as quickly as we can. Everybody needs to say what they want to say and make your points, but let's see if we can do it expeditiously to help one another so we're not trying to decide important things late. So manager, Rodney, Rosie, whoever wants to start with the south central waterfront.

>> Thank you mayor and council. We do have staff that has prepared a presentation for you on the south central waterfront and here to kick off that presentation is our director Rosie truelove.

>> Good evening. Rosie truelove, director of housing and planning. Thank you so much for allowing us the opportunity to present some follow-up information relative to the south central waterfront discussion we had on Tuesday. We have staff from economic development, from financial services and from housing and planning that are going to go over just an overview

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with the vision plan and to try to cover some of the questions that came up on Tuesday at the work session discussion. So I'm going to turn it over to Susana carbol-hall, the director of economic development.

>> Good evening, mayor and council. Seuss director for the economic development department. Before you today we will be providing a brief overview of the vision plan, status of regulating plan, cover some financial tools, and wrap up with a summary of Austin tirz or examples of them. Next slide, please. As a brief overview for the vision plan in 2016 it does cover 118 acres, including 34 privately owned parcels and only one city-owned parcel. It envisioned building new infrastructure, including expanding street grid, adding miles of sidewalks, approximately 17 acres of parks, plazas and trails.

[7:22:17 PM]

It also has 2.4 million square feet of office, retail and hotels. It also offers affordable housing by planning 527 units of affordable housing with a council goal of reaching 20%. At the one Texas center we do envision 150 units at that city owned parcel and the potential support for affordable housing. Major mobility improvements in the area were not determined during the 2016 vision plan such as project connect. Multiple sources for the financial toolkit are considered within the vision plan, including private funding, such as development bonus fees, public improvement district, philanthropy. Some of the public funding

[7:23:17 PM]

sources does include capital improvement financing, capital improvement plan, parking and parking subsidies. There is an estimated gap of 400 to \$600 million based on 2020 assumptions. The south congress pud sets aside parcels. The regulating plan in which our colleagues from the housing and planning department will provide additional information on the status of it does set vision by subdistricts allowing owners to evaluate on options. The tax increment reinvestment zone 19 has been created and in order to offer dedicated revenue stream for district activities. And the public improvement district is also an option. And the south central waterfront district can either create a new pid or

[7:24:17 PM]

be a part of the downtown pid. The majority of the parcels are included in the downtown pid. And the one Texas center redevelopment does meet the affordable housing goal of 150 units on the city-owned site. Some of the variables that we need to consider is the project connect was not included in the vision plan and it does impact the waterfront subdistricts. Regular tools are set for districts and subdistrict goals. There's no legal path for parcel by parcel planning. The tirz revenue is uncertain due to private property owners having choice to develop according to the vision plan. The infrastructure and operations plans depend heavily on market participation and coordination. And again, the majority of the parcels are privately owned. There are 34 privately owned parcels in this district.

[7:25:18 PM]

The city only owns one parcel, which is the one Texas center. Next slide, please. And here I will now defer to our colleagues in housing and planning department.

>> Good evening mayor and council, I'm Greg Dutton, how long department. Just a little bit of background on the 2016 vision plan and I think y'all have heard this before, but that vision plan really had some community benefits. We kind of grouped those into three buckets that you see up on your screen here. Green infrastructure open spaces, trails, plazas are kind of connected into patchwork throughout the district. Better connectivity in the form of streets and street scapes, a new street network, and then affordable housing of course.

[7:26:19 PM]

The 20% that's envisioned in the plan for the district. Next slide, please. This is a map showing a top down view of the district. All of these parcels that you see here are different color where imagined to be the eligible parcels that could participate eventually. They were thought to be those that might turn over the quickest or in the shortest time frame. They're color coded here to show you what the land use could be for them, office, residential or hotel F you look to the top of the slide that blue parcel is part of the statesman pud, just to orient you. Parcels s12345 are part of the statesman pud and if you look over to the left side of the slide that triangular piece is the snoopy pi pud

[7:27:19 PM]

and that's just -- snoopy pud and that's just to orient you to the space. Next slide, please. This is the open dex from 2016. This accompanied the waterfront vision plan. What this shows you, and I know there's a lot of detail in here and it's kind of hard to read, it goes through every parcel that was imagined to be a tipping parcel and it breaks down the square footage by use and it breaks down importantly and I think you might be interested in, the housing, including the affordable housing slide parcel. So if you

look in the middle of this slide on f12, that column that says f12 at the top, that for instance is one Texas center. So that's why that particular parcel has such a high number for the affordable housing that is to pick up the amount of affordable housing in the district. And if you look on the next

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slide, we've got the s4 and s5 on the left side of the slide. Those are part of the statesman pud, statesman site. And the number of affordable units you see there are 40. Again, that's out of their total of I think with 1,000. That's where that four percent number comes from that you hear so much with the statesman site. On the far side are the totals for the housing and the affordable housing, the units that are imagined in the district. Again, this is from 2016 so this is what they imagined as a possible scenario for waking down how much affordable housing could be accommodated on different parcels in the district, also considering the public benefits that each parcel was contributing to the district. Next slide, please. For the developers, in return for what they're contributing for community

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benefits, what they get in return are typically what you think of when you think of a density bonus program or one of these programs that has -- gives and gets. Additional floor area ratio, additional height, additional density, reduced parking requirements. So more entitlements in return for more community benefits. Next slide, please. Other community benefits that are in the vision plan are -- there's a chilled water plant that's talked about. There's green infrastructure and storm water. Some of these things are major investments that probably will need to be discussed after any potential tirz discussion occurs or is settled upon. And at this point I'm going to turn it over to my colleagues.

[7:30:24 PM]

>> Good evening. This slide is a familiar slide. We just want to reiterate the estimated infrastructure costs, and of course the 277 million, it was an estimated cost back in 2020. So we certainly project that using 2022 market factors would reflect a 30% increase from 2020. So the estimate certainly rises approximately to 330 million. And again, these estimates do not include administrative expenses, affordable housing costs or operations and maintenance of amenities. And the debt capacity of the tirz is not sufficient to fund the infrastructure improvements, that the vision plan envisioned for this district. Next slide, please. This is a breakout of the 277 million. It adds about 11 million more for the cost of issuance of the tirz and

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admin costs, but another point that I wanted to reflect here -- and this is out of exhibit D from the preliminary project and financing plan that the first tier, which is a roadway and drainage improvements at the 83.4-million-dollar number, this tier will be eligible for funding upon the creation of the zone. Implementation of the following projects and the following tiers are contingent upon revenue performance of the zone. Next slide, please. And this is again a family donut that we like to showcase to kind of give an idea as to all the elements or components of what it takes to staff to bring the vision plan from 2016 in to possible fruition and implementation. And that starts with the financial toolkit, having an operation and infrastructure plan, the affordable housing component, and then of course the legal regulatory

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and land use framework. Next slide, please. And here again we'll go back to housing and planning to provide a status on the regulating plan.

>> So this slide that you've seen before, this is anticipated timeline for the regulating plan. Next month we plan to be at the south central waterfront advisory board presenting tonight content to them and then expect to get feedback from them. Next is the [indiscernible] And then the planning commission in early November and council in early December. These are the boards and commissions that we really have to go to because it's a code amendment.

[7:33:27 PM]

The regulating plan is really a code amendment, but we do anticipate some other boards and commissions making requests as well. Next slide, please. And then just to simplify what the process is for making this regulating plan happen, in 2016 we had the framework plan. Right now we're working on the creation of the regulating plan and then again that will just be adopted as a code amendment. It will go into our land development code. It was initially imagined to be adopted as a part of codenext and then the land development code revision, but where we are today is that it will be amended to our current code. Next slide, please. And then just to make this general and so you can see it in simple terms, regulating plan is very, very much like other plans that we have today in our code.

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Your university neighborhood overlay or downtown density bonus program, the developer is providing a number of community benefits and in return they are getting additional entitlements and the balance of those things has to work the way that other bonus programs work so that it's achievable, it's market

feasible, it's something that developers want to use and it's enticing to them to do it so they will use it and we will get community benefits. Next slide, please. Next slide, please, thank you. So the regulating plan, just to be a little more specific, it will have public benefits that include affordable housing. We're anticipating on-site and off site affordable housing at a certain set aside. I don't know what that set aside is going to be just yet, but there will be a district set aside. There will be improved street scapes and enhanced

[7:35:28 PM]

open space. And for an overall improved pedestrian experience. And then again developers in return for providing those community benefits are going to get additional height above and beyond what they can do today and probably something that looks like CBD land uses, additional floor area, additional density in the form of no site area requirements. And reduced parking. Next slide, please. There are some things in the vision plan that are not going to be in the regulating plan, and it doesn't mean that they can't be achieved, they just may need to be achieved in other ways. That's really just because the way that the vision plan is written it's a very site by site, site specific plan that talks about different parcels doing different things. And when we translate that into a regulating plan you very to kind of smooth those differences out and look at the district as a whole and

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apply the district regulating plan requirements uniformly to the district. So there are some things from the vision plan such as the street network and cross-sections. Those are not in the regulating plan, but that's really because those are a part of our standard code now. So the Austin strategic mobility plan has been adopted with an updated street section to reflect what was in the vision plan and then we have updated cross-sections from the transportation criteria manual that was recently adopted that are very, very similar to what's in the vision plan. So that's an example of something where it's been taken out because it's really been obviated by other codes that we have today. District cooling is an sentence where there's really no way to get that in the regulating plan, we can't really put something in our land development code that requires that. And the same thing for the Bouldin creek boardwalk, that's kind of a site by site design specific item

[7:37:30 PM]

that is just not really translatable into regulating plan. Transfer of development rights is something that came up on Tuesday. That is not a part of the anticipated regulating plan. I think it's an idea worth exploring but it would have to be in a larger scale, larger than the south central waterfront, so maybe looking at downtown or maybe the city as a whole for whether a program like that could work. And then

again, site specific differences, that's really the main thing that you kind of lose a little bit when you move from a vision plan to a regulating plan, you lose those site-specific differences that are present in the vision plan. Next slide, please. And then I think as Mr. Rusthoven mentioned on Tuesday, no matter what you do with the regulating plan or any decisions that you make about the entitlements in the area, properties

[7:38:31 PM]

going forward will have a number of options. So there's the current zoning today, what they have today if there was no change and most of the properties in the area are zoned cs or pud or they have L zoning. And so they can always redevelop under their current entitlements. And that would mean that we could get community benefits that they use vmu or probably vmu 2, which was passed recently. Most of the properties in the area can reach their maximum height in their vmu 2 so that we could get community benefits that way. But if they do that then of course it would be an administrative process with no discretion involved. There could be pud or other zoning changes so they could always apply for a new zoning change. And obviously as you've seen over the last few years we've had pud's come in in the area. That's obviously a heavily negotiated process. We do get community benefits

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out of that, but that's heavily negotiated and of course discretionary. If you do something like what you talked about on Tuesday, if you apply CBD zoning, you repealed the current zoning Andry placed it with CBD, that would be changing the base entitlements but you would be doing it at a district level, looking at the district as a whole. And you could certainly do that. You could do that with the addition of downtown -- something like the downtown density bonus if you wanted to. And depending on how you do that you would get additional entitlements in return for additional community benefits. But once you put that in place if that's new zoning that's put in place and we treat it the way we do downtown, it's an administrative process. So downtown currently does come back to you some times if they hit their height or F.A.R. Caps and they need to go over that, but I don't think it's a particularly common thing. May be more common these

[7:40:32 PM]

days, but it's largely administrative. And then the regulating plan right now we're imagining no change to the base zoning so again it's an opt in thing that is effectively an overlay that sits on top of the current entitlements, redevelopment can occur under current entitlements or they can opt in to the regulating plan. If they do then you get the enhanced entitlements for the property in return for the enhanced community benefits and that would be an administrative process. We're imagining that would be

administrative so if they meet the requirements of the plan then they're granted the additional entitlements. And I will turn it over to my colleagues at this point. Thank you.

>> Good evening, mayor and council. On Tuesday there was comments and questions posed that illustrated a desire

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for there to be some clarity on some of the basics around a tirz. So we've pulled in some of the slides that might look familiar to you. First, some of the statutory requirements for a tirz. First and foremost you need to show clear and significant but for criteria. So essentially what this says is but for the public investment the development would not occur on its own. The Texas tax code is specific on that kind of criteria, it includes things such as the present conditions substantially impairs growth. They're substandard or deteriorating structures. Inadequate sidewalks or street layout, and unsanitary or unsafe conditions. But again, this is not the exhaustive list, just a selection of items. And once you do complete the project in a tirz and/or you have paid off all of the debt associated with them, the tirz ends and at that point the property tax that increment that was being set

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aside for the projects in that zone, it then returns to the general fund for general purposes. So next slide. This image gives you an idea of what we're talking about in terms of but for value growth. In the presentation on Tuesday I had several scenarios where there was a percentage, a contributions percentage relative to the but for value. So as you can see on this graph there's the blue section which is the baseline taxable value. So when council took action in December of 2021 to initially adopt the tirz they set the baseline property value or taxable value for the zone around \$825 million. So then any property tax or taxable value growth beyond that 825 is eligible for the increment. Now in some tirz as we have done 100% increment, but

[7:43:34 PM]

with the current financial policies it is -- there is also a staff recommendation to go with the but for value only in order to hold the general fund harmless. So the growth that will occur over time with the zone, the pink section would be that growth that is happening organically regardless of any public intervention within the zone. The yellow is the growth that is occurring because of public intervention, because of the investments we might make. So when you saw things like a 46 or a 63 percent value on those slides on Tuesday, that was looking specifically at the equivalent of the yellow zone for the calculations we've done. And then you can see at the end of the tirz that green section that revenue flows back to the

general fund. Inside. We also had questions about what were the assumptions used in the different scenarios for the tirz.

[7:44:35 PM]

The first was the baseline scenario. So this was based specifically on the 2016 vision plan feasible baseline. It's a redevelopment scenario and it shows what development would be feasible assuming existing entitlements govern that redevelopment and there isn't any public investment by constituent. And this is what we used to establish that proportional share of growth that happens regardless of the tirz. So the counter, at 46 percent versus 54 percent would have been the baseline. And in that eight to one F.A.R. Analysis where it was 63% and 37% would be the organic growth, the naturally occurring growth. The other scenario is on the but for is the test scenario that you will see in the 2016 vision plan. And that is systemic development that can occur if the city and the private sector partner to participate in a shared investment. It also assumes a higher

[7:45:36 PM]

density within the district. So something also important to note is just how are the numbers calculated or specifically for each of those scenarios? It's based on the potential square feet of development, whether it be retail, residential, commercial. In the feasible baseline, which is that baseline scenario, it assumes four and a half million square feet additional. And then for that test scenario it assumes 8.5 million. Now, that 7r8.5 assumes a significant amount of development beyond that baseline and that's important to note because the timing of that development would also inform the timing of any debt issuances that would be done in the tirz. So because it does take time for not only the development to come to life, but also for revenue to accumulate, the issuance of debt associated with the tirz

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would likely lag behind private development because we need to allow for the incremental revenue to come to a level sufficient to meet those debt service requirements. So on the slides on Tuesday when I was referencing the debt capacity was a certain number, but that was just a rough estimate and we would have to make adjustments because of timing of when we would issue debt, that's what I'm speaking to is because of when development hits the ground and then also how that -- the tirz revenue would accumulate over time. This is also something we've done similar in the Mueller tirz. We did not issue the debt right out of the gate. We had to wait for it. Next slide. There were also questions about tirz termination. So in order to terminate a tirz there actually has to be an ordinance that council would take action on and that -- and in the ordinance with the tirz is established there's a designated date and then there would be an ordinance that council would

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take action on at the end. Either way that termination date is typically when project costs or the bonds or interest in the bonds and other obligations have been paid in full. So in that preliminary project plan we did note a termination timeline relative to the project cost and any debt and the completion of any debt that was issued. So there was also questions about how was the tax rate impacted when a tirz terminates? We can't provide really specific numerical examples because that would be 20 years out from now. What we can say is that once the tirz terminates that value would return to the city's taxables. A three and a half percent calculation would now be based on a larger tax base which would likely result in a slightly lower property tax rate but there would not be any adjustment to revenue. The revenue then it just goes to the existing construction. It's not in the new

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construction so the three and a half percent is just handled different so there's not some windfall of revenue that comes through the general fund when a tirz terminates. So as a result you would not see that boost in new construction within the zone. Next slide. We also received several questions about the different financing tools. First there's a public improvement district and what progress or evaluation has been done. Right now the majority of the boundaries of the south central waterfront are included in the downtown pid. The council recently took action on. This is a maintenance and operations pid. Right now that budget is around \$13 million per year. Where the parcel owners are contributing an additional tax on their properties to support the purposes of that M and O pid. We can't create a second M and O pid on top of that one

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unless there are very clear and differing scope of work. Right now the scope of work for the downtown pid does not include aspects of the south central waterfront vision plan in its work. Now, a development pid would be allowable and that could be -- a development pid is very typical when you're trying to make investments of various infrastructure needs, but again this is not something the city can initiate. The parcel owners would have to initiate and it would be an additional tax that they would pay on their properties. Next slide. We also talked about just funds within the city's overall capital improvement program. Future allocations of department capital budgets could be targeted towards projects in the area, but we need to understand that that would be limited for at least the non-enterprise type of departments because the vast majority of their capital budgets are reliant on voter-approved bond programs. And also there's the contract to the voters that

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may exist already. In addition, property owners, in terms of utility connections, any infrastructure investments we make in the zone to -- such as up sizing lines, changing capacity, things like that, in order to connect to them and then also if a particular parcel owner needs to specifically up size a line for their needs beyond anything we're already doing, they would have to bear that cost. That would not be included in our contributions. And finally an additional option would just be simply future voter approved bond programs. Other tools that were talked about were parking management district and transfer development rights. In discussion with my colleagues those have not proven successful locally we can continue to explore them, but previous attempts at those approaches have not proven successful. And then last but not least, next slide, please, there were questions about our

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other tirz in the area. So first there's the Mueller, which is approximately

[indiscernible] City-owned land. There's \$50 million coming from the tirz to back the infrastructure investments. The debt associated with those -- with that funding is through -- backed by sales tax and by property tax revenues. They are actually contract revenue bonds. They are a very different type of bond than we would be issuing here in the case of the south central waterfront tirz where we would be issuing a general obligation backed by the full faith and credit of the city type of bond. There's significant affordable housing in that tirz, but it's on -- and it supported by both market rate housing as well as it has received gap financing from the ahfc. There's also waller creek. It was adopted in 2022 but has been amended two times since then. Its first priority was the design and construction of the waller creek tunnel and

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the related components. In the most recent amendment it allowed for the funding necessary for design and construction of what we know is the chain of parks in the Waterloo greenway. And then there's also second street. This is a defined dollar amount contribution. It's not an increment, what you see in waller creek and Mueller. It is a 100,000-dollar flat fee annually which supports maintenance of second street, things like power washing, pest control, all of the decorative lights that you see around here. So at this point we can open it up for questions and discussion and I will actually pass it to Rosie first.

>> And I did want to note that as requested we have the chair of the south central waterfront advisory board and the CEO of the Austin economic development corporation here in chambers today if there are any questions.

>> Mayor Adler: Great, thank you. Then let me start off. From a staff perspective as

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you are meeting with the south central waterfront folks and as you're meeting with the regulating plan folks, is there any kind of direction or sentiment coming from council that would be helpful for you to have?

>> From the conversation on Tuesday and what's carried forward over the last couple of days, I think there is some interest from I think some members of the dais to maybe change the approach that we're taking on the regulating plan to maybe consider an alternative like what Mr. Dutton presented with respect to maybe changing the base zoning to just CBD or some other different kind of mechanism than what is traditionally envisioned when we started out with the 2016 plan. If that is the will of the council it would be greatly appreciated to get some direction to staff so that we can start working on that. As Mr. Dutton alluded, we are ready to start having public communication about

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our current draft of the regulating plan, but my concern is that it's not quite what council has envisioned right now. And so if that's the case we would like to work on changing that and modifying that to get it into a better shape for what council desires before we start having public conversation about it because we don't want to create any confusion. So any direction about that would be helpful. We are scheduled to start having public communication about the regulating plan on and so that's the time frame that we're current on.

>> Mayor Adler: So I for one will probably need a little bit more guidance on how to be helpful. I mean, there's a lot in the vision plan that I think that is -- is wonderful. And -- and, so I'm not sure -- I don't know enough to know what the impact is of also saying while you're looking at the wonderful things that are part of the vision plan, there's this other element that we want to be able to take a look at.

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So I want to return to that question maybe at the end of this --

>> Sure.

>> Mayor Adler: So that people have a chance to ask directions in terms of direction or assistance, because there has may be more things to take a look at, but I'm not sure that the council is in a position to decide any of those questions in terms of a final direction, just because -- because I don't know that we know enough to do that yet.

>> Yeah, and, um, we have time to have those conversations and even direction that just allows, you know, for additional research and updating of more -- of the economic metrics associated, because things are quite different in the south central area now than when we did the vision plan in 2016. So we are trying to catch up on that. But those are factors that are affecting our work.

>> Mayor Adler: So let me ask a couple of questions to that and with respect to the -- to the district. You began by taking us back through the vision plan and what was known at the time of the vision plan, which I think is great. And you talked about the 15 tracks that were identified as

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tipping tracks at the time that that work was done. In the presentation you gave us on Tuesday, you said that the consultant is now looking at the area says that there are probably a lot more tipping tracks than just those 15 now. So, an analysis that began with saying, okay, let's come up to the future -- how many tipping tracks do we have now and what those tipping tracks might be -- I would imagine would -- would all potentially increase the development density, or the potential that the area might have. With respect to that, my understanding as you presented back in July, and then again on Tuesday, is that in order to be able to do all of the things that the vision plan would like to have us do, the math now indicates that we don't know exactly how we would finance those things. And it no longer looks like there's enough money to be

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generated from the exacting sources that we could get, the potential ters, there's a gap, and it's a pretty significant gap. So I think that -- that for me taking a look at that gap and seeing if we could have a regulating plan that would somehow help us to bridge that gap, I think that it would be important to me. One number that I want to ask about -- colleagues, I asked a question on the q&a that gets buried in the q&a response because there's so many questions and answers but I think that is worth pointing out is that under the financial analysis of the ters, just looking at what was in the vision plan it was generating just over \$100 million in bondable projects or bondable value. With the tires that adjust an 8-1 far on some additional but limited number of tipping

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tracks, just by way of illustration and scaling, and no bonus assumed in the 8-1, and the number of bondable dollars went to, like, 207 or something like that. And there was also a note on the page that said that it was assuming that atp would get a big chunk of the incremental income that only arose because of the investment that we were making in the capital. I spoke with the atp interim director,

because I know that the agreement that we entered into, the kind of the Ila or the jpa or one of those agreements, said that the atp is entitled based on the ter vote that we had and about 20% of our revenue -- property tax revenue

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goes towards atp and that was the 9.5 penny issue. And it also in a provision that says if you ever do a ters and you're generating more money on top of that, come back to atp, because they can waive claim to that 20% of that increment. So I went to Mr. Canaly and it's a position to make and for the atp board ultimately to make, but what is your advice or your belief on whether or not atp would be entitled to the 20% -- not on the base -- but also on the increment that doesn't happen unless the city invests and Mr. Kanally said as long as you're true to the "But before" standard and you're not trying to take away taxable value that is otherwise occurring, he said that I wouldn't anticipate that the atp would lay claim to the increment revenue that only comes because of the capital

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contribution since, of course, atp wouldn't be participating with us in helping to fund that capital contribution. So I asked the question in the q&a -- if you didn't assume that atp was going to take its 20% on that, how much then would a ters -- would it go up above the 207. And I think that the answer that we got back in the q&a that was it was like \$247 million, almost \$250 million might be generated. And if we're looking at costs that back then were 270 and gets close to that, with the escalation 330, which is what you have in this presentation, that enables us if we were going to do a ters, to really get a big bite out of what it would cost for the city to be able to do the street network and the mobility, the district cooling, the -- the other community benefits that we wanted in

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that -- in that area. So for me, taking a look at a regulating plan that might enable us to realize that and understanding what tradeoffs, if any, are associated with that, I am okay with moving greater height. I'm okay with moving 8-1 there and I'm okay with looking at density bonuses that we had, and looking at what we did to see what we have there. Because I'm not sure that we'll ever be able to get the affordable housing in that area that we would want to have. And I also believe that 20 years from now, 30 years from now, we're going to want that area to be walkable and dense the way that our downtown currently is. But I think that is the design question, because there are questions about tapering off as you get to the -- to the -- to the lake and there are environmental reasons that I think that are still worth taking a look at. But for -- for me, if I was talking about the regulating plan, I would say that I would

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support having a bonus program akin to the downtown or the Rainey street issue, that we would have entitlements that ensure that we maximize the potential affordable housing. But also environmental protections. And infrastructure funding and the other community benefits that the district could bring, including the vision plan, that the district -- you know, it has so much potential with two rail lines that -- that come to this

-- this area. And I just don't us to miss the opportunity to develop it the way that we would want to, because once it develops out, it's over. I mean, that will be that way kind of indefinitely. Colleagues, it's my intent to -- to put an ifc out for us to take a look at, to see if there's a way for us to collectively to take action, which is what I understood that might be helpful. We meet on the 15th and you meet with the south central waterfront board on the 19th. So they can tee up that conversation, so that we might be able to give more direction, not to decide, of course --

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because I don't think that we're in a position to be able to decide -- but for me to be able to say as part of this process I think that you need to be looking at these other things too, so that a future council can - can -- can weigh those -- those -- those pros and cons, and to do that. Councilmember vela and then councilmember tovo.

>> Vela: I want to second those comments, mayor. It's a very ambitious plan, both the -- I guess the south central waterfront as a whole. Even in 2016, I think that it was ambitious. Now, I think that we're seeing it kind of go to another level, but the community benefits and the vision for the area and the money that it will take to realize those community benefits, to me really requires additional entitlements,

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additional height, and particularly when you look at the investment that we're making in the transit that's going to go right through there. There's already substantial amounts of height there. I mean, the embassy -- you know, the Hyatt regency and the there? Snoopy pudd building and you mentioned Rainey and that seems like a guide there. And the substantial amount of property tax revenue that those, you know -- 30 story towers, those huge property checks that they write the city, um, I mean, that's what keeps us running and keeps us rolling. So, if we're going to realize the level of community benefits that we want to get, I just don't see how we can avoid giving it the level of density similar, again, like I said to a Rainey or to a downtown type of environment.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, I have questions

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for staff that I hope that we'll have an opportunity to get to. I don't guess that we'll get to this all tonight so I hope that we schedule this for the next meeting as well. And mayor, I'm just not sure what you're suggesting and I hope that we have an teut to see the regulating plan. I guess where I am on this is that we have been years and years and years delayed in moving forward with the regulating plan, and I really want the ability for our boards and commissions and the public that has invested lots of community stakeholder time to weigh in on it before we move in a new direction. I don't know if that's what you were suggesting, I'm not clear on what you are suggesting, but, I mean, it would be super hard to weigh in on -- on changing -- on changing the framework before we see the framework.

>> Mayor Adler: Here's my concern, and maybe you have an idea of how -- how to do it. I'm concerned about having people in our community, our

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staff, our volunteers, our hard workers, spend a lot more time on a regulating plan that delivers us a district that's not financially feasible. And if our answer when they bring it to us is going to be, you should have had a lot more height in here, you should have had a lot more density in here, you should have given us a regulating plan that had the capacity to generate enough, um, income and money so that we could get much greater levels of affordability or depths of affordability -- I don't want them to then say, wait a second, why did you just have us do all of this work. So since I'm pretty sure that for me that's what I'm going to want when it comes back, I guess what I'm saying is for me I don't want -- I mean, I'm not saying that the regulating planning group can't focus on what they're looking at and what the aspects of the vision plan are, but they need to know as they're doing their work and the staff needs to know that what I'm going to want to also see --

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because I don't know what the tradeoffs are -- but I also want to see a south central waterfront plan that is actually financially feasible. And I think that as a fairness, before everyone spends more time and more work, they should know that that's something that there's a certain number of us, if not a majority of us, on the council would want to see out of any work. That's my concern.

>> Tovo: So does that mean that the regulating plan work would be stopped and be re-done or, how does that fold -- how does that fold into the existing process? Is it an alternative to the -- to this? I mean, and -- I mean, there's just a lot to unpack here, because councilmember vela, you mentioned the Hyatt, the town lake corridor study and some of the other work that grew into the south central waterfront was a response to the Hyatt and the way in which that developed. And, you know, blocked views and really created a space that was not what we want to see on our

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waterfront. So, you know, I am interested in seeing us move forward with the regulating plan that really achieves a vision of having density and height beyond what is currently entitled, but also protects for those public spaces and creates, you know -- and, I mean, it's -- I think that I would need to really understand from the staff. Do you feel that you're bringing forward a regulating plan that is ultimately not feasible financially? This was -- years in the process and I don't think that we've gotten that message super clearly before tonight, if that's really the case. And I do want to go back and talk about some of the things in the plan, like the transfer of development right and things like that, that were to have been undertaken in the first year.

>> The way that the plan -- the draft -- regulating plan is currently structured, we are -- we have made the assumption that it should be market feasible.

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So that it's achievable without any external funding sources. Just because those things can be an unknown, typically when we write our regulations, that's how we do it, when we do a bonus program, it's not dependent on a ters, and, I mean, this is a different situation. But that's currently how it's drafted if we got direction that it needed to be updated to, um, to really deliver everything that the vision imagines, and I don't know that that's actually 100% possible or not, we just don't know that yet, then we would have to revise it. We would have to probably do some of the updating that the mayor is suggesting about maybe making it more intense, cbd-like, to -- to achieve more of the things in the vision plan. And that might be something as straightforward as pushing up the level of affordable housing. A deeper level could be achieved

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if we made that change. I don't know what the changes to the document would entail. I don't know that they would be that significant. But I think that it's more like the analysis that we would have to do -- would take time.

>> Tovo: And, you know, I would just suggest that one approach is to let the staff move forward with the regulating plan to make some decisions and get it into place, while also initiating an analysis of some of these other things. Because you and I have been here long enough to know that we're moving forward with the regulatory plan, and then there needed to be an update of the analysis and then we were moving forward again and then it had to be updated again. We have been updating and updating and updating and at some point we just need to get some of this in place and have it to be more iterative, but I am concerned that we should just move forward with the regulating plan and work to -- work to think about other elements. Because there will need to be --

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as I said on Tuesday -- there will need to be pretty extensive public feedback I think, as there has been at other times. And at the appropriate time, I hope that you can come back to me with those questions about the presentation.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have some questions about what we're talking about currently. So -- because I just want to make sure that I'm understanding. I am interested in the idea of -- of, um, understanding what it would take to financially address all of the pieces that we want to get. So I'm interested in that. But I am not understanding the difference here when we say cbd-type, versus what's being proposed. Am I -- am I understanding that the differences, whether or not it's an incentive program, like, a bonus incentive program? As opposed to a regulating program that sets the requirements? That's what I'm trying to understand.

[8:13:03 PM]

>> Councilmember, I think that what we're thinking of is in the vision plan you had a number of parcels that could opt in.

>> Kitchen: Right.

>> And the intensity of those parcels -- there was a range of 100 to 400 feet in the plan and there was imagined to be mixed use and more far, but it was not -- I mean, looking at that plan, it was not really at the level of intensity where we see downtown today. It's kind of an in between.

>> Kitchen: Yeah, I'm not asking what the components of the plan are. I'm asking about whether we're talking about a plan that is an opt in, or if it's a plan that sets the -- sets the base requirements for the whole district area?

>> That I don't know. I think that -- that we're looking to council to let us know, because what you -- you could do different things. I mean, you could actually change the zoning to CBD, like

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downtown.

>> Kitchen: Yeah.

>> And an added density bonus on top of that. And you could add the density bonus without changing the zoning and there's nothing to preclude that. And so changing the base zoning is one question and what type of bonus could go on top of that is another question.

>> Kitchen: I have two questions related to that, because this is just fundamental to me and it just -- maybe that I haven't been following this as closely, but I had never thought of a regulating plan as being incentive based. Are other regulating plans incentive based? I thought that they were set requirements.

>> You're right. And calling this a regulating plan is a little bit of a misnomer, it's really closer to an overlay.

>> Kitchen: Um-hmm.

>> It's just very confusing because we have an existing waterfront overlay already, and calling this a waterfront overlay on top of an waterfront overlay is confusing. And most plans do change the base zoning like our east

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Riverside corridor, for instance, and they have a whole sweep of changes associated with that issue but within those plans they have density bonuses --

>> Kitchen: Okay.

>> Inside of those regulating plans.

>> Kitchen: Okay. And the reason that I ask that is that I have some concern -- to me, this is just basic, you know, if we're going to set a plan for an area and we need to make sure that plan gets implemented and as envisioned and if we don't require it, then particularly in a case like this, where there's a bunch of different parcels that are owned differently, we just don't have a path necessarily to ensuring that the major components of it -- that we want to see across the district occur. I mean, that's why I was asking about the housing yesterday, and, you know, we don't -- if we don't -- or not yesterday -- whenever it was. If we don't have a path to understanding, um, how we're

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going to achieve the affordable housing across the whole district, then doing it parcel-by-parcel just doesn't make sense. And I'm a bit concerned that just treating it as an incentive program is not going to get us there. And if we could maybe do that if we make sure that there's funding available for that, like through a ters or whatever, and then we might be more assured that that affordable housing was going to happen. But I'm nervous about -- and concerned about -- just saying that, um, you know, that we -- there's a certain percentage of affordable housing that we expected across the district, but we don't have a path for making sure that that happens. So, um -- so that's what my concern is.

>> Mayor Adler: And the related question to that -- I was looking at the draft regulating plan from may of 2018. So this continues some of the work that's been done historically and, boy, I tell you that there's been so much work by so many people on this.

[8:17:08 PM]

There are 17 tracks that are identified in the district. And only two of the 17 tracks have building heights higher than 200 feet. Only two. In fact, five of them are at 100 feet, 110 feet or less. And I'm looking at that and thinking, gosh, I don't want -- for me, I wouldn't want a group spending a lot more time on a regulating plan that looked like that, or if there was a reason to do that, fine, but I would also want them to look back at what I'm 95% sure that I would want to see, which is way more significantly greater heights built into the plan than that.

>> Kitchen: And -- I hear what you are saying. The interest that I have is, um, I would like to see a plan that shows us how we can get to the affordable housing across the district, whatever that is. And I would like to see that.

>> Mayor Adler: I agree. Councilmember Fuentes.

[8:18:10 PM]

>> Fuentes: Thank you, this conversation has been super insightful, thank you, mayor, for pointing out what's in the draft regulating plan. I think that to me just further illustrates the need for us to have the conversation about how we approach the south central waterfront plan. I know that we have an advisory board member here with us today that I wanted to see if he could join us to share a little bit about what the advisory board has worked on and just general comments, because we've been -- as we've been discussing this as a council, and I wanted to hear from our advisory board member to get a sense of his thoughts on -- on what we're considering, on whether or not, you know, moving forward with the regulating plan, how that would be. And really just any general comments on -- on what you think where we're at the this point in the process.

>> Mayor Adler: And thank you for being with us tonight.

>> That last part might take a

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while. I serve at the pleasure of councilmember Renteria on the urban transportation commission. And I also serve on the design commission. And through my work on the design commission I serve as the liaison to the south central waterfront advisory board, which I have been on that board for the past six years. I am currently the chair of the south central waterfront advisory board. To -- to give councilmember Fuentes, or to try to address her question, I want to give a little bit of context. I think that y'all have been mentioning this tonight, that the vision plan, um, as Greg rightly mentioned, is just that -- it's a vision. It's not codified anywhere. What really sets the teeth into getting anything done in the south central waterfront area is the regulating plan. And so the reason that's important to mention is because I think that sometimes people conflict the two. The vision for that -- for the

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area is a much, you know, in the plan it's basically for the built environment, it's just a much more densely built environment than what we have there currently. But the important thing is that there's community benefits from those -- from that density built environment. As Greg mentioned, there is the green space, there's transportation. And more importantly, at least from my opinion, there's affordable housing. So, with regards to the plan -- I don't think that -- this is for council to decide. I think that the community benefits portion was discussed with the community. That's my understanding before I joined the board, there were stakeholders that weighed in on what those community benefits were and should be. And I think that those are probably, as councilmember vela pointed out, very robust, and very ambitious, even for 2016 standards, let alone now for 2022. Um, but with regards to

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affordable housing, all the more important, right, we're at a critical time in our city, when housing matters. So, I wouldn't necessarily touch the vision of the plan, because that's pretty much already laid out and we already agree that the vision is there, as far as the community benefits and for the most part a more compact and densely built environment. But it's the regulating plan that we need to be focusing on. And, mayor, thank you very much for the comment that you've made. We've been asking for a while now -- I'll say at least five years -- for some sort of regulating plan. And it's -- for whatever reason, over the past year this has been a hot -- a very hot topic. I'm thankful for y'all's leadership and y'all taking this up and I'm thankful for the staff time that has presented to y'all tonight. But I just think that it's time that we get a regulating plan to this community. As councilmember tovo pointed out, before us -- before the

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south central waterfront advisory board was here, there were community stakeholder groups and staff. Alan holt who I hope that someday will get a statue built on his honor in the south central waterfront who worked on this tirelessly. And that time needs to be honored, not just -- not our time, the board's time, the current board, the previous board's time needs to be honored, and the staff's time. There's been countless hours put into this and worked on, and I think that it's time that we finally get to see a regulating plan. But to your point, mayor, I agree. And, mind you, I can't speak for the board here as a whole, but I do agree what good is a plan if it's not implementable? And we would have wasted a lot of people's time if we come forward with something that doesn't work in the first place. So sitting back there and listening to the presentation, um, I think that it would be important for the board and it sounds like for staff as well, I think that it would be important for all of us to know, and this community to know, we need clear

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direction from council. We need to know what y'all want to see. Um, and I'll explain that -- and I'll give you some tips and pointers for how I think that y'all should do that. I think that the community benefits are already there, and if anybody wants to increase the community benefits, by all means, that's completely up to y'all. I do believe that there is -- we should look into the affordable housing aspect of things, especially given that we know that some of the dollars from the ters, if the ters does get passed, can be used to help to build and fund affordable housing in other parts of our city. Not just the geographic area that is the ters, so that's a net benefit to the community. Assuming that you don't change any of the community benefits, we already know the cost of that, and we know that it's \$2767 million, according to the staff's calculations for the infrastructure. There's some sort of community benefits, or some sort of dollars tied to the affordable housing portion and that's up to y'all to decide how we move

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forward on that. But that answer is already there. And, you know, just the engineer in me is thinking for math and equations, this is basically a problem of two times X equals four. All we have to do is to solve for X, right? We know -- 2 being the amount of community benefits and the cost of the infrastructure and the community benefits. And X being what we need to multiply as far as how we -- what we build there, to get us to solve that -- to that 4. So I would say -- to move forward with this quickly, I would say --

[laughter] I would say... Um, I would say to tell us -- tell staff and tell the south central waterfront ultimately how much dollars y'all plan to spend there. Because the \$277 million and \$350 million, including affordable housing, whatever that looks like, just tell us

[8:25:16 PM]

what that answer is. And then we can solve -- there's a lot of smart people in this room that can solve for the amount of density that we need to get that tax value. That's all we've gotta do. And I apologize -- I don't know if you are hearing the frustration coming out of my voice but this is six years built up and I'm trying to be as nice as possible.

>> Tovo: Thank you. I appreciate that. I thank you so much. I mean, your comments have been super helpful for me. Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks, mayor. You know, I'm thinking about this part of town, and I've mentioned -- and a couple of earlier discussions -- a number of earlier discussions, that I think that we need to treat this part of town as downtown at this juncture. And that reflects, um, my thinking about the density, the uses, and the entitlements.

[8:26:16 PM]

And I do think that this area is ripe to the points that you were making, mayor -- this area is ripe for more entitlements. And I don't want to lose the opportunity to, um, to gain more community benefits in that frame. And it kind of reminds me of the work we're doing on the north burnet gateway part of town and our second downtown, although I think that this area -- if it weren't going to be attached to downtown -- it might be the second downtown. But, north burnet gateway, we really needed to update the entitlements in a way that reflect how the area is developing and we are doing that. And that is bringing us really big benefits. So, just to reiterate what I've said in some earlier discussions, I think that we treat this part of town as downtown and move forward with that kind of as our frame of reference with regard to density and the additional community benefits that entitlements would bring us.

>> Mayor Adler: Thank you. Councilmember Ellis.

[8:27:19 PM]

>> Ellis: I will keep my comments brief and I know this is only a briefing and it's getting into the evening hours. But I also agree -- the community benefit it's -- a lot of what I think about with our housing and

transportation planning right now is looking how we create connectible communities that are walkable, bikable, and accessible to project connect. And even to me market-rate housing is a community benefit, and I have to keep that at the forefront. And yes, we want the parks and the great amenities that need to come with something that is more of an incentive-based program, but, at the same time I really worry that we're going to miss an opportunity for people to be in those connected communities where they can walk and bike to work and take the train. So I really want to make sure that we are moving forward with this in -- you know, in a really straightforward mindset to just get those goals set and to get this program going. Because it has been a number of years. And I know that there's not many of us that have been on the dais for that long, so I appreciate our boards and commissions trying to help us through that. But I think this just needs very much to be a vision for the

[8:28:20 PM]

future, because we don't have a lot of opportunities to do something really big.

>> Mayor Adler: Councilmember vela and then councilmember tovo.

>> Vela: And the fact that we can use ters funding for affordable housing, not just in the area of the ters, but outside of the area just really is a linchpin there. I mean, to me if I was at all kind of waffling or unsure about the ters, that just really hammers it home and it makes me want to really crank up the money that the ters going to generate so that we can build our parks and we can build our streets, and we have some money left over to put affordable housing at one Texas center. You know, funded through the ters, something to that -- that really just kind of gets my -- you know, my imagination going on what the possibilities are there. So again, I'm strongly in favor of the approach that is well lined up with the mayor led with

[8:29:22 PM]

as well.

>> Mayor Adler: Thank you. Let's go to the mayor pro tem and then councilmember tovo.

>> Alter: So I'm concerned that this regulating plan is totally incentive based, you know, it is my understanding when you put together the regulating plan and the ters, you had more lever annual over how this was going to work -- leverage over how this would was going to work other than parcel-by-parcel zoning and I'm having trouble with that being totally incentive based. And, you know, I want to go back to this question because we do have regulating plans that are more mandatory. And unfortunately we're not doing the regulating plan and then having the zoning come and we have a zoning plan that is trying to go faster than the regulating plan. And I don't know what entitlements to give them in their pud because I don't know what is in the regulating plan. So can you speak to -- again, to why this is incentive and not

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mandatory in some way? Or at least, like, if you really want to do what's in the south central, you know, you don't get those entitlements unless you do this.

>> Yeah, it is entirely the latter of what you just said, you don't get the entitlements unless you do the public goods. It's incentive-based really because there's the affordable housing component that we can't ever require. So it is like our university overlay and our downtown density program. Ideally with those, let's assume that we're not using a ters and we would set it at a level that we would be confident that a lot of projects would use it and there are carrots and sticks and they know that going into the project, if they're utilizing it, that that is how it would work. But it's really the affordable housing that just has to be incentivized and can't be

[8:31:26 PM]

required.

>> Alter: So is it possible when you present us with the regulatory framework, it sounds the incentive to get up to what the south central had in mind in terms of height -- and, you know, I think that I'm willing to consider more density in that area, but I want to make sure that we're getting the community benefits. And I want to make sure that we're not getting, you know -- that whatever is being contributed is coming first from the developers and then we're being strategic about what public investments that we're making. So it seems to me that you might -- you could still do the regulating plan, with a couple of levels, and you just make the higher density one, you know, more attractive, but they still have to do more and, I mean, I don't know that it requires a fully separate plan in that way.

[8:32:28 PM]

And and tell us what we are going to put in and we're still trying to get clarity on what the development could pay for themselves. And I'm not sure that I am buying all of the numbers that we're being -- we're being given. And we're getting really conflicting information, from the public, and some of it, frankly, makes a lot of sense and some of it doesn't and some does. And I think that we're trying to weigh that -- we have a lot of people who are really uncomfortable with the public investments, and we need to make sure that we're making the public investments that it makes sense for us to be doing. And, you know, it's not just the regulating plan and the ters that we're talking about, so I just wanted to lay that out. Mayor, I was intrigued by the possibility that we would not have to contribute atp funds for the "But for," but I was not following your numbers of what that amounts to, and how that would change the numbers that

[8:33:31 PM]

were, um, available to us at Tuesday's presentation. So if you can --

>> Mayor Adler: Sure. In the q&a, the answer added is item 93 --

>> Alter: Okay.

>> Mayor Adler: And question number 3, um, assuming the council continued to retain the 3.5% revenue allowed by state law -- sorry -- number 7 -- it's number 7. In answer to question 2 on Tuesday was assumed that the atp partnership was 20% of the "But for," they asked that question. If so, what is the anticipated ters revenue if our scenario, if atp only receives 20% of the based revenue and not any of the "But for" ters revenue. And there's several options there, but the net was \$247

[8:34:32 PM]

million. Was the answer to that question as compared to the \$207 million, which is what it was under the assumption on Tuesday. So \$40 million more.

>> Alter: Okay. Thank you. We'll talk later about the statesman pud, but I want to just reiterate, I have no idea how we provide them entitlements in the pud, if we want the regulating plan to incentivize them to do things that we want them to do, that we don't are seem able to do in the pud situation. And I'd be hesitant to give them

-- right now they're asking for \$2.9 million more square feet than they're entitled to -- what we give them in the pud really affects their willingness to do what is in the regulating plan. So, I just really am

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uncomfortable with trying to think that through without having the regulating plan, no matter whether it's the regulating plan that does up to south central waterfront plans level, or higher.

>> Mayor Adler: Councilmember tovo.

>> Tovo: So I have a quick question for you, mayor, so that I better understand. One of our columns in the staff presentation talked about just a rezoning. Is that what you were contemplating? Or contemplating that would just be a higher level for the density program program?

>> Mayor Adler: I wasn't prescribing that at all. I was more describing what the desired outcome was, and then asking the staff to help us to identify what the path would be to that desired outcome.

>> Tovo: And I will just weigh in and I think this is what mayor pro tem alter and some of his comments lean towards as well. For me, to get those community benefits and especially the affordable housing,

[8:36:34 PM]

considering -- considering, um, more height might make sense, but it really for me could only happen with a baseline of existing entitlements because that is really how we get those community benefits. I think that just a flat rezoning in that area just doesn't get to -- doesn't get to, frankly, you know, any of the earlier plans in this area as well. Beginning with the town lake corridor study and all of the others that talked about the exchange -- the exchange of height and more density in an area that is, you know, of public interest without those community benefits. That was always designed to be a tradeoff and a balancing of interests. Um, I had a couple of questions back to the presentation, and I'll try to make these really quick. Can you help me to understand why district cooling, that was one of the central elements, why that is -- why that is not part of the regulating plan? I think that you spoke to the investment, and maybe it is strictly an investment issue?

>> So it's not -- it's not

[8:37:34 PM]

envisioned as something that would be part of the regulating plan, which Greg went over earlier. But in further conversations with Austin energy, I'm not sure that, um, that we're in a position that is built into their capital plan right now. If we were to see the -- you know, the plan really moving into full implementation, right, when we're in past conversations about the ters and the regulating plan, I think that is potentially something that we could see how the properties, all of the individual property owners, might want to band together to see how we could implement that, and I think that there's space for that. But it's not envisioned to be something that we require or that is -- that is an aspect of the regulating plan. That just takes us more into implementation discussions. And how we can coordinate that kind of activity across all of the property owners in the district.

>> Tovo: I'd be interested to hear from Austin energy about what the timing of that looks like. If you don't plan for it upfront, I imagine that changes

[8:38:35 PM]

how some of these redevelopments are designed.

>> And I think that if you -- if you see some of those, and there was a graphic in the powerpoint presentation that spoke to district cooling and like green infrastructure and stormwater. And I think that

some of those are even -- you can see those being built into, um, the pud that is in front of you today. So I think that some of the properties will choose to build that and incorporate those aspects into their own properties but the district-wide cooling is something that is harder to figure out how we coordinate. Based on my conversations just this week with -- with, um, with Austin energy.

>> Tovo: Okay, thank you. Maybe next time we can hear a little bit from them as well. But, thank you. That is very helpful. The transfer of development rights, again, I'm not -- I agree with -- I think that it was you, Mr. Dutton who said that there needs to be a city-wide -- it needs to be more of a city-wide effort and I think is exactly right and I would just highlight that this is another area that this community has talked about it

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again and again, gosh, long before I was in council and I went to downtown stakeholder planning meetings. And they were talking could the transfer development rights be useful for places like the warehouse district. And then Mr. Subtle had a case recently whether the transfer of development rights could be a tool there. So, you know, I really think this is an important strategy that we recognize the need for multiple times and, yes, I think that it should be something that we look at city wide, but it could also be of help here. So I hope that will be a project that gets picked up. I'm not sure why it didn't move forward on the timeline that was outlined in the south central vision plan, but I think that it's -- I think that it's a value. And other communities have used it super successfully.

>> And we've had instances where we have looked at that within the city and it's just not something that we have cracked the nut on, and we're not giving up on it, but it's just something that we have not cracked the nut on.

>> Tovo: I hope that we could take a careful look at it. And the parking management

[8:40:38 PM]

district. And I was intrigued what you said about have not been proven successful locally. Could you talk a little bit about that comment? Because we have them -- you know, we have several in my -- in my district at Miller, I believe, and west campus and now on south congress. Did you mean --

>> I think it's more intended that it's not been, um, it's not generated the revenue, that's my understanding. And if Jerry was part of those conversations and I think that he stepped out, so we might see if he's able to share any perspective on that. But it's been more that we have had planning for those and, again, it's just not really come to fruition in the way that we had anticipated or thought that it might that would be a really more significant contribution to the overall picture there.

>> Tovo: It would be helpful to get some numbers on those, because it was my -- it was my assumption since we kept moving forward with them that they were proving successful. So it would be interesting to see what that measure of success is and where the existing

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ones -- what the existing ones look like. And I guess that is it for me now. And thank you, this is very helpful.

>> Jerry is coming back in but we won't make him run down here.

>> Tovo: It doesn't need to be tonight.

>> Thank you.

>> Mayor Adler: Two things to wrap us up and the first is that I appreciate Patricia Alvarez for coming here and I want to tee up the same question for you and adc, do you have thoughts on this discussion that we're all having here, the role that it might play or suggestions that you would give to us.

>> Yes, good evening, mayor and council. And to work on complicated districts like the south central waterfront. So, um, you know, we are -- we are up and running and we have a three-person staff and we're contracting and already working on block 16 and 18. You know, this -- I recognize how complicated this district is and we're ready to help and

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ensure the community benefits that you guys -- you know, as some have said that you direct us for. So I don't know if you have specific questions, but I'm here to listen. I have spent the past six months getting ready for this. So just -- we're just ready to hear where you guys direct us.

>> Mayor Adler: I appreciate that. I just wanted -- you haven't been in front of us very much and I wanted people to, again, to see who you were. And councilmember vela, did you have something? Okay. So I think we're all set.

>> All right, thank you so much.

>> Mayor Adler: Thank you very much. And the last point that I would make is that as we leave this -- and listening to a lot of the speakers come up today and it's kind of a recurrent thing that we're referring to what we're doing in the district here as being a developer giveaway and no one likes developer giveaways. But I would suggest from everything that I am seeing on this, that there is no developer giveaway of any kind. It's really misleading and it reminds me of the discussion that we had on defunding the

[8:43:43 PM]

police, actually. It is my intent, and I'm sure everyone on this dais to extract from the developer all of the community benefits that we possibly can extract. I think that it's more likely that we're actually going to be able to get more community benefits from the developer in the south central waterfront than we do in most other areas of the city. And more in this part of the city, if we're willing to create the conditions where developers will be able to give us greater extractions and -- and exactions. But that's going to require the building of infrastructure investments that are above and beyond what we can legally or reasonably require of a developer, or that the developers can do, and would do, tracts by themselves. And the city has to decide what it wants that part of town to look like. And then the city has to till

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the ground and set up the infrastructure and the capital expense and everything to make it be what it is that this community wants. And there are two different places that we could go, and there's a fork in the road, and that is not a developer giveaway, that the city acting in its self-interest to its very, very, very core. Yes, mayor pro tem.

>> Alter: I'm curious to what degree the adc is involved in the regulating plan process?

>> So the regulating plan right now are being driven by staff. But when we're ready to have the public conversation, we will surely bring in the edc, I know that Mr. Dutton has been working with the chief transactions officer, with the edc, to help to guide the decisions and to inform the decisions that are going into the regulating plan. But that is -- we see that as a staff deliverable.

[8:45:46 PM]

>> Alter: I understand that it would be a deliverable from staff, we set up this organization to provide these insights. And so I just want to make sure --

>> We are.

>> Alter: That there's the coordination.

>> Um-hmm.

>> Mayor Adler: Okay, great. Thank you very much. Thank you.

>> Thank you.

>> Mayor Adler: Councilmember Renteria, did you have something?

>> Renteria: Yes, anyway, it's been a long night. Um, I do believe that -- that we have an opportunity here, you know, and I don't want to lose it. I have seen it in the past when we did cure and we asked so much without giving the opportunity for them to be able to get a return on their money that they just built what they were entitled to. And if you could see Rainey now, we didn't get any affordability

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out of it, we don't have any affordable housing at that time. And so I really do believe that we need to treat that area just like downtown. And with the entitlement, and the community benefit that we'll get out of it.

>> Mayor Adler: Thank you. Councilmember harper-madison.

>> Harper-madison: Thank you, mayor. I think that I'm probably going to echo what councilmember Renteria just said to some degree. I just feel like I need to make sure to point out during the course of this conversation that, um, I had some discussions as of late that lead me to believe that my original concerns are unfounded, but I do want to make sure that I say, you know, that south central waterfront doesn't exist in a vacuum. You know, there's other big projects out there, you know, for which we'll be younged by

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our actions -- judged by our actions and more importantly by our inactions and one is colony park. So as we're having these discussions about this project and funding gaps and such, I just want to make sure that I always point out that I have a big project in district 1 languishing with a giant funding gap. So, those are always the kind of things that are in the back of my mind as we are having these discussions. So these two discussions -- or this discussion and that discussion for me are happening simultaneously in my mind as I'm thinking through the best path forward.

>> Mayor Adler: All right, thank you. Colleagues, are we ready to move on then. All right, staff, thank you very much. And this is yoman's work and especially when there's a change in direction, I know that it makes it that much harder, so, thank you. And let's see if we can get through some of these items here quickly. And the next -- sorry -- next thing that I will call up is item number 59, which is the pan

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am renaming. I think that we debated this and discussed this, I'm going to recognize councilmember pool to make a motion.

>> Pool: So, let's see, I have a motion right here to pass out. And I hope that this will be seen as a good compromise for all of us. In particular my colleague, councilmember Renteria. And once -- and as that is being passed out, I'll go ahead and read my motion and then if I get a second I'll speak to it. So, I move to rename the pan American neighborhood park in accordance with the park's and recreation board recommendation of 2022, 06-27-b6, which is in lieu of renaming pan American neighborhood park a plaque should be to honor Tony Castillo

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and his achievements to this area and any related application, or administrative costs shall be waived to the applicant by council.

>> Mayor Adler: Been a motion. Is there a second to that motion? Councilmember vela seconds that motion. Any discussion?

>> Yes, mayor, and the reason that I was supporting Tony and renaming the park is the contribution that he made to our community. I remember the day that -- that I first got my first job working for the city through the lbj property, and then the money through the model city, and my job was to teach youngsters how to hit a ball. With a baseball -- and baseball. And I didn't know how to do that. I had never played baseball before. I didn't have the opportunity.

[8:50:54 PM]

I grew up in an area where there was no parks. There were no toys -- no equipment -- sports equipment. And I had people like Tony -- there's another one called buster capcino, who actually took us all under and taught us how to play sports, how to keep scores. And that was -- a mentor that really set me off and really wanted to accomplish things that I would never have been able to without having people like that that actually worked with me and helped me and mentored me. And I think that he's a great person. I mean, he is one of the most respected people in east Austin, especially when it comes to education and working with children. And I was a board member there for 20 years, I was the treasurer. You know, we raised the money for all of our activities back

[8:51:55 PM]

then. Of course, we were able to share the revenue from the vending machines that we had there, until we found out that wasn't a very healthy thing to do.

[Laughter] Drinking cokes and all of the candy. But those were different times. So that's the reason why I really, really supported this. I did make a recommendation too that, you know, I didn't think that he had

the votes of the board, on the council, but his son wanted to continue it. And -- and since -- it seems like I'm not going to be able to get the support to rename the park, I really appreciate that we can set aside some funding to make sure that that really becomes possible. We do offer a lot of -- of promises and hope, but we never

[8:52:55 PM]

fund them. And that's always been a big problem when it comes to parks and sports. And I am not going to be voting for it, but -- because of what I have just said. But thank you all.

>> Mayor Adler: Thank you. Colleagues, I'm really proud that we have the opportunity to give an honor like this to Tony Castillo. We don't do this kind of thing very often, and we're doing it here, and I think that it's really special that we are doing this. I didn't get a chance to meet him. But I will just relay to you really quickly because it just happened to me is that in that break that we took -- when we were listened to the music -- a gentleman came up to me and -- and asked if he could talk. And he probably was a little bit older than I am. Told me that he regretted not being able to thank Tony Castillo directly before he died. But he wanted to tell me the

[8:53:59 PM]

story -- wanted to tell me the story of his interaction with him. A great guy that grew up on the west side of town and grew up being teased by other boys and other girls and didn't understand what he could do, and he didn't know where to go. And he ended up sitting on the front stoop outside of the center while the boxing club was going on. And he didn't know -- he didn't -- he wanted to go in, he didn't feel that he belonged going in, and there was apparently another group of kids right across street from him that were making him nervous, and Tony Castillo came out and asked him what he was doing there and he took him into that place. And ended up, um, defending him being in that place to other people there that -- that didn't want him there or didn't

[8:54:59 PM]

understand why he was there. And he went on to be on the U.S. Weightlifting team. And -- and said that he owed that entirely to that man, and that man embracing him when he was a little skinny kid and was lost and needed help. The -- the very simple promise that Mr. Castillo apparently gave him was that he would help him to learn how to fight. It was just an incredible story, and I'm happy to be able to vote for a really special honor for this man. Again, not something that we often do.

>> Renteria: Mayor, also, even -- as Kay told me her story about how she knew Tony through her mother that was teaching us at school, and this is how great this person is.

[8:56:00 PM]

When people still remember through their parents what a great guy that he was.

>> Mayor Adler: Councilmember

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I really appreciate these comment. It's clear this is a person who touched a lot of people in the community in a very impactful way. I committed to one of my constituents who happens to be his son that I would support the measure of the renaming so I'm going to follow councilmember Renteria's lead, but I appreciate that even folks who may differ on the opinion have found a workable solution to honor him.

>> Mayor Adler: Let's take a vote -- councilmember pool.

>> Pool: I just wanted to say a couple of things. I just wanted to say as I understand it the pan American park was so named to celebrate the community of the Americas. And the renaming was a bit of an issue and through this substitute motion we can continue with the pan

[8:57:00 PM]

American name that is clearly beloved while we also ensure that community leaders who make such significant contributions like Tony Castillo are honored in a meaningful way and this way to honor coach Castillo with a plaque with describe his long history and dedication to mentoring and inspiring young people. And that's what the parks board is recommending, that's the focus of this motion. And a plaque can Austin tell a story way beyond a simple renaming. So I also just wanted to signal what we're hearing today and the communications on this issue of renaming public assets to me illustrates the need to review the parks naming ordinance and consider an update. And in the future we may be able to and the ordinance to raise the threshold for the naming and renaming of parks so the community can really embrace and celebrate those that we intend to honor with the consensus.

>> Mayor Adler: Thank you.

[8:58:01 PM]

Let's take a vote. Those in favor please raise your hand. Those opposed? And on a 9-2 vote this item passes. Thank you.

[Applause]. All right, let's go to the next item, the rowing club issue. It's item number 85. 85.

>> Tovo: Mayor, I would like to move passage and if I get a second I will offer amendments and allow others to come forward with this.

>> Mayor Adler: Is there a second? Councilmember pool seconds this motion. Councilmember tovo.

>> Tovo:

>> Tovo: The first amendment I would like to introduce is the one I distributed on the dais amending version two to include some slightly altered language to line 95. Does everybody have that or shall I read it aloud or both? I'll read it aloud super quickly. The city manager is directed to coordinate with the Austin rowing club to extend

[8:59:01 PM]

the Austin rowing club concession contract, the arc concession contract to 60 days prior to 60 days before the demolition of the boathouse. All other terms of the epic sup contract and the arc concession contract shall remain the same.

>> Mayor Adler: Can you explain what that was intended to do?

>> Tovo: I think there was some -- it doesn't change what the earlier draft said, it just clarifies it a little bit. This has been a long saga. It started off as a resolution, as you know. I will tell for the rest of my colleagues, it started off just being about coming up with a solution for the Austin rowing club and then epic sup was sort of integrated into the resolution and this paragraph it just ended up being very awkward because they're not exactly in the same -- they're not coming and going from the same

[9:00:02 PM]

places. And the original version two -- the original version two made it sound like they were both moving the same. So it just fixes that piece.

>> Mayor Adler: Does it suggest that the contract they're moving into needs to be the same as the contract they're moving out of?

>> Tovo: That has been the request. That basically the provisions of their contract will remain basically the same.

>> Mayor Adler: And my only concern with that is I would anticipate they would tear down that building, they're going to build a new building, which may or may not be like the old building and it could be that the rowing club wants more things or restaurants or store or other kinds of things. It might not be the same place. And I don't want people

[9:01:02 PM]

trying to make that different place fit with the -- I understand the intent. Don't want to be any less favorable to them than current one, but I also want to give them and pard the opportunity and some flexibility in doing that contract. So that was my concern where I read -- I think it mated it inadvertent because that's not what you said the intent was.

>> Tovo: And this is really about what happens to them in their transition. I'm comfortable with that and I believe that that's more or less the way the staff understand it. I'm not seeing -- there's Michael whellan. I guess I would invite Mr. Whellan to just confirm that we're all on the same page here.

>> Michael whellan on behalf of Austin rowing club. My understanding is that it is to continue the concession contract as it is until they're kicked out of

[9:02:03 PM]

the demolished boathouse.

>> Mayor Adler: So this doesn't speak to the new concession contract.

>> No, it does not. That's my understanding, been my understanding all along.

>> Mayor Adler: Can we get the word existing -- rid of all the existing epic contracts and arc concession contracts? Any objection to that existing in there for that? Does anybody have an objection or concern with that amendment otherwise?

>> Tovo: Hang on. I'm so sorry, I didn't realize this earlier. Just one point of clarification. It says all concession contract, they have a contract with the trail foundation. I think we intended to get that language out of there and it's back in. So let me just say -- I know this has been reviewed by law and they may be okay with this.

>> Mayor Adler: I think they have a sublease.

>> Tovo: But they're agreement is with the trail foundation, not directly with the city.

>> Mayor Adler: So it

[9:03:04 PM]

could say all the terms of the epic sup lease. I don't know because there's a contract in --

>> Tovo: Okay. So they have a concession contract but it's with the trails foundation. So let's just leave it as long as the understanding is --

>> Mayor Adler: Sounds right to me.

>> Mayor Adler: So with no objection to that, that amendment is added.

>> Tovo: And either you or councilmember Renteria had an amendment that looked good and maybe you'll introduce now, but I'll accept it as friendly.

>> Mayor Adler: Sounds good. That's the one that councilmember Renteria and I worked on that basically says with respect to epic we're asking for them to take a look at how we accommodate that and they're interesting in staying out there too. So even though we would have the right to go to them and say this is a temporary thing, it's over now, sorry guys, I want you to come back to us and tell us what makes sense in anything that would make sense to be able to accommodate them. That's been handed out. Councilmember Renteria?

[9:04:06 PM]

>> Renteria: Are they going to also be instructed when they go back, are they going to work with all the stakeholders? That are concerned about it? Thank you.

>> Mayor Adler: Any objection to that amendment being added? Hearing none that amendment is added. Councilmember Ellis, I think you had an amendment.

>> Ellis: I did. I handed it out a little while ago. But it adds in to line 67 to 70 of version two. The language as it already read was the city manager shall provide council with a plan for financing the boathouse and dock design, engineering and construction. So this is all the original language. And then my amendment adds in to the extent practicable and legal and then continues with the original language of the financing plan shall include funding from project connect for the condemnation of the waller creek boathouse property and shall not include city funds.

[9:05:06 PM]

This this be approved by project connect and the pard director. I know we talked about this on Tuesday, but so we're in compliance with the voter language and not specifically excluding city dollars, but just saying we would not prioritize that.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I do have some questions about that. I guess my first one would be the comment to the extent it's legal. And I think we've asked our law department to talk about that in the past. We typically don't say that because we would never be directing anything that's not legal. So I guess I would just ask our city attorney her opinion on including a direction that says to the extent that it's legal.

>> I don't think it's necessary in there.

[Inaudible].

[9:06:11 PM]

>> Tovo: I would hate to sue assume that if we don't say it's legal that we're giving them direction --

>> We would never say to put it in there. It's preferable to take it out.

>> I think it's fine as long as the practicable part stays in. The parties are all having this conversation and it will continue.

>> Tovo: I'll go with the will of the dais on it. I'd be interested in hearing others. I think we should strongly -- I think we should use our partnership and our role in atp and our role in joint powers agreement to do everything possible to make sure that the city is not using city funds, our very scarce dollars, to have to reconstruct a boathouse that we just frankly built within recent history. So I would -- if it's the will of the dais to say to extent practicable, I would say that's fine and that's certainly a fine

[9:07:11 PM]

path, but I really hope that financing plan is going to identify a source of fund, including from project connect. I think that's the right -- I think that's the right path because but for project connect that boathouse would be there for decades to come.

>> Ellis: I see where you're coming from that and I know with the overlap of the state parkland rules, I want to make sure it's not just about us, but involving multiple entities. But as the city attorney says, that is understandable so that's the only reason I made the language, but I was concerned about the word legal.

>> Tovo: I was talking about the practicable part. I want there to be a strong statement about where we expect this to be funded.

>> Mayor Adler: I think the strong statement is still there. My issue on this language is that I'm not sure that everyone what gets built back is what is going down and obviously the city needs to be compensated fully for what's being taken, but it

[9:08:12 PM]

could be that the city chooses to build something back that's even bigger and the atp is not going to be responsible for building back something that is bigger and different from what is torn down. It may well require city funds at that point if the city decides to do that. I'm okay with the language you have here

because I think it sets a statement and any desire or need that require city funds are required to come back to the city council anyhow. So at that point whether this language is here or not it will be coming back. I would suggest that if we keep to the extent practicable that we keep both those statements in there. Go ahead.

>> Tovo: That's fine. And I don't see anybody else having comments. I'll accept it as friendly. I have one more --

>> Mayor Adler: Hearing none, that amendment to the extent practicable, those words are added. I didn't read into the language that renteria-adler amendment before has to do that. The amendment just says the city manager is further

[9:09:12 PM]

directed to provide a recommendation to council as to how epic sup continues possession on lady bird lake might be accommodated. Thank you. Presence on the lady bird lake might be accommodated. Okay. Councilmember tovo.

>> Tovo: Mayor, the last thing I wanted to mention, and I see Mr. Hays at the dais, and so I have -- I have a comment and I'd like to ask the question of the city staff. I'm not sure how this is going to move forward, whether it will be a renovation of what's there as a hostel or a brand new facility. And I know there's a strong interest from eroc and others to have a community space. So I wanted to ask our parks department, I have added language in there that if there is space that -- if there's space that allows -- if the renovation or the new construction if that's an

[9:10:13 PM]

option has the space to accommodate community groups that that space be offered meetings for free for groups like community organizations and neighborhood associations. If there is a plan to renovate and/or create a new space, I assume you would have a stakeholder process that would involve the community, including roc, but I just wanted to ask our parks department to -- to confirm that.

>> Kimberly Mcneeley serving as the parks and recreation director. To directly answer your question, yes. No, the design has not been completed yet. Yes, there will be a stakeholder process for that design to be -- to be completed. It's just part of the standard way in which we do business. So we've identified a location and the next part of that would be feasibility study and then a design charrette or a community engagement. And we have already spoken that at this particular point in time before that --

[9:11:14 PM]

while that building is still in existence that we're going to work out some way to accommodate community need immediately and then of course we can -- we'll include individuals such as roc. And I'm sure there's others that would need to have some community space.

>> Tovo: So I think just so we can capture that, what your process already is, I think I would suggest adding to line 81 the design process shall include community engagement and input. Is that --

>> Mayor Adler: Anybody have objection to that? Hearing none those words are added.

>> Tovo: I don't know if -- did you have a question or I guess I should ask if the mayor is comfortable with that. Did you have any feedback on this?

>> Yes, thank you for allowing me to speak. Malcolm Yates, roc contact team chair. A couple of requests, number one, that it be recognized that the roc contact team

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is a legitimate stakeholder. And number two, what we would like would be direction from council that actually says in the resolution that the property of the former youth hostel will be a public facility that can be used by civic organizations. There will be some space in this new facility for civic organizations. Thank you.

>> Tovo: So there is language that I believe you added that talks about the boathouse design should create a facility related to the trail and community and which provides public amenities such as restrooms.

>> Mayor Adler: Right. And I was trying not to --

>> Tovo: Which is not I know what you are requesting.

[9:13:17 PM]

>> Mayor Adler: I was trying not to be prescriptive of the programming on the space until you have a process to go through. It makes sense to do. If we start listing that the concern is what are the other things I want to make sure that I list in there too now or do we open up for community engagement to be able to program space. I don't know what fits I don't know what the choices are going to be and the priority choices. I'm uncomfortable programming the space, but such as bathrooms or community space I think would be fine so that we force that consideration that we have without predetermining the answer. So do you want to make that suggestion, councilmember tovo?

>> Tovo: Sure. So line 74 after public amenities such as restrooms and community space, and I

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feel pretty confident that roc would certainly be included as a community stakeholder, but I have no objection to adding it in there, shall include community engagement and input with stakeholders that include --

>> Mayor Adler: There will be 15 names you want to put in there.

>> Basically east Riverside community organizations.

[9:16:01 PM]

>> When we have a public process it is communicated far and wide and any member of the Austin -- any member of the community is for a stakeholder or somebody who is interested in rowing or interested in that space would be welcome to attend. So I just want to make it clear that we don't say oh, you're not from this area or -- we haven't seen you as a stakeholder in this fashion. You're not welcome in this meeting. I don't know if that gives you any comfort when we say community engagement, it's far and wide.

>> Renteria: I just want to see someone from another come in and say this is our place, you know. Thank you for that. Councilmember pool.

>> Pool: I wanted to give Micah king an opportunity here. He's the the sun for sup,

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he's the representative, and I understand that there's some vagueness in the motion to the extent that concession would end at the end of this year when it otherwise might have been extended.

>> Thank you, council member. And I might just be confused. I'm trying to understand councilmember tovo's motion. It looked like the concession for epic would continue beyond the end of this year. Whereas the change it would now not continue. I'm wondering if that was the intent or if I'm just misunderstanding.

>> Tovo: I'm not sure what passage you're talking about, Micah. There haven't been changes since you saw it earlier today, I don't believe. But the intent of the language that says the term

[9:18:02 PM]

should remain the same is the intent of what you just described.

>> I didn't catch that.

>> Tovo: Sorry. The intent of that last line, all other terms of the concession contract and the arc concession contract shall remain the same was to do just what I would think you would like for us to do, which is not to change the terms of when things end and start.

>> Is there particular language of concern or director Mcneeley, do you understand the concern?

>> I think it's just the uncertainty about maybe we need separate resolutions.

>> Mayor Adler: So as you come in here, if you could explain, because I had one. I don't know what rights epic has to stay in that space long-term. I don't know if you have a right to be there three years, you have a right to be there five years or if user right to be there is in part dependent on negotiation at the end of

[9:19:02 PM]

the year to figure out where to be. I was concerned that if you had no right to be there past, say, December that you could wake up one day with the notice in your mailbox that says you don't have any right to be here past December so you have to move. So I tried to pass something that didn't give you a right to be there past December because I don't want to bestow a right that you don't have because I don't know what's involved in that or to see what it takes to do that. But I wanted to draft language that says to our staff we want you to take a look at how it is that we might have continued an uninterrupted presence of epic on the lake and you have to come back to council. So those were the best I could come up with with protections for you without actually bestowing on your right what you have now. I don't know what that

[9:20:03 PM]

means.

>> I appreciate that very much. So I guess my request would be if we could come back. I think this might merit a separate resolution for the loose ends for epic.

>> Actually, it requires them to come back to council. It requires pard to come back to council to provide a recommendation to council as to how epic sup continues an uninterrupted presence on lady bird lake might be accommodated. I'm not sure there's much more we could do at this point. When it comes back if they recommend you're gone or recommend you stay, other people might come in at that point and say we want to be part of the conversation too, but the recommendation comes back to council.

>> Tovo: And just as a reminder, the relationship, your contract is with the trails foundation.

>> I was going to say the complexity to this is that council has directed us previously to enter into a relationship with ttf, with

[9:21:05 PM]

the trail foundation to allow the trail foundation to enter into a relationship with epic sup to be in the location that they're currently in to be able to provide standup paddle board services in that location. So we also the second complexity is or the second item to just think about is that we just recently signed an agreement negotiated and executed an agreement with the trail foundation that does give the trail foundation an opportunity to have concessions in their space but they also have to follow all the rules and regulations associated with -- with concessions on lady bird lake. So there is a path forward. There is not a representative here from the trail foundation, however, I did talk with their CEO Heidi Anderson who did assure me that they would be interested in continuing this relationship and so it

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would be a matter of us following the rules and regulations already established for us in the previous resolution and the agreement that the council has already given us permission or approved us to negotiate and execute and then be able to continue that relationship with epic sup through ttf. It looks like I might have made it clear as mud.

>> Mayor Adler: I recognize you have -- your privity is not with this group, but with the trail foundation, but how you deal with the foundation on this issue might very well impact their continued presence. So what this says is you can't just deal with the person that you have privity with to the degree it has an impact on their continued presence. Because what you're being asked to, and it may be part of how you deal with the trail foundation, that may or may not provide for a

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continued presence. But it doesn't mandate the continued presence. It asks you to look at it and then come back to council with your recommendation.

>> Right. And I'm telling -- I guess what I'm trying to communicate to you is we would do that and we would do that in the context of the two -- the resolution that you provided us and the agreement that's already existing.

>> Mayor Adler: Sounds good. Is that okay? All right, thank you. All right. Have we voted on this one yet? All right. Let take a vote on this item. Those in favor of this item 85 please raise your hand. Those

opposed. Councilmember harper-madison, you with us? Okay. We'll let that vote reflect 10-0-1 with councilmember harper-madison off the dais. The next thing we have is

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license plate reader matter. Is the chief with us? Councilmember Kelly, do you want to lay this out? Make a motion?

>> Kelly: Yeah, I would like to make a motion to move forward with the discussion on on the item and to postpone item 90 to our next council meeting.

>> Mayor Adler: Okay. Is there a second to that motion? Mayor pro tem seconds that motion. So it looks like we're going to push this off for two weeks, probably involve a lot of discussions about what the elements should be, could be in that moving forward. As I have expressed to some most of my colleagues on the dais this morning I'm going to vote for this and I'm going to search for the next two weeks in a way that enables that to happen, but

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still provides real protections. And I think there are a lot of suggestions that provide even greater oversight or greater control and I want to try to explore those. But I don't know, councilmember Kelly, for you want to ask a question or ask the chief to respond to the kind of things that he's heard and share with us what he wants us to know.

>> Kelly: It's my understanding that the chief has prepared a presentation to us today so I would like very much if we could go through that and then we could all ask questions.

>> Mayor Adler: Cool. Let's do that.

>> Thank you, council member and good evening, mayor, mayor pro tem, council. Joseph Chacon, police chief. I believe there's a presentation that's cued up if you could bring that up. What I wanted to do was simply present what automatic license plate readers are and what they're not so it can generate some discussion and any questions that the

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council may have. And talk a little bit about policy. I realize it is getting late in the evening so I will try to power through this pretty quickly and then take any questions that you might have. Next slide. So what is an automatic license plate reader? It's simply cameras that are either fixed or mobile if. If they're mobile generally they're on vehicles. And they do quick scans of license plates of vehicles that are

passing by those cameras. That data is then logged into a database and depending upon the retention that database it resides there until it is purged. It provides very basic data, basically the date and time of the -- of when that vehicle was logged, and the location of where it was logged. The data is automatically compared to a different

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database that is a hot list of vehicles that might include stolen vehicles or vehicles associated with missing or endangered persons. These queries are automatic and they provide realtime alert and feedback to officers in the field. Next slide, please. So law enforcement require the use of many different types of tools. This is simply one of those tools. It is a very powerful tool. However, no single tool is the one overriding and just kind of complete answer that is needed to be able to solve crime. We need these type of tools and given our staffing it's important for us to leverage technology and to be able to use it to be more effective in solving crime, especially violent crime. I'll talk about it is a quick and efficient support system for human sourced police investigations.

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In other words, we're not using technology to try and generate crime reports. This database is used to be able to support investigations that are reported by community members to the police department. It alerts law enforcement to crimes in the moment and then importantly it helps to facilitate investigations through vehicle location, data from the past. So I'll explain how that happens, but really the tool is a forced multiplier. Next slide, please. So again, and does not proactively when we have the license plate reader database research data for the purpose of finding new criminal behavior. The data is only utilized in response to reported crimes and any data that is accessed is designed to

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assist investigation of the crimes that are supported by community members. Next slide. We talked a little bit about the retention policy and why it's important that it is longer rather than shorter. Question need to be able to have data that is historical. There is no single national requirement regarding how long data should be retained. We do know, however, that the more data we have access to and the farther back in time that it goes the more likely we are to be successful in solving numerous crimes. Prior to the termination of our Ipr program in 2020, we kept data secured for up to a year. The data provided -- proved invaluable in solving numerous cases involving real threats to individuals and to the community at large. The longer term data is used for a very specific purpose

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and that is to solve crimes and save lives. It's crucial that and has access to the greatest amount of time that the council feels comfortable with allowing us to be able to retain that data and I believe that the original resolution called for 30 days. This level of data allows us to look back in relatively small window of time to identify and locate vehicles that can be leads in these crimes. It helps to locate and recover missing persons, including amber and silver alerts, and it also helps us to respond to crimes in progress to stop criminal behavior and keep the community safe. Next slide, please. Some of the amendments that have been suggested include a three-minute retention policy. The three-minute retention would be able to help and to

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quickly identify vehicles that had been previously been flagged as stolen, involve with a missing or endangered person or perhaps involved in a kidnapping or amber alert. However, they only work if that information is already in our possession and that information is in our database that is doing the cross check. In other words, it's already on our hot list. The three minute prevention would prevent technology from supporting police work that require more investigation into other types of crimes, including murders, sexual assaults, robberies, shootings and other violent behaviors. Next slide, please. I wanted to go ahead and highlight just a few stories. Just broadly I can tell you that lprs can be used for a number of types of investigations including narcotic trafficking,

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investigations, investigations for trying to recover stolen vehicles, the murders and other types, but there were a few that stood out as being pretty profound in demonstrating the value of the lprs. In 2016 a local teacher befriended and sexually assaulted a 16-year-old student. After his initial arrest the teacher bonded out of jail, moved to Lubbock and threatened online to kill the victim. Shortly after that threat he traveled from Lubbock to Austin to carry out the murder. Lpr's successfully located his vehicle at a hotel where he was taken into custody before he was able to find the victim. The officers found a loaded revolver, zip ties, numerous ties and duct tape in his vehicle. Without the longer term data retained through the apr program we might not have located that suspect's vehicle prior to the suspect

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following through with his threat of violence. In 2019 two suspects kidnapped a child from a school bus stop. They had already attempted to abduct another child earlier. Their intention was to sexually assault

the female but she escaped before they could follow through. The apr system led the suspects directly to the location of the vehicle where they took one of the suspects into custody and obtained a full confession. The two suspects were arrested before any more juveniles were placed in harm's way. And then finally in 2020 a violent serial shooting spree occurred here in south Austin that spanned several months. The suspect that was driving a particular kind of vehicle shot at numerous vehicles during various road rage incidents. Innocent people were shot and some suffered serious injuries with one person who died. The alprs were instrumental in locating and identifying

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the vehicle and eventually it led to the suspect's location and arrest. Next slide. Very briefly our policy and what I'm doing is quoting policy that was in place prior to the suspension of the program. The apr databases do not contain pii, personally identifiable information. And does not use alprs for parking enforcement, the collection of parking fees, traffic warrants or any kind of a warrant roundup. An audit is conducted and there is a clear audit trail that exists for every single login and every transaction within the system. The and professional standards audit have been conducted orderly audits to ensure compliance. Misuse of the system can include discipline up to and including indefinite suspension as well as criminal charges and and has

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held officers to this level and we have had officers that have been criminally charged for misusing official information. Past audits of the use of APD's alprs show 100% compliance with appropriate usage. Next slide. Alpr data is only available for law enforcement use. This includes criminal investigations, law enforcement related purposes. The data and system is the product of and, will not be sold, transferred or distributed to any non-law enforcement entity. Again, this we could not allow the system to be used for any warrant roundup or collection of past dues and this has been adjusted based on the resolution that data in the system is purged after 30 days. Next slide. That's the short presentation. Again, I wanted to keep that pretty brief and allow time

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for questions and any discussion that you may have.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you. And thank you for that comprehensive presentation. I'm wondering because there has been some discussion about the office of police oversight, how involved could they be in an auditing process?

>> You know, the office of police oversight obviously has the defined role making sure that if there are allegations of police misconduct that they are overseeing those investigations as they take place. And I also collaborate with the opo director on any updates that we may be making to policy that might be appropriate for them to look at. As far as the actual auditing process itself, my recommendation is that not go to the office of police oversight. They don't have folks in there that are really

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skilled in conducting these type of audits and quite honestly I don't think they have the bandwidth to do it. My recommendation if you want to take that outside of APD is to put it with the office of the city auditor and have those folks either review the audits or conduct the audits.

>> Kelly: Thank you. How effective would the proposed apr program if the scope was limited to only specific crimes? Would it make it more challenging to utilize?

>> You know, just based on some of the amendments and suggestions I think that have been made, obviously it's trying to kind of target in on things like felony offenses, kidnappings and so forth. What I worry about is what are the offenses that were missing? I think that there's a number of reports of crime that happen in the city that are important to the citizens, just as important

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as the ones that are named. And I would hate not to be able to use an important tool like this to help solve those crimes for those citizens as well. So my recommendation is not to put limitations on it apart from what we have said that we definitely will not use the system for. And then audit and hold the department and myself accountable for making sure that we're using the system correctly.

>> Thank you for that. When you talk about the audit can you explain in more detail what that looks like? I think there may be some confusion, I think there was for me approximate before I fully understood how an audit worked. Even on a daily basis it's audited.

>> Certainly. Over time that the system is accessed by any person that is authorized to get into it, there is an automatic requirement for them to

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enter the case number that has related to, the type of offense and then all of the data is logged, including what terminal that the access occurred at, the date, the time, and who the user was. That

information goes to the risk management unit who then goes back on a quarterly basis and checks those log entries against the cases to make sure that the system is being used correctly.

>> Kelly: Thank you. One of the things that we keep hearing about the license plate readers is that it's a form of surveillance. Would you consider this a form of surveillance? Why or why not and how does it differ?

>> I think that when people hear the word surveillance I think that that conjures up an idea that and is actively looking or logging and making sure that when I

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think about that I would think that they're tracking my movements. The system -- I think the problems that we've seen with departments that use alprs and any misuse is because there hasn't been a good policy that's been in place to help guide a department to make sure that those abuses don't occur. We have -- before we ever put the system in place had a very robust policy that ensured that officers would only go into the system for valid reasons that any information that came out of the system went directly into the case file and was used to support the investigations, and then after the prescribed period of time the information was purged. We also have the ability to restrict who can see our data, including other law enforcement agencies. We would be the only agency that has direct access to

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our data and so that other agencies don't secretary that same ability that we do. So as of that to say that we're only as I mentioned in the presentation going into the system to -- if we have a report that a crime has occurred at a particular location on a particular time and date, and not surveilling or keeping track of people's movements in that system.

>> Kelly: Thank you. I believe it would be very helpful for this council to get a copy of your previous policy so that we can review that before we come back on this item.

>> Absolutely.

>> Kelly: And my last question is who within the department should the data be available to in order for it to be effective? Do you find any Vietnamese or disadvantages for us to limit who can access that data in the department?

>> I think it's important that any person who has a legal need to get to the data should have access to

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it as well as everyone down to the street level officer needs to be able to have access to the data. And the way that they accessed the data is again through the hot list notifications as if they're on -- mounted on vehicles and they're mobile and they're getting those hits immediately that a stolen vehicle just drove past them, they need to have access to that data so that they can take action upon it. So we have a lot of safeguards in place and things to make sure our officers are doing the right thing but we've also entrusted them with other tools that are very similar to this and have to have that same trust so this tool really is in that extension no different than the other types of databases that they have access to.

>> Thank you. And mayor, I'll have a closing statement but I'm finished with my questions for now. Thank you very much.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I have -- I

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just want to signal the kinds of questions I have. We don't need to go into detail right now. And as the mayor said, I can say also, I do intend to support this because I think that there are -- I think that we can get sufficient protections in place to address the concerns that people have raised. So one thing that I want to highlight is data securitment and so I have a lot of questions about the system itself. And access to the system, things like rule-based access, passwords, user ids, things like that. So we don't need to go into that detail right now, but I'm going to want to understand what's in the system, but I would like to see a process -- let me back up. If you have a description of the security protocols that are in place, then I would

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like to see that. I'd like to know that the security protocols have been reviewed by our city security officer. Because I'd like to know that we're using best practices in terms of data security. So that's -- there's a fair amount of detail to that. We can talk about that offline. But I think that that's important in terms of understanding for ourselves and also assuring the public that what we're doing when we're checking this data, we're storing it in a system and our access to that system uses the best practices with regard to accessing it and pre-king against both misuse and hacking and different things like that. And also I want to make sure that the auditing is. The type of thing that -- to my mind there's two

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different things when you're talking about auditing. There's the daily kinds of auditing that had been audited to provide alerts. If there's something' -- if there's access that's not authorized. And then there's the look back kind of auditing that occurs on a regular basis, quarterly or whatever that basis is, that might give you a broader picture about the use of the system. We're using terms that are calling both audits and maybe that's appropriate, but I think they're for different purposes. And I think that needs to be distinct for people. So anyway, I wanted to signal when my concerns were. I posted an amendment on the message board. It may or may not be the right language. That's something we can talk about. But the goal of it is to make sure that we're using best practices with regard to data security.

>> Thank you, council member, we can definitely provide those security protocols.

>> Mayor Adler: Chief, real fast, in keeping with

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the same vein as councilmember kitchen, some things that I want to discuss with you or staff next week is we try to craft something that shows where the Venn diagrams fit on top of each other. One concept is -- one of the big issues we hear from a lot of people is fear that this will be used by the federal government and ice or immigration or used by the state for access do reproductive right to health care. So considering something that -- what we know is if we get a request from ice or from the state any information we have we're going to be legally bound to turn over. At the same time we think it's probably unlikely that those kinds of requests would be made of us. And it seems that if the one way to think about this veteran diagram concept here would be to say that if

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there would be a request that comes from the federal government or a request that comes from the state that at that moment further collection of data is suspended so that you have an opportunity then to come back to the council and say okay, we've gotten this request and this is how I've resolved it. So that if there's new information that we need to produce it's limited by the 30 days or however many days we have but we're not continuing to accumulate more data if in fact that kind of thing happens to us. I want us to consider that. It's very unlikely that it would happen, but if it does and it's running straight into the fear that some of the people in the community had. I'd also like us to take a look at this in terms of having sunset provision associated with it. If you can accumulate the kind of data that people talk about and demonstrate its effectiveness and safety and in realtime we can put something on there that says a year from now it has to be reengaged by the city

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council and we would have to come back. But at that point there would be more information from a year sponsor. There was the prior license plate reader work that was done. Are there audits or other kinds of things that were done back then on that system that we still have?

>> We do still have them, yes, sir.

>> Mayor Adler: And is there information in there that's protected or confidential on that we -- that is not published for people to see?

>> There would be information in there that's confidential.

>> Mayor Adler: Would there also be information that's not confidential, the number of times it was used, how it was used, where it was used, that kind of stuff?

>> I can only imagine there's things in there that would not necessarily be confidential. In other words, that we would redact.

>> Mayor Adler: That or to get those -- it's difficult to react. I'm trying not to create an inordinate amount of work here, but maybe we have the

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auditor, so it's a -- your recommended site and maybe an outside person look at it that can still maintain confidentiality as our auditor does so that we might be able to talk about having that kind of -- just to see what we can learn in realtime that might guide us further on directions or rules. And the last thing I want to raise is you've indicated that you're concerned about having a list of when it could be used for fear of we forgot to put something in that we want to have put in the. We could always have a list and the other side, the stakeholder are all looking at that and saying these are the things that we intended to to be used for. So we don't think we're missing anything. We could come up with a list, but to allow for you to be able to come to the council throughout the year and say know that it's been used we realize there's this set of crimes or other things that we don't use it. Please add it to the list.

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So there might be a way to make sure that it's not something that's set that is entered in, but starts with a known set and allows you to add to it rather than starting with a large set that we don't know. And again, this is a hard issue for the community because we know there are just general trust issues and there are some various concerns. So as we're trying I think that there's perhaps a majority of this council to figure out how to do this and maintain it as an effective tool and a forced multiplier and we figure out how to do it in a way that generates the greatest level of trust that we can, given what we're trying to accomplish. Somebody else? Council member Fuentes.

>> Fuentes: Thank you. Chief, I recently went on a ride along with one of your officers a couple of months ago. Really insightful, great experience. One of the incidents that we went to, you know, is to

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report suspicious activity in the neighborhood and the officer was able to share with me that the car was flagged as a stolen car. So what type of technology allows our officers currently to be able to identify that vehicle as stolen?

>> He can run -- there are systems -- for instance, you had your vehicle stolen you would be able to report it to the police department, the license plate and the vin number would be placed into a database that is maintained by the state. That if he runs across that vehicle he has to manually enter it into the computer and it could come back as stolen.

>> Fuentes: So currently our police department does have a tool that allows us a mechanism to cross check if it is a stolen vehicle.

>> That's correct.

>> Fuentes: And then part of that incident we also uncovered fake license plate tags. Yeah, fake license plates within the vehicle.

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And I know that that is a rising trend that we've had going on when people are having fake tags, so how is that -- what's the interplay with the license plate reader if we know that it is common that once crimes are committed that that suspect may already change the license plate on their vehicle.

>> Well, I want to be sure I understand your question. When you say what is the interplay, the license plate reader is pretty much agnostic. Whatever plate comes by it's going to record that plate. So in the example that you gave, for instance, if we recovered a vehicle and there were stolen license plates in there or fake license plates in there, we would be able to run those license plates through the historical data in the apr system and determine whether any of them were in the area of this potential crime that was committed, for instance. So we would still have the ability as long as we know the license plate number.

[9:53:43 PM]

>> Fuentes: So I guess would the accuracy be affected with the alpr given the rise in fake license plates?

>> Not to the extent that it is simply recording a license plate. So if for some reason the license plate is obscured, there's something on it or it's covered, that would affect the lpr camera's ability to record the license plate. But whether it's a genuine tag or it's a fake tag, it's going to simply record the tag number.

>> Fuentes: Okay. And one of the other questions I had is right now -- with this license plate reader, would that information be shared with a regional intelligence center in Austin?

>> Being an extension of and they would have access to it.

>> And does Aric currently have access to ice and other law enforcement agencies?

>> It does to the extent

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that the Aric is under even I would say greater restrictions with how it can store and share data because it's under the department of homeland security umbrella for fusion centers. There must be a criminal or terrorism nexus related to the investigations that they store data on.

>> Fuentes: So is there any -- even if we adopted regulations on how we store our data, APD stores the data, and is already going to share it with Aric and Aric, I know there are certain instances in which the information has to be, is compelled and has to be shared with our federal government. So there is that possibility very likely to get to what the mayor was saying earlier, that despite regulations that we might put in place that information that is captured on and's lpr's still might be shared with another law enforcement agency.

>> Well, I'm not sure that's

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what the mayor said, but let me just answer that. If ice or any other law enforcement agency comes to the Aric, they have a criminal case and they request information, we are compelled to provide that information.

>> Fuentes: The other issue that I'm hearing from our community is understanding the aftermath of the dismantling of roe V. Wade and what that can do for -- on the abortion front. So what -- I just want to get your comments on having lpr's, how does that affect how our information would potentially or could potentially be shared with another jurisdiction that does choose to prosecute abortions. Any comments you want to share on that topic?

>> Well, I think it's important to remember that

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and only owns and they are did he activated 20lpr's, 20lpr cameras. There are right now literally hundreds of lprs in the city that are not owned by APD, the vast majority of those are owned privately. And private companies sell that data to anyone who will pay the price for it essentially. So, um, I'm just trying to put in context a little bit the, um, the question that you're asking -- whether any agency might have access to lpr data in our jurisdiction. I can tell you right now today they have access to that data, that lpr data, in our jurisdiction. And to a much, much greater extent than what APD, um, would

-- would ever be able to gather. The value of having our own lprs is that we can place the cameras where we need them based

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on the investigations that we're doing. And, um, we are not -- we're really not conducting investigations into any type of, um, reproductive care, or the type of things that I know that the community is concerned about.

>> Fuentes: Okay, thank you.

>> Mayor Adler: Councilor Ellis.

>> Ellis: Thank you, mayor. A lot of questions that I would have on my list are things that people would have already asked. And I will not duplicate them. But I talked to one of my constituents who knows a lot about this and we talked about the enforcement and oversight situation, whether they're mounted on cars or mounted in the right-of-way. Do you have thoughts on which one provides more accurate information? Or which type you would prefer to use?

>> I think that it's good to have a mixture, because like I said if we have vehicles being

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driven by officers, the patrol cars that have mounted cameras, we have a good success rate of being able to identify stolen vehicles, or other types of vehicles that might be involved in other types of crimes that are for whatever reason on our hot list. And there's also a value to having fixed cameras. And putting those in thoroughfares gives us the ability -- many times when we conduct narcotics investigations or other types of major case investigations, those cameras are very valuable towards those. So I think that a good mix is really, um, the best way to go.

>> Ellis: Okay, and then we also talked about the odd sit and timeline to storage, and who has access, and any third-party sharing. You also brought up the shooting spree incident. Do you have a short list of some of the other crimes that have

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been solved with the use of license plate readers?

>> You know, it's -- it's tough to -- I get asked that a lot, councilmember. And the truth is that we really -- like I said, it's one of a number of tools that we use. So let me give you another example. The rock thrower that we had, um, who over a number of years was actually throwing rocks on the highway. The way that that individual was caught was, um, a -- during one of the incidents there happened to be a -- I think that it was a dps trooper or maybe a university of Texas pd officer who was driving by his -- his digital camera on the dashcam was activated. And it caught the vehicle that actually threw the rock. So we didn't -- to say that we caught him using lprs, we actually caught him using video camera. However, we used lprs to

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then -- using historical data -- to go back and to tie him to other rock throwing incidents. So, it was -- it was very instrumental in the prosecution of that individual and helped that -- helped that investigation in that way. I can provide other anecdotes but sometimes what lprs do is to give us a lead. Sometimes it's used to firm up a case after the fact. It's just a good tool. But that's all that it really is -- is a tool. So just as councilmember Fuentes was talking about, you know, being able to physically enter a license plate to check if it's stolen -- we can do that now. But having it been done automated and checking every single license plate that's going past this camera is going to be a bigger benefit to locating those stolen vehicles.

>> Ellis: Do the ones mounted on cars operate while the officer is driving? For instance, they'd need to pull over to plug in a license

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plate, but if they're driving and one goes past them and it will trigger and say, hey, you have to go to check this out?

>> That is correct.

>> Ellis: Okay, thank you. And I know that there's been some anecdotes and I don't believe that we have any cases of this here locally, but the idea of people stalking exes or family members that don't want to be around them, is this data that you could plug in any license plate or go and check that, or how does that part of the data work?

>> And so any system could be abused and, yes, if somebody were to plug in a license plate because they were trying to check on their girlfriend or something else -- and I know that has happened -- not here but in other jurisdictions. And, whereas, again, I think that it's because -- and, again, because I think that you don't put the policies and safeguards in place to make sure that doesn't happen. So we have a very robust policy and also a very robust auditing system in place that we would go back and if we found that that

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happened, that there would be sanctions both administratively and potentially criminally against any officers that did something like that.

>> Ellis: Um-hmm. And do you have any idea of how many stolen cars have been recovered with this? I know that we haven't had them in place for quite a while, but do you know how often they were used to recover stolen cars back when this offer was active?

>> I don't have a number on that but, you know, I'll see if we can research and see.

>> Ellis: That might be helpful and I know that a lot of times we talk about stolen cars and people feel that it's a matter of property and versus protecting other people's rights and I definitely hear that. But I know that especially pertaining to my district there's a high ownership of guns and they can get stolen out of cars. So I approach it from a mindset of wanting to make sure that firearms aren't falling into the wrong people's hands who shouldn't be able to access them on their own. So that's kind of why I talk about it is just because car burglary theft is high in my district but I think there's that overlying firearms getting into the wrong hands. And I will just close because I

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know that there's been a lot of other good questions that you have answered today. But I remember where this all started from in the past couple of months, and a few of us were able to sit down with the sex crimes detectives and the victims' services counselors and ask them what resources would help them to be able to complete their tasks more effectively. And so I completely understand that we don't want, um, you know, people being monitored unnecessarily. We don't want racial profiling and we don't want people who are trying to access any kind of healthcare to be monitored. But there's also that aspect if we know that there's a rapist out there or an alleged rapist, we want them held accountable too. So this is a really hard angle to try to make sure that we're getting the policy lined up. But I

appreciate everyone that has been working on it for a number of months at this point to try to get this right, because I than we all -- if we want to do this, we want to do it right.

>> Thank you.

>> Mayor Adler: Councilmember vela.

>> Vela: First, actually, can we get a copy of the presentation?

[10:04:54 PM]

>> Absolutely.

>> Vela: And going off of the -- you know, you were saying that lots of private organizations collect lpr data. That things that come to mind right away, toll roads and parking garages. Any other kind of major generators of lpr data that you're aware of off the top of your head, chief?

>> Actually, I don't know the toll roads, you know, or parking garages necessarily are turning over that information. Where I see it more, you have companies that are specifically in the lpr business, and will mount them on private vehicles to just simply collect data, that's all they do. They're driving around during the day and they're collecting that data. And there's also, you know, businesses such as malls. You know, large groups of those type of businesses have lprs that are mounted at the

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entrances and the exits to those facilities. Neighborhood associations put them up in their neighborhoods before, those type of things. And generally that data then becomes commercially available.

>> Vela: As far as you know are there restrictions on the sale, distribution, anything of that data?

>> I really don't know, since that is really more in the civil area.

>> Vela: Not that I'm aware of either. And this is just -- as far as I'm aware, just commercial data that is available for purchase by just any anybody?

>> That is correct.

>> Vela: So APD would have access to that data then?

>> Yes.

>> Vela: And as far as you know, again, there's no limits to the time that that type of data could be held?

>> That's going to be limited by whatever rules that they're operating under.

>> Vela: Again, I'm not aware of any federal privacy rules or anything that would limit how long that data could be held. So conceivably, if you were

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looking backwards and saying, you know, what we just realized is that six months ago, eight months ago two, years ago something happened -- you could query the private databases and find out, oh, you know what this person was at Barton creek mall on June 7th, 2,000 whatever, would that be available to APD?

>> I don't know if it is or not and it depends on which, um, database ultimately, you know, we're storing in.

>> Vela: And, um, you mentioned personally identifiable info. What is that?

>> So, all it does is record the license plate itself. It does not record, for instance, who owns that vehicle or who that license plate is registered to and there are no photos taken of the people driving the vehicle or anything like that.

>> Vela: Um-hmm. And because -- some of the models legislation that we looked at specifically said no photos. You know, we don't want you

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taking pictures of people inside the vehicle or anything like that. I am assuming that would be -- is that part -- like the contract with vigilant, I know that it's been a couple of years, so it's just license plate reader contract, it's not taking photographs of the actual -- does it take photographs of the vehicle?

>> No. So that is my understanding is that it scans -- excuse me -- it scans the license plate. And then that license plate -- that is six or seven digit characters go into the database and there are no photos that are actually stored. That's my understanding.

>> Vela: Okay. And via the mechanics of the apr program, um, I guess is that a software that vigilant provides that, you know, an officer would then sit down and use just like we use any other type of software?

>> That is correct.

>> Vela: And I'm assuming that the officers then have access to that in their patrol vehicles on their laptops there?

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>> They would.

>> Vela: And you mentioned -- because in my proposal, stolen vehicles -- definitely. I get those -- I get the idea for it. They're easy to put on the hot list, you know, because they're reported and you add them, again, I don't have any real concerns with the identification of stolen vehicles via lprs. But in felonies, again, I would draw a simple line at, you know, ignore misdemeanors and folks on felonies -- assuming that -- are you interested in misdemeanor investigations for involving lprs?

>> You're going to have to repeat that question and say again.

>> Vela: What misdemeanors would you be -- would you investigate using the lprs, like, what would really draw the APD's attention with regard to a misdemeanor?

>> You know, there's a mixture of both felony and misdemeanor

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offenses throughout the penal code. You know, just giving an example -- a burglary of a storage shed or some type of a garage -- it's not a home -- is a misdemeanor. And if we had a rash of those that was going on in any given part of town that we wanted to set up lprs to see if we would be able to catch who was doing them, um, would not be allowable presumably because, um, because it's not a felony.

>> Vela: Um-hmm. So there would be mostly -- again, trying to think through the misdemeanor offenses, theft related and misdemeanors?

>> It could be a simple assault is a misdemeanor. If it's not an aggravated assault. You could have criminal mischief. So people that are, you know, destroying property, graffiti, those type of things. And I'd have to pull out the

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penal code and kind of go through it.

>> Vela: Sure, sure. Again, my sense would be that those would be minor enough crimes that -- I would be -- that's a lot of investigation, you know, for example, for criminal mischief or, you know, for something along those lines. But you think that that would be potentially be a focus for APD?

>> Well, I'm simply saying councilmember, that to the person that's reporting that crime, it's important. And we have a duty to be able to, um, to investigate those kind of crimes as efficiently and hopefully provide a resolution that is going to be important to that particular citizen, and that's why I really don't want to restrict it.

>> Vela: Um, my office turned up that vigilant has a contract

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with ice to turn over their lpr data to ice. I believe that it was by the aclu that turned up that contract. Are you aware of what vigilant does? Because it's their software and their database that we're essentially querying. Is there any certainty with regard to what vigilant is doing with the data that we, you know, we potentially would be gathering, you know, with our lprs?

>> There is. It is contractually regulated, so we would enter into the contract, whether it's vigilant or someone else, there are other providers as well that says that the data that goes in there is owned by APD, no one else has it. And you have the ability as a law enforcement agency, for instance, to share it with other law enforcement agencies, so that they -- they can simply go

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in, or you can restrict that and say, no, if you want our data, you need to submit a request to APD or to Aric for this particular set of -- you know, this date, certain time period, and a certain location, we'll research the data and then provide it to you once we verified that there is a case.

>> Vela: Um-hmm. And regard to Aric, they would by default get lpr data from APD? That APD had?

>> That is how it has worked in the past.

>> Vela: But my -- and I'm not that familiar with Aric, but aren't the surrounding law enforcement agencies, Hayes county and other county law enforcement agencies, also have access to Aric data some.

>> So they have to log into the system, whatever system it is,

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and those log in credentials, they are partners in the Aric, and so they provide financial -- you know, the financial funding to be able to keep the center going. They sometimes provide part-time personnel, and we do allow them access to this system. And to that system we would have the ability because they're not an APD employee to restrict, and we would have to reach out to an employee that sits in the center to say that I need this particular one and here's the case number and have that employee run it for them.

>> Vela: So I guess that I'm not understanding the shared database between Aric and APD, but we would not have direct access to the data via Aric. Do you know what scope they would have via Aric?

>> The same scope as any other

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law enforcement agency that contacted the Aric and said that we need the data. So generally that is partner agencies, and I think that there are probably over 25 partner agencies in the Aric that are with them. And they have the ability to contact the Aric and say can you check the databases for this individual, you know, like a records management system or some other system that we have access to. This would simply be a different system that we would check for them. And if there were data in there, um, and like I said they have a valid -- a valid case that we would provide to them.

>> Vela: But they said that it would have to be a criminal case to share with the Aric data, but any level of criminal case or any type of criminal case?

>> It could be any type of criminal case, it just has to be a criminal.

>> Vela: [Indiscernible] Too.

>> Yes.

>> Vela: Thank you, chief. I appreciate your -- your candid

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responses. I -- and there's no question that the more data that APD has, the easier it is to solve crimes. And there's always a balance between security and liberty. Just no question about that. My personal values always lean toward liberty. Particularly when we're talking about, you know, innocent people just going about their business around town and I am extremely uncomfortable with collecting and keeping databases on people's whereabouts. These same arguments could be made for facial recognition technology which I don't think that is functionally any different than alprs, and we have people's mugshots and we could create programs to identify people with criminal histories as they come and go. And I just -- you know, fundamentally I don't believe in that, and I'm -- I understand the hot list situation, you

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know, your kidnappings and your child abductions and your missing and endangered people and I understand -- and stolen vehicles and I understand your high level felonies. But I would -- that's where I would say, you know what, our security interests outweigh our liberty interests in these situations. But I just can't say that our security interests -- and, again, I don't want to have my car broken into, you know, I completely understand, but ultimately I also don't want the government to, you know, keep track of

the movements of people all throughout the city all the time. And then to be able to query a database and say here's vela coming from here and coming from there and I know that APD has safeguards but fundamentally you can't abuse data that you don't have. And that's where -- from my perspective, that's where I would like to draw the line, thank you.

>> Mayor Adler: Anything else, you want to close this out councilmember Kelly?

[10:18:08 PM]

>> Kelly: Thank you, colleagues for indulging us and asking questions. As a parent I want every tool to bring my child home if she were to be kidnapped and I believe that everyone sitting here today would want that. And I know that deep down everyone would want a victim of a sex crime to get justice sooner and their assailant to be apprehended sooner, and to know that there are tools available for our police to solve the crime against them faster. And while those are just two examples of the positive use of this technology, I want our community to sleep better at night knowing that despite the shortage of officers in our community right now, that we've given those officers that we have a force multiplier that will benefit the community. I'm supportive of this postponement because I have a sense among my colleagues that we want this technology to work for our community and for our officers. And that we can collectively work together to reach the point before it comes back to council as an item. I look forward to those discussions, especially those that will happen on the message board and encourage my colleagues to post amendments

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there. And I'm looking forward to coming to a place where the balance of the council is comfortable with where this resolution lands for the betterment of our community. Thank you, mayor.

>> Mayor Adler: Thank you. And I want to acknowledge and thank everyone involved in this as well -- the police, the stakeholders, um, everyone spending a lot of time on this issue. It is important. I agree with you, I think that there's an opportunity for consensus. Councilman vela I read what you posted as a possible solution to this, and while there's not complete agreement, I think that there are elements of that that can also be in what we finally decide next week.

>> Vela: And I also want to thank councilmember Kelly because I know from the outset that she has explicitly exclude good kind of traffic tickets. And I appreciate that. I know that there was a number of comments that said they didn't want that to happen, but I just appreciate that there's consensus on the dais that we do not want to use them for any type of class-c traffic ticket

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type situations and I do appreciate that.

>> Mayor Adler: Okay, and it is because I believe that we are within reach of a broader consensus on this, that I think that it warrants spending the additional time. I really want to give councilmember Kelly to close on this and I'm the one that did that and we'll get back to you councilmember Kelly to close, and we will vote immediately. Councilmember Renteria.

>> Renteria: Yes, and being a victim of a stolen car, you know, someone did come and take off with my vehicle that I was restoring. It was a 1968 cutlass supreme convertible -- beautiful car.

[Chuckle] And, yes, it got stolen. And found out that it was in Dallas and after about three weeks and it was totally tore up. By the time that I got it back home, I had electrical problems and it caught on fire and I lost

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the total vehicle on that. Because of its age and I didn't have full coverage or any -- just liability in there. And so, yeah, it's -- it's a type of -- kind of leaves you feeling, you know, as I refused to let it call myself a victim of it, but it did hurt a lot. You know, so, um, I have -- I also live -- have gone to places where there are cameras all over the place, including face recognition. You know, I have seen them how they work, and, you know, the requirement is very low there in these places. So it does work. The only thing that my concern is how long do they need to keep that information. And so my whole debate right now and concern is how long are we going to allow them to hold on

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to this information, and once we feel comfortable with the time limit, I will be supporting it.

>> Mayor Adler: Thank you. Councilmember tovo.

>> Tovo: Very quickly, I wonder if we could tag this as an item for our work session on the week when it's coming back. Is it coming back, councilmember, on the 15th? Just so that we're sure that we have time to kind of talk through amendments and things like that. So it doesn't need to be postponed again.

>> Mayor Adler: Okay, councilmember Kelly closes out.

>> Kelly: I'm finished, thank you.

>> Mayor Adler: All right then. It's past 10:00, and it is 10:15, 10:22 now. Is there a motion to extend the meeting past 10:00?

>> Let's go home.

>> Mayor Adler: Okay. No motion? Things that we have still on the agenda would be the -- the home, which probably could be

[10:23:16 PM]

postponed. We have the parking thing which could be postponed and we have the, um, we have a zoning case, 99115, is there a problem there, does that need to be handled now? That needs to be handled now?

>> The pleasure of the council...

>> Is councilmember harper-madison on, I know that is her district.

>> Mayor Adler: Councilmember harper-madison? Okay. Go home? Okay. I'm sorry?

>> I think that -- we could take in a couple more items. No? Don't beat me up now.

>> Mayor Adler: I'm not sure that anybody else is stepping forward. That being the case and let's adjourn the meeting, it's 10:24. And we're going to postpone all of the items still to be handled

[10:24:17 PM]

to the next council meeting that we have yet to resolve. Okay.

>> So on item 136, from the following changes you're going to have to -- I'm trying to think about the item 136. Never mind.

>> And I'm going to signal that I'm going to pull my items for the work session so that we have an opportunity to talk so hopefully they can pass with -- with speedily on the 15th.

>> Mayor Adler: Okay. All right, so at 10:25 this meeting is adjourned.