

No. 03-19-00553-CV

**IN THE
THIRD COURT OF APPEALS
AUSTIN, TEXAS**

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
8/20/2019 10:57:31 PM
JEFFREY D. KYLE
Clerk

IN RE NELSON LINDER,
Relator.

ORIGINAL PROCEEDING

**CITY OF AUSTIN'S RESPONSE IN OPPOSITION TO
EMERGENCY ORIGINAL PETITION FOR
WRIT OF MANDAMUS**

Anne L. Morgan, City Attorney
State Bar No. 14432400
Meghan L. Riley, Chief-Litigation
State Bar No. 24049373
CITY OF AUSTIN—LAW DEP'T.
P.O. Box 1546
Austin, Texas 78767-1546
(512) 974-2268

Renea Hicks
LAW OFFICE OF
RENEA HICKS
State Bar No. 09580400
P.O. Box 303187
Austin, Texas 78703-0504
(512) 480-8231
rhicks@renea-hicks.com

ATTORNEYS FOR RESPONDENT CITY OF AUSTIN

IDENTITY OF PARTIES AND COUNSEL

Party's name	Party's status	Attorneys for parties
NELSON LINDER	Petitioner	Fred I. Lewis 309 East 11th St. Suite 2 Austin, Texas 78701
CITY OF AUSTIN	Respondent	Renea Hicks LAW OFFICE OF RENEA HICKS P.O. Box 303187 Austin, Texas 78703-0504 Anne L. Morgan, City Attorney Meghan L. Riley, Chief – Litiga- tion CITY OF AUSTIN–LAW DEP'T. P. O. Box 1546 Austin, Texas 78767-1546

TABLE OF CONTENTS

Identity of Parties and Counsel.....	i
Index of Authorities	ii
Statement of the Case.....	vii
Issue Presented.....	viii

Is the council’s prescribed ballot language for Proposition B inconsistent with any limitation established by Texas common law?

Statement of Facts	1
A. Austin’s Initiative Process	1
B. Convention Center Expansion Plans And The Petition Drive	2
C. Summary Of Initiated Ordinance	3
D. City Council Action On The Proposed Initiative.	5
Argument	7

I. The Extraordinary Remedy Of Mandamus Relief Is Not A Matter Of Right And Is Unavailable To Overturn A City Council’s Exercise Of Its Broad Discretion To Craft Ballot Ballot Proposition Language Unless The Council Clearly Fails To Identify A Measure For “What It Is.”	9
A. Mandamus Is Only Available To Compel The Council To Perform A Non-Discretionary Duty.	9
B. A City Council Has Broad Discretion In Devising Ballot Language, Limited Only By The Need To Present	

A Fair Picture Of The Measure.....	10
II. The City Council Acted Within Its Discretion And Consistently With The Common Law In Adopting The Proposition B Language.	11
A. The Ballot Language Informing Voters That A Vote For The Initiated Ordinance Could Result In An Election For Which The City Would Have To Pay Is Valid.....	11
B. The Council’s Prescribed Language Does Not Omit A Key Feature Of The Initiated Ordinance.	15
1. The ballot language explains that percentage allocations of HOT revenue would be changed by the initiated ordinance.....	15
2. Petitioner’s argument about the need for “redirection” language is unavailing.....	18
Conclusion and Prayer.....	22
Certificate of Compliance	23
Certificate of Service.....	24
Index to Appendix.....	25
Ord. No. 20190808-017	Tab 1
Res. No. 20190523-029	Tab 2
Initiative Petition	Tab 3
Certificate of Sufficiency.....	Tab 4
Aug. 5, 2019, Agenda	Tab 5

Aug. 8, 2019, Agenda	Tab 6
Transcript of Aug. 8 Council Session	Tab 7
Goodall Affidavit	Tab 8
City Code Sec. 11-2-7	Tab 9

INDEX OF AUTHORITIES

Cases

<i>Anderson v. City of Seven Points</i> , 806 S.W.2d 791 (Tex. 1991).....	9, 10
<i>Bischoff v. City of Austin</i> , 656 S.W.2d 209 (Tex.App.—Austin 1983, writ ref'd n.r.e.), <i>cert. denied</i> , 466 U.S. 919 (1984).....	10, 12
<i>City of Houston v. Houston Municipal Employees Pension System</i> , 549 S.W.3d 566 (Tex. 2018).....	9
<i>Dacus v. Parker</i> , 466 S.W.3d 820 (Tex. 2015)	10, 11, 12
<i>In re Williams</i> , 470 S.W.3d 819 (Tex. 2015).....	11
<i>In re Woodfill</i> , 470 S.W.3d 473 (Tex. 2015).....	10
<i>Rivercenter Assocs. v. Rivera</i> , 858 S.W.2d 366 (Tex. 1993).....	9

Statutes and rules

Tex. Elec. Code

§ 11.002(a)	1
§ 41.001(a)	14
§ 52.072(a)	viii, 2, 6, 10
§ 273.061	9

Tex. Gov't Code § 551.043(a)	22
------------------------------------	----

Tex. Tax Code

§ 351.101	4, 16
§ 351.103(c)	16

Tex. R. Evid. 504.....	1, 21
------------------------	-------

Senate Bill 1262 (86th Leg., R.S.)	16
--	----

House Bill 4170 (86th Leg., R.S.)	16
---	----

Other material

Austin City Charter Art. IV	<i>passim</i>
Austin City Code § 11-2-7.....	4, 17, 18, 20

STATEMENT OF THE CASE

Nature of the case

Mr. Linder, the petitioner in this original mandamus proceeding, challenges ballot language adopted by the Austin city council in an ordinance calling a special election on November 5, 2019, on a citizen-initiated proposition.

Respondent

The respondent is the City of Austin, a home rule city in Travis County, which acted through its city council to call a special election and adopt language for items on the ballot, including for an initiative proposition supported by Mr. Linder.

Challenged Action of Respondent

Mr. Linder challenges the legal sufficiency of ballot language that the city council adopted for a special election on a measure concerning use of the City's Hotel Occupancy Tax revenue. The challenged language will appear as Proposition B on the November 2019 ballot. *See* App. Tab 1 (Ord. No. 20190808-017) (Aug. 8, 2019) (Part 2).

ISSUE PRESENTED

Acting under the authority conferred on it by Section 52.072(a) of the Election Code to “prescribe the wording” of ballot propositions, the Austin city council prescribed ballot language for a November 2019 special election on Proposition B, an initiated ordinance concerning the City’s hotel occupancy tax revenue.

Is the council’s prescribed ballot language for Proposition B inconsistent with any limitation established by Texas common law?

STATEMENT OF FACTS

A. Austin's Initiative Process

Austin's City Charter allows qualified voters—defined in Tex. Elec. Code § 11.002(a)—in Austin to engage in direct legislation through the initiative process, as long as it is not in conflict with the charter, the state constitution, or state laws. City Charter Art. IV, § 1.¹ The initiative process, however, is not an available avenue for ordinances “appropriating money or authorizing the levy of taxes.” *Id.*

Citizens may propose ordinances by collecting the requisite number of signatures from “qualified [city] voters” on a petition, then submitting the petition and the “initiated ordinance” to Austin's city clerk for verification of whether the signature requirements are met. If they are, the city clerk certifies the petition and initiated ordinance to the city council.

Once presented with the verified petition and initiated ordinance, the council has two options. It may pass the ordinance, as

¹ The City requests the Court to take judicial notice under Tex. R. Evid. 504 of Austin's charter and code provisions, available online at https://www.municode.com/library/tx/austin/codes/code_of_ordinances.

presented, within ten days of the city clerk’s certification. City Charter Art. IV, § 4(a). Or it may order an up-or-down election on the ordinance, as presented, on the next “allowable election date.” *Id.* § 4(b).

If the council chooses the latter option—putting the proposed ordinance to a popular vote—the charter dictates the ballot form for the council. *Id.* § 5. The ballot must state “the caption of the ordinance,” with lines below for voting for or against. *Id.* The task of “prescrib[ing] the wording” for the ballot caption for the proposition is specifically assigned to the city council. *See* Tex. Elec. Code § 52.072(a).

B. Convention Center Expansion Plans And The Petition Drive

Several years ago, the Austin city council directed the city manager to begin reviewing options for expanding the existing Austin Convention Center. App. Tab 2 (Res. No. 20190523-029) at 12. Then in late May of this year, the council instructed the city manager to move forward with a design for expansion of the convention center and an evaluation of funding mechanisms to support the expansion. *Id.* at 18-24.

This council directive apparently was the catalyst prompting members of the community to launch a petition drive to support an initiative about use of City revenue from the hotel occupancy tax. The circulated petition proposed a five-part petitioned ordinance. *See App. Tab 3.* One part addresses “findings and purpose,” and another addresses “effectiveness and severability.” The other three parts collectively repeal existing city code provisions about use of hotel occupancy tax revenue or amend the code by adding new ones about such revenues or about the city convention center.

The initiative petition was filed with the city clerk on July 12, 2019. Following review, she certified it to the city council as sufficient—having the requisite number of valid signatures—on July 26, 2019. *App. Tab 4.*

C. Summary Of Initiated Ordinance

The rather complex ordinance has three substantive pieces, found in Parts 2-4. *See App. Tab 3.* They are summarized, and somewhat oversimplified, here to provide introductory context for the legal argument.

Part 2 would repeal the current Section 11-2-7 of the Austin City Code. (This current provision is at App. Tab 9.) In its stead would be a rewritten Section 11-2-7 applicable to “all revenue . . . derived” from the City’s Hotel Occupancy Tax revenues (“HOT revenue”). At least 15% of the HOT revenue for any fiscal year would be “allocated” for cultural arts consistent with Tex. Tax Code § 351.101(a)(4). At least 15% of the HOT revenue for any fiscal year would be “allocated” to historic preservation consistent with Tex. Tax Code § 351.101(a)(5). No more than 34% of the HOT revenue collected for any fiscal year would be allocated for the Convention Center.² Any remaining HOT revenue in a fiscal year would have to be “allocated” consistent with state law to what is termed “Austin’s Cultural Tourism Industry.”

Part 3 would add a new section to the city code which would force any changes to the Convention Center costing more than \$20 million would have to be approved by voters as a ballot measure “at the next required uniform election date.”

² An alternative allocation, if it is greater than the 34%, for the Convention Center would be an amount equaling five times the Convention Center’s earned HOT revenue, which is a defined term in the initiated ordinance.

Part 4 would add another new section to the city code that would subject third-party managers of HOT revenue to open government requirements of state law.³

D. City Council Action On The Proposed Initiative

At an August 5, 2019, session specially scheduled to meet the 10-day requirement under Article IV, § 4(a), of the charter, the council declined to take action to adopt the ordinance as proposed. App. Tab 5 (Aug. 5, 2019, agenda). That left to council the job of exercising the Article IV, § 4(b), option of setting the proposition for election and choosing the ballot language for it.

The city council scheduled the proposition language matter for action at its regularly-scheduled August 8, 2019, session. App. Tab 6 (agenda). The council convened shortly after 10:00 a.m. that day. App. Tab 7 (transcript of August 8 council session; 1st page). Item 17 on the agenda dealt with the petitioned ordinance.

The council faced a lengthy agenda—149 items—that day, and it was not until quite late in the session that the council turned to Item 17 and the task assigned councilmembers by Tex. Elec. Code

³ Petitioner raises no complaint about matters of proposition language describing Part 4.

§ 52.072(a): prescribing the ballot language for the proposition.⁴

Discussion ran nearly an hour—from 2:12 a.m. until just before 3:00 a.m.—with councilmembers debating among themselves, as well as engaging in extended colloquies with interested members of the public. *See* App. Tab 7 at PDF pages 196-213. At the end, by a vote of 8-2, with one abstention, the Austin city council adopted the following language for Proposition B (the hotel occupancy tax matter) for the November 2019 election:

Shall an ordinance be adopted that limits, beyond existing limits in state statute and city ordinance, the use of Austin’s Hotel Occupancy Tax revenue, including the amount of Hotel Occupancy Tax revenue that may be used to construct, operate, maintain, or promote the Austin Convention Center; requires any private third-party entity managing such funds to comply with open meeting and public information laws applicable to the City; and requires voter approval for Convention Center improvements or expansions of more than \$20,000,000 at an election for which the City must pay.

App. Tab 1 (Ord. No. 20190808-017) (Part 2, 2nd para.).⁵

⁴ The full text of the ordinance is published in the newspapers as part of the Notice of Election.

⁵ The only other matter on the ballot for the City’s specially-called November 2019 election is another citizen-initiated proposition, labeled Proposition A. App. Tab 8 (Goodall Affid. ¶ 7).

The City will bear the cost of the November 5 special election on the two citizen-initiated propositions. While it contracts with Travis County to administer the election, the City is required to cover the cost of conducting the election and the costs of voting equipment, plus a 10% administrative fee. App. Tab 8 (Goodall Affid. ¶ 8, Election Services Contract Sections 5 and 6).

ARGUMENT

Petitioner's assertion that the proposition language is inconsistent with common law requirements is inaccurate. At bottom, the argument to support this assertion goes awry by treating the statutory authority to prescribe ballot language for propositions as one effectively arrogated to petition proponents propounding an initiative rather and removed from the city council to whom the legislature has given the authority.

The proposition language that the Austin city council adopted for Proposition B is consistent with all legal requirements. It fairly and accurately describes the key features of the initiated ordinance and gives voters a fair picture of what it would do if voted into law.

Petitioner’s dispute is about two features of the ballot language. First, he asserts that the description saying that the ordinance “requires voter approval for Convention Center improvements and expansions of more than \$20,000,000 at an election for which the City must pay” is “extraneous” and “false and misleading.” Mandamus Pet. at 2. Second, he claims that one “chief” feature of the initiative, described as redirecting funds from the Convention Center to “cultural, arts and other authorized tourism-related programs” is omitted. *Id.*

In addition to its overblown rhetoric, the first argument fails because the challenged statement is patently accurate. The second argument fails because it posits that the ordinance does something it actually does not do. Before turning to the arguments on these points, the governing law is surveyed.

I. THE EXTRAORDINARY REMEDY OF MANDAMUS RELIEF IS NOT A MATTER OF RIGHT AND IS UNAVAILABLE TO OVERTURN A CITY COUNCIL’S EXERCISE OF ITS BROAD DISCRETION TO CRAFT BALLOT PROPOSITION LANGUAGE UNLESS THE COUNCIL CLEARLY FAILS TO IDENTIFY A MEASURE FOR “WHAT IT IS.”

A. Mandamus is only available to compel the council to perform a non-discretionary duty.

Under Section 273.061 of the Election Code, courts have jurisdiction to enforce a “duty imposed by law in connection with the holding of an election.” But mandamus relief is not a matter of right and the availability and appropriateness of such relief is subject to well-established rules limiting the judiciary’s remedial authority. It is extraordinary and discretionary relief, governed by the judicial exercise of discretion. *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993). While it is a legal remedy, courts bring equitable considerations to bear on whether it should be granted in any given instance. *Id*; see also *City of Houston v. Houston Municipal Employees Pension System*, 549 S.W.3d 566, 580 (Tex. 2018).

Mandamus relief may be used to compel public officials to perform a “ministerial act.” *Anderson v. City of Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991). But what constitutes a ministerial

act is tightly circumscribed. A ministerial act is one for which “the law clearly spells out the duty to be performed with sufficient certainty that nothing is left to the exercise of discretion.” *Id.*; see also *In re Woodfill*, 470 S.W.3d 473, 475 (2015). As this Court has explained, “the framing of the proposition on the ballot” is “left to the discretion of municipal authorities.” *Bischoff v. City of Austin*, 656 S.W.2d 209, 212 (Tex.App.—Austin 1983, writ ref’d n.r.e.), cert. denied, 466 U.S. 919 (1984).

B. A city council has broad discretion in devising ballot language, limited only by the need to present a fair picture of the measure.

Section 52.072(a) of the Election Code squarely placed the job of crafting language for Proposition B in the hands of the Austin city council, directing that, as the body calling the election, it “shall” prescribe the proposition’s “wording.” In performing this task, the council had broad discretion in its choice of how to word the ballot proposition at issue. *Dacus v. Parker*, 466 S.W.3d 820, 826 (Tex. 2015).

This broad discretion is limited only by certain common law restraints. *Bischoff*, 656 S.W.2d at 212. The chief features and the basic character and purpose of the proposition need to be identi-

fied, telling the voters “what it is.” *Dacus*, 466 S.W.3d at 825. Stated simply, the council is to use language presenting a fair picture of the measure on the ballot. *See, e.g., In re Williams*, 470 S.W.3d 819, 822 (Tex. 2015) (per curiam).

II. THE CITY COUNCIL ACTED WITHIN ITS DISCRETION AND CONSISTENTLY WITH THE COMMON LAW IN ADOPTING THE PROPOSITION B LANGUAGE.

A. The ballot language informing voters that a vote for the initiated ordinance could result in an election for which the City would have to pay is valid.

Petitioner’s argument against the council’s language explaining that, under the proposition, Convention Center improvements or expansions costing more than \$20,000,000 would have to be submitted to a vote “at an election for which the City must pay” is baseless.⁶ Explaining to voters that a proposition could cost money to implement has *never* been held to be a violation of a city council’s legal duties.

Petitioner asserts that the part of the proposition language telling voters that future elections may be required under the ordinance and that those elections cost money is “extraneous.” But

⁶ Petitioner’s argument on this point concerns Part 3 of the initiated ordinance.

that is not a viable *legal* argument against the language. It is just a complaint that the proponents of the initiative would rather that fact not be pointed out to voters.

A city council acts with complete propriety when it tells voters what is entailed in a vote for a proposition. As this Court explained in *Bischoff*, there does not appear to be “any Texas authority holding invalid a ballot because it contains *too much* language describing the proposition.” 656 S.W.2d at 212 (emphasis in original). Several years later, in *Dacus*, the Supreme Court adopted what amounts to the same view. The Court held ballot proposition language invalid, not because it informed the voters about a charge that would ensue from the ordinance’s adoption, but precisely because of the language’s *failure to mention* the “drainage charges” that would be imposed were the measure adopted. 466 S.W.3d at 828. There is nothing wrong with the Austin city council telling the voters in the ballot language about possible future costs to be incurred through the ordinance’s implementation.

The other accusation that Petitioner levels against this part of the ballot language is that it is wrong—“false and misleading” is

the accusation—and thus contrary to the common law requirement that a fair picture be painted. This is a patently baseless argument, and the Court should reject it.

First, there is nothing inaccurate about the council’s language. Just as the City has to pay the Travis County Clerk for her administration of the November election, *see* App. Tab 8 (Goodall Affid. ¶ 8, Election Services Contract Sections 5 and 6), it will have to bear the costs of a future election if the \$20,000,000 convention center expansion provision is triggered. There will be an election, and the City must pay for it—precisely as the proposition language states.

Petitioner’s counter to this point is that it would not be true *if* the triggered election were “in November of even-numbered years.” Mandamus Pet. at 10. But the statement would be true then, too. The more significant flaw in Petitioner’s argument on this point is that it assumes any triggered election would fall only in an even-numbered year and then only during the timeframe for a November, instead of May, election. The city council certainly could not make such an unsupported assumption in deciding how

to characterize the election cost implications of the initiated ordinance. *That* would be misleading.

Texas law allows municipalities to hold elections on four different election dates: the first Saturday in May for both odd- and even-numbered years; and the first Tuesday after the first Monday in November, again in both odd- and even-numbered years. Tex. Elec. Code § 41.001(a). There is no way to know in advance whether the \$20,000,000 convention center election would be triggered and then conducted on the only uniform date Petitioner chooses to mention or instead on one of the other three uniform dates. Whenever such an election may eventuate, the fact remains that the City would have to pay for the election and, for three of the possible dates, it could be paying for an election that involves only the convention center trigger issue. Telling the voters about this possibility is permitted and is not false or misleading. It is well within the council's discretion in choosing language. And to hold otherwise, denying a city council the discretion to identify potential costs, would be a jarring and unprecedented departure from Texas common law rules.

B. The Council’s Prescribed Language Does Not Omit A Key Feature Of The Initiated Ordinance.

1. The ballot language explains that percentage allocations of HOT revenue would be changed by the initiated ordinance.

Petitioner touts the initiated ordinance as having as one of its key features the “redirect[ion] annually of tens of millions of dollars of hotel occupancy tax revenue from the convention center to cultural, arts, and other tourism uses.” Mandamus Pet. at 10. This characterization confuses an aspiration with reality. The single paragraph that Petitioner devotes to the argument about this self-described “key feature” fails to identify any legal flaw in the council’s prescribed language for Proposition B.⁷

The prescribed language accurately portrays this feature of the proposition. It states at the outset that the initiated ordinance “limits, beyond existing limits in state statute and city ordinance, the use” of HOT revenue. Petitioner does not dispute the accuracy of the “beyond existing limits” phrase. Nor does he argue that the adopted language incorrectly describes the proposal as *limiting* the use of HOT revenue. That is because the initiated ordinance

⁷ Petitioner’s argument on this point concerns Part 2 of the initiated ordinance.

does both of these things—that is, it would set limits beyond the current limits in state statute and in city ordinance.

Section 351.101(a) of the Tax Code directs permitted uses of revenue from the Hotel Occupancy Tax.⁸ Uses of revenue for convention center matters are addressed in subsections (1), (2), and (3) of § 351.101(a). Uses of revenue for cultural arts are addressed in subsection (a)(4). Uses of revenue for historic preservation are addressed in subsection (a)(5).

For a city in Austin’s population bracket, the percentage of HOT revenue that can be devoted to cultural arts is set at no more than 15%, and the percentage of such revenue that can be devoted to historic preservation is no more than 15%. Tex. Tax Code § 351.103(c).⁹ There is no capped percentage for use of such revenue for convention center matters, including expansions.

⁸ Section 351.101(a) was amended in the most recent legislative session, with the amendments effective on September 1, 2019. *See* House Bill 4170, § 14.003. It does not appear that the amendment has any effect on the matters involved in this case. Still, the City’s references to the statute are based on the amended version since it will be the one effective at the time of the November 5 election.

⁹ This section of the Tax Code also was amended in the most recent legislative session, with the amendments effective on September 1, 2019. *See* Senate Bill 1262. It does not appear that the amendment has any effect on the matters involved in this case. Still, the City’s references to this provision are

The initiated ordinance does, as the ballot language correctly states at the outset, set a limit beyond what is set in these pertinent state statutes. Specifically, it sets a 34% limit on the percentage of revenue for convention center matters, whereas there is no such limit set in state law.¹⁰ But this latter change is the only one of legal significance. State law prevents more than 15% of HOT revenue from going into cultural arts and historic preservation—and the proposition itself seems to agree that it will be abiding by state law. So there is no change there; it is only with respect to the Convention Center.¹¹

As to the city ordinance, the same analysis applies. The current code provision is § 11-2-7 and is found at App. Tab 9. It has the same 15% limitations for cultural arts and historic preserva-

based on the amended version since it will be the one effective at the time of the November 5 election.

¹⁰ This same point applies if the alternative measure of capping revenue for the Convention Center is used.

¹¹ The City's Mayor appears to be making essentially this point in the council debate. At the 2:29:04 time marker, he seems to explain that the only point of the initiated ordinance on the revenue allocations is that "we should limit the use of a hot tax for the construction, operation and maintenance or promotion of the Austin convention center. . . . I wouldn't want to mislead anybody that the balance should be spent on anything else or create the impression that it's created a new spending areas because it hasn't." App. Tab 7 at PDF page 202.

tion as state law. *See* § 11-2-7(B)(3), (5). Unlike state law, this provision does have a percentage limitation (about 64.3%) for convention center matters. *See* § 11-2-7(B)(1). But the initiated ordinance would, as the council’s prescribed language states, set a limit on use of convention center HOT revenue beyond the limit set in current city code.

Consequently, the opening clause of council’s language for Proposition B is accurate and descriptive of the operation of the initiated ordinance.

2. Petitioner’s argument about the need for “redirection” language is unavailing.

Petitioner’s complaint on this point appears to be that, beyond accurately highlighting that the proposition would set limits different from current law on use of the HOT revenue, the council was legally obligated by Texas common law to go further. Petitioner argues that the proposition would “redirect[]” funds from the Convention Center to other cultural, arts, and tourism-related programs. *Mandamus Pet.* at 2 (using “redirected”) and 10 (using “redirects”). It is not entirely clear from Petitioner’s argument, but the point seems to be that language specifically explaining that

different limits are being set for use of HOT revenue (which is what the council prescribed) is so qualitatively different from explaining that such revenue is being “redirected” to other permissible uses (which is what Petitioner wants) that it means that the common law in this area is being violated because a “key feature” of the initiative is being kept from the voters.

That argument can find no footing in existing Texas law. The council’s language tells voters that current limits in law (state and local) on use of HOT revenue would be changed. And the change described clearly includes changes in the allocation of such revenues to the Convention Center, because it is specifically highlighted in the clause at issue as a place where the adjusted limits will apply. That language describes with readily apparent clarity and sufficiency a key feature of the efforts of those pushing the initiative.

If Petitioner’s complaint on this point is that, beyond identifying the changes in current limits (which the prescribed language does), the council should have gone further and specifically stated that freed-up funds from the Convention Center cap would end up

for use in other accounts (such as cultural arts or historic preservation), it has no legal leg to stand on.

The first problem with any such argument is that the proposed ordinance itself undermines the claim. It provides in Part 2, in what would become a new § 11-2-7(A) that the revenue being addressed is revenue “authorized under state law.” But as has already been explained, state law limits HOT revenue allocations to no more than 15% for cultural arts and no more than 15% for historic preservation. If the initiated ordinance is, as it states, conformed to state law in authorized uses of revenue, there can be no more money going into the cultural arts and historic preservation pots than the 15% set by state law.¹²

The second problem with Petitioner’s argument (if it is correctly understood on this point) is that, if accepted, it would mean that the initiated ordinance is not a proper subject of initiative under Austin’s charter. The actual “redirection” of HOT revenue for the

¹² As long as the percentage of HOT revenue going into these two pots is set at 15%, it would be consistent with state law, with the current city ordinance, and the initiated ordinance. That is because precisely 15% is the “sweet spot.” Current law provides that “no more than” 15% of revenue may be so allocated to those pots, and the initiated ordinance would provide that “no less than” 15% would be so allocated.

other uses Petitioner hopes for is a budget matter for city council action. The revenue cannot be obligated and expended unless and until the city council actually puts the money into its budget.¹³ So any tangible repurposing of HOT revenue depends on council budgeting. Otherwise, the revenue is not “redirected,” except for the Convention Center portion, and the impact of the initiated ordinance on it *is* specifically highlighted in the prescribed language.

As explained at the outset of this brief, ordinances “appropriating money” are not a proper subject of the initiative process allowed by the city charter. The Petitioner’s argument about redirection of revenue is based on an assumption about appropriations through the city budget process. But the ordinance cannot be read that way if it is to be read as a valid matter for initiative. Since it cannot be read the way Petitioner would have it be described by the council, and since the council would not want to describe the ordinance in a way that renders it an improper subject for initia-

¹³ Austin’s current budget for fiscal year 2018-19 is available online at www.austintexas.gov/financeonline/afo_content.cfm?s, under the “Financial Documents” tab. (The Court may take judicial notice of it under Tex. R. Evid. 504.) It is lengthy but a review shows extensive budgetary provisions concerning HOT revenue.

tive, Petitioner’s argument about omission of this “key feature” has to fail.¹⁴

CONCLUSION AND PRAYER

Neither of Petitioner’s arguments about invalidity of the ballot language is correct. The Court should deny the emergency petition for writ of mandamus.¹⁵

¹⁴ To be clear, and lest any suggestion be made to the contrary, the City is *not* arguing in this brief at this stage of the case that the initiated ordinance is not within the permitted range of initiatives under Article IV, § 1, of the city charter. It would be premature to reach and discuss that issue, and whether such an argument is valid is not pertinent in this mandamus proceeding about ballot language.

¹⁵ The City does not consider Petitioner’s arguments for mandamus viable, but assuming they are, the city council might have to change the ballot language for Proposition B. The City has no reason to dispute Petitioner’s representation that the Travis County Clerk faces a September 5 deadline for transmitting ballots to the printer for the November election. This means that any changes to the ballot language have to be completed before then. The Open Meetings Act requires 72 hours notice for a council session, Tex. Gov’t Code § 551.043(a), so even with a tight, expedited schedule, notice of any council session for changes to the language for Proposition B would have to be posted at the latest on the Friday before Labor Day, August 30. Allowing at least one day between a court decision and posting for any required council action means that a ruling would be needed no later than Thursday, August 29.

Respectfully submitted,

Anne L. Morgan, City Attorney
State Bar No. 14432400
Anne.Morgan@austintexas.gov
Meghan Riley, Division Chief-
Litigation
State Bar No. 24049373
Meghan.Riley@austintexas.gov
CITY OF AUSTIN—LAW DEP'T.
P. O. Box 1546
Austin, Texas 78767-1546
(512) 974-2268

____/s/ *Renea Hicks*_____
Renea Hicks
State Bar No. 09580400
LAW OFFICE OF RENEA HICKS
P. O Box 303187
Austin, Texas 78703-0504
(512) 480-8231
rhicks@renea-hicks.com

ATTORNEYS FOR RESPONDENT
CITY OF AUSTIN

CERTIFICATE OF COMPLIANCE

In compliance with Texas Rule of Appellate Procedure 9.4(i)(2)-(3), I certify that this response contains 4,476 words, excluding the portions of the response exempted by Tex. R. App. Proc. 9.4(i)(1). This is a computer-generated document created in Microsoft Word 2010 using 14-point Century Schoolbook (12-point for footnotes), with 14- and 15-point Calibri for headings. In making this certification, I relied on the word count provided by the software used to prepare the document.

____/s/ *Renea Hicks*_____

Renea Hicks

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2019, the foregoing City of Austin's Response in Opposition to Emergency Original Petition for Writ of Mandamus was served electronically in accordance with the Texas Rules of Appellate Procedure on the following counsel of record:

Fred I. Lewis
309 East 11th Street, Suite 2
Austin, Texas 78701
f_lewis@sbcglobal.net.

/s/ Renea Hicks
Renea Hicks

INDEX TO APPENDIX

Ord. No. 20190808-017	Tab 1
Res. No. 20190523-029	Tab 2
Initiative Petition	Tab 3
Certificate of Sufficiency.....	Tab 4
Aug. 5, 2019, Agenda	Tab 5
Aug. 8, 2019, Agenda	Tab 6
Transcript of Aug. 8 Council Session	Tab 7
Goodall Affidavit	Tab 8
City Code Sec. 11-2-7	Tab 9

Tab 1



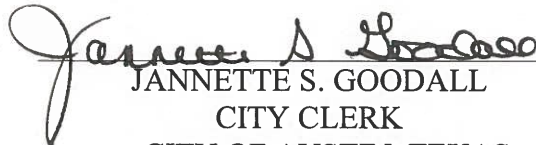
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of Ordinance Number 20190808-017, which consists of seven pages, and an Exhibit A, which consists of one page, as approved by the City Council of Austin, Texas, at a Regular Meeting on the 8th day of August, 2019, as on file in the Office of the City Clerk.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 19th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS

ORDINANCE NO. 20190808-017

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 5, 2019 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A PROPOSED CITIZEN-INITIATED ORDINANCE REGARDING THE USE OF AUSTIN'S HOTEL OCCUPANCY TAX REVENUE.; PROVIDING FOR THE CONDUCT OF THE SPECIAL ELECTION; AUTHORIZING THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTION; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City received a petition, certified sufficient by the City Clerk on July 26, 2019, for a citizen-initiated ordinance that included a findings and purpose section, proposed amendments to the City Code regarding the use of Austin's Hotel Occupancy Tax revenue, and effectiveness and severability clauses.

PART 2. A special election shall be held in the City of Austin on November 5, 2019, to submit to the voters of the City the proposed citizen-initiated ordinance regarding the use of Austin's Hotel Occupancy Tax revenue. The ballot shall be prepared to permit voting "Yes" or "No" on the proposition:

Proposition B: Shall an ordinance be adopted that limits, beyond existing limits in state statute and city ordinance, the use of Austin's Hotel Occupancy Tax revenue, including the amount of Hotel Occupancy Tax revenue that may be used to construct, operate, maintain, or promote the Austin Convention Center; requires any private third-party entity managing such funds to comply with open meeting and public information laws applicable to the City; and requires voter approval for Convention Center improvements or expansions of more than \$20,000,000 at an election for which the City must pay.

PART 3: If the proposition provided in Part 1 is approved by a majority of voters voting at the election, the City Code is amended as indicated below with the findings and purpose appearing before Section 11-2-7 of the City Code, and the effectiveness and severability appearing after Section 11-2-9 of the City Code:

PART 1. Findings and Purpose:

(A) The City of Austin benefits significantly from cultural, heritage and

environmental tourism, which collectively generate the bulk of the revenue the City receives from the assessment of the Hotel Occupancy Tax; however, with too little support from the City of Austin, many of our local artists, musicians, performers and local business owners upon which Austin's cultural fabric is based are struggling to survive with Austin's growing costs of living and doing business.

- (B) In contrast, the Austin Convention Center's corporate meetings, conventions and events account for less than four percent (4%) of Austin's overnight visitors, yet Convention Center-related operations, management, construction and reserves consume over seventy percent (70%) of Austin's annual Hotel Occupancy Tax revenue.
- (C) The purpose of this ordinance is to re-prioritize Austin's investment of Hotel Occupancy Tax revenue to promote and support tourism that emphasizes and enhances Austin's diverse culture, heritage, environment and locally owned businesses.

PART 2. Section 11-2-7 of the Austin City Code is hereby repealed and replaced with the following provisions:

§11-2-7 ALLOCATION AND USE OF HOTEL OCCUPANCY TAX REVENUE

- (A) This section applies to all revenue, including interest and appreciation, derived from the Hotel Occupancy Tax and collected by the City of Austin, as authorized under state law.
- (B) The revenue derived from the Hotel Occupancy Tax shall be prioritized for activities and expenditures that will directly promote, support and enhance tourism that is focused on Austin's unique and diverse culture, arts and music, historic preservation, parks, environmental resources, and locally owned businesses (collectively the "Cultural Tourism Industry"). In furtherance of such objective, for each fiscal year, allocations of Hotel Occupancy Tax revenue shall be subject to the following constraints:
 - (1) Support for Cultural Arts. Not less than fifteen percent (15%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal year shall be prioritized and allocated to the Cultural Arts Fund (or a similar fund established by the City Council), which may be used for purposes described under Section 351.101(a)(4) of the Texas Tax Code.
 - (2) Support for Historic Preservation. Not less than fifteen percent (15%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal

year shall be prioritized and allocated to the Historic Preservation Fund (or a similar fund established by the City Council), which may be used for purposes described under Section 351.101(a)(5) of the Texas Tax Code.

- (3) Convention Center Expenditure Cap. The total annual allocation of Hotel Occupancy Tax revenue used for Convention Center Expenditures shall be limited to the greater of (i) an amount equal to five (5) times the Convention Center's Earned HOT Revenue or (ii) thirty-four percent (34%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal year. For purposes of this ordinance, (a) the "Convention Center's Earned HOT Revenue" shall be deemed to be the total local Hotel Occupancy Tax revenue generated solely from documented hotel room rentals by convention delegates and registrants of events held at the Convention Center during the prior fiscal year; and (b) "Convention Center Expenditures" shall include but are not limited to the following: (1) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of Convention Center facilities within the Central Business District; (2) the city's provision of facilities, personnel, and materials for the registration of convention delegates or registrants; and (3) the marketing, selling, and servicing of convention services. Funds related to Convention Center Expenditures shall be allocated to the Convention Center Capital Improvement Project Fund (or a similar fund established by the City Council).
- (4) Prioritization of Remaining Funds. The remainder of the total annual Hotel Occupancy Tax revenue collected for each fiscal year shall be allocated to support and enhance Austin's Cultural Tourism Industry through methods consistent with state law, including but not limited to, (a) advertising and conducting solicitations and promotional programs to attract cultural tourists to diverse, geographically dispersed parts of the City; (b) constructing, operating and maintaining a transportation system that could help connect cultural tourists from hotels in and near the City to downtown and other commercial centers with high concentrations of locally owned businesses and tourist attractions, as authorized under Section 351.110 of the Texas Tax Code; and (c) constructing, maintaining and operating cultural tourist venues, such as multipurpose, performing arts, and live music venues, as authorized under Chapter 334 of the Texas Local Government Code or other applicable law.
- (C) Without limitation to the above, a tax authorized under Chapter 334 (*Sports and Community Venues*), Subchapter H (*Hotel Occupancy Taxes*) of the

Texas Local Government Code shall be subject to the limitations of subsection (B)(3) above.

- (D) Notwithstanding anything in this section, any remaining amounts from past collections of Hotel Occupancy Revenue that have accumulated in the Convention Center Capital Improvement Project Fund and/or its reserves prior to May 1, 2019, may be spent retiring previously issued, voter-approved debt for the convention center as it existed on May 1, 2019. In the event that such funds are used to pay down previously issued convention center debt earlier than otherwise required, the payments of such debt may exceed the limits prescribed under Section 11-2-7(B)(3) above.

PART 3. Title 11 of the Austin City Code is amended to add a new Section 11-2-8 to read as follows:

§11-2-8 CONVENTION CENTER IMPROVEMENT AND EXPANSION

- (A) For purposes of this ordinance, the term "Convention Center" shall refer to any facility built, operated or managed using Hotel Occupancy Tax revenue that is used primarily to host conventions or other corporate events or meetings, and such term expressly excludes facilities used primarily for purposes related to cultural arts, education, and historic preservation.
- (B) Except as provided in this section, any construction, expansion, redesign, reconfiguration or remodel of a Convention Center which costs in excess of twenty million dollars (\$20,000,000), whether via direct expenditure or an obligation incurred through debt financing, shall require voter approval by ballot measure at the next required uniform election date. The aforementioned twenty-million dollar cap shall include all total aggregate costs of improvements made to a Convention Center over any given forty-eight (48) month period of time. Such amount shall be modified each year with the adoption of the budget with an appropriate index to adjust for inflation.
- (C) No Convention Center may, without voter approval, be constructed, expanded, redesigned, reconfigured or remodeled in any manner that would remove real property from the tax rolls of the City of Austin or another taxing jurisdiction, such as the Austin Independent School District or other applicable school district.
- (D) Not less than ninety (90) days prior to an election required under subsections (B) or (C) above, the City shall publish and distribute to the public an objective analysis of the total estimated 30-year costs of such expansion, redesign, reconfiguration or remodel, which analysis shall

include, among other appropriate information, (a) the potential lost property tax revenue over such period to all relevant taxing jurisdictions resulting from the property's removal from the tax rolls, (b) all historic expenditures of City revenues for the construction, operation, maintenance and debt service for the convention center over the prior twenty (20) year period; and (c) the total projections for construction, operation, maintenance and debt service for the convention center facility to be improved for the full period of any contemplated bonded indebtedness that would be authorized by such election.

PART 4. Title 11 of the Austin City Code is amended to add a new Section 11-2-9 to read as follows:

§11-2-9 ADDITIONAL REQUIREMENTS FOR USE OF HOTEL OCCUPANCY TAX REVENUE

- (A) The City shall be prohibited from contracting with an entity to manage or supervise programs and activities funded by Hotel Occupancy Tax revenue, as authorized under Section 351.101(c) of the Texas Tax Code, unless such entity agrees to be bound to the provisions of this ordinance. For purposes of this ordinance, such contracted entity shall be referred to as a "Convention and Visitors Bureau".
- (B) Any Convention and Visitors Bureau that uses Hotel Occupancy Tax revenue shall comply with all open government and public information laws that are applicable to a City of Austin department, as if they are operating as a City of Austin department. All public information requests submitted to a Convention and Visitors Bureau shall be processed and administered through the City's Public Information Office.
- (C) Under no circumstance shall Hotel Occupancy Tax revenue be used to lobby directly or indirectly any governmental entity or official, whether state or local, nor be used to support or oppose a candidate or ballot measure.
- (D) Prior to each year's allocation of Hotel Occupancy Tax revenue, any Convention and Visitors Bureau that uses Hotel Occupancy Tax revenue shall be required to prepare a report using the City's Equity Assessment Tool to ensure that budget and planning decisions are being made in ways that are reducing racial and geographic disparities, promoting service level equity, and increasing accessibility.
- (E) Any construction project using Hotel Occupancy Tax revenue shall (i)

comply with all then-current environmental regulations of the Austin City Code, without variance or waiver; (ii) achieve sustainable-building best practices superior to those required for LEEDTM Gold certification, and (iii) incorporate elements of green infrastructure (such as green roofs and vertical gardens), on-site (building-scale) alternative water use features (such as methods that harvest rainwater, stormwater, blackwater and air conditioning (AC) condensate), recycled construction materials, facilities for diversion of recyclables and organics in building operations, and amenities that support active transportation (such as showers, tree shading and bike cages).

PART 5. Effectiveness and Severability:

- (A) The effective date of this ordinance shall be the earlier of (i) ten (10) days after the date of its final passage by the Austin City Council, as prescribed under Article IV, Section 4(a) of the Austin City Charter or (ii) the date upon which the results of an election required under Article IV, Section 4(b) are canvassed. This ordinance shall apply to all uses of the Hotel Occupancy Tax, regardless of the effective date of any City contract or action.
- (B) If any section, paragraph, clause, or provision of this ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance, and to this end, the provisions of this ordinance are declared to be severable. This ordinance shall supersede the Austin City Code to the extent there are any conflicts.

PART 4. The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The address of the main early voting locations and the mailing address of each of the early voting clerks are detailed in Exhibit A, attached and incorporated as a part of this ordinance.

PART 5. A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

PART 6. Notice of this election shall be given by posting and publishing a copy of this ordinance in both English and Spanish. The notice and a copy of this ordinance shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21st day before election day. Notice of

this election shall be published one time, not earlier than the 30th day before the date of the election or later than the 10th day before the date of the election, in a newspaper of general circulation in the City of Austin.

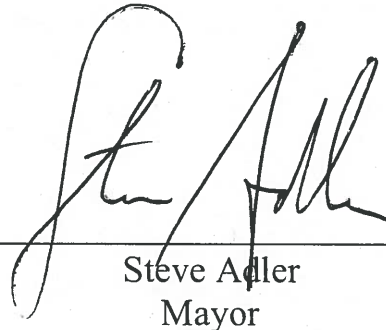
PART 7. In accordance with Chapter 271 of the Texas Election Code, the November 5, 2019 municipal special election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

PART 8. The Council finds that the need to immediately begin required preparations for this election constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

_____, August 8, 2019

§
§
§



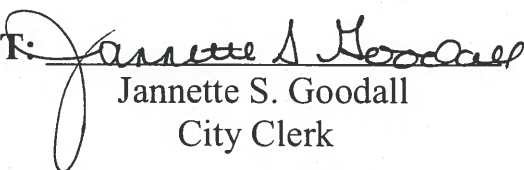
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

Exhibit A

Main Early Voting Location Information and Early Voting Clerk Mailing Addresses

November 5, 2019 Special Municipal Election

Main Early Voting Polling Locations:

Travis County: ACC Highland, 6101 Airport Boulevard, Austin, TX

Bastrop County: Bastrop County Courthouse Annex Building, 804 Pecan St., Bastrop, TX

Williamson County: Williamson County Inner Loop Annex, 301 SE Inner Loop, Suite 104,
Georgetown, TX

Hays County: Government Center Conference Room, 712 S. Stagecoach Trail, San Marcos, TX

Early Voting: Monday, October 21, 2019 – Friday, November 1, 2019

Mailing Address for Ballots by Mail:

Ballots by Mail – Travis County

By Mail voters: P.O. 149325, Austin, Texas 78714-9325

By Contract Carriers/ Fedex: 5501 Airport Blvd., Austin, Texas 78751

Ballots by Mail – Bastrop County

By Mail voters: Bastrop County Courthouse Annex Building, 804 Pecan St., Bastrop, TX 78602

Ballots by Mail - Hays County

By Mail Voters: P.O. Box 907, San Marcos, TX 78666

Ballots by Mail – Williamson County

By Mail voters: P.O Box 209, Georgetown, TX 78627

Tab 2



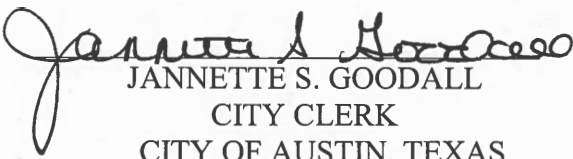
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of Resolution Number 20190523-029, which consists of 27 pages, as approved by the City Council of Austin, Texas, at a Regular Meeting on the 23rd day of May, 2019, as on file in the Office of the City Clerk.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 15th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS

RESOLUTION NO. 20190523-029

The Palm District Master Plan

WHEREAS, bound on the west by Waller Creek, the south by Lady Bird Lake, the east by IH-35, and the north by Cesar Chavez Street, the Rainey Street neighborhood was once home to working-class Mexican American households; and

WHEREAS, the children of these families, along with other families from the Central East Austin neighborhoods, attended Austin Independent School District's Palm Elementary School, located on the corner of Cesar Chavez and IH-35, until its closure in 1976; and

WHEREAS, the 2016 Historic Resources Survey Final Report prepared by Hardy-Heck-Moore, Inc. for the City of Austin states that when East Avenue transformed into IH-35 as a racially motivated barrier, it "severed connections to neighborhoods and institutions that connected Austin's east side to downtown, including the Rainey Street neighborhood, Palm School, 6th Street, and the Waller Creek/Red River area"; and

Swante Palm School

WHEREAS, the Palm School was acquired by Travis County in 1986; and

WHEREAS, in November 2015, per the request of Commissioner Gómez, the Travis County Historical Commission accepted the charge of examining the current and previous uses of Palm School, obtaining a current appraisal, hosting community meetings with interested groups and individuals, determining possible future uses within the framework of

community value, and engaging staff and experts in determining the financial implications of repurposing the facility; and

WHEREAS, in June of 2016, the Hispanic/Latino Quality of Life Resource Advisory Commission suggested the City conduct a feasibility study to explore repurposing Palm School into a museum that celebrates Mexican heritage, folk art, and indigenous culture and recounts the gentrification and displacement that has occurred in the Rainey Street neighborhood and East Austin; and

WHEREAS, in February of 2017, several City and County elected officials sponsored a public meeting to receive comments about the future of Palm School, Palm Park, and the Convention Center; and

WHEREAS, Resolution No. 20170209-033 directed the City Manager to provide additional information about the financial needs of several issues and landmarks affecting the eastern portion of Downtown, including Palm School and the associated parkland; and

WHEREAS, a July 6, 2017, staff memo stated that several financing concepts for a Convention Center expansion could include additional funding for nearby historic sites such as Palm School; and

WHEREAS, in a presentation made to the Austin City Council on August 15, 2017, the Visitor Impact Task Force presented the recommendations from their final report, which included support for the Austin Convention Center, but only in accordance with several parameters, one of which being that the expansion "include additional allowable area

improvements that are important to the community, such as Palm School, Waller Creek, the Mexican American Culture Center (MACC), the Red River Cultural District, and nearby historic landmarks;" and

WHEREAS, Resolution No. 20170831-060 directed the City Manager to allocate 15% of the hotel occupancy taxes to fund restoration of both city and non-city facilities and specifically identified Palm School as one such possibility; and

WHEREAS, on September 13, 2017, Council approved a budget rider related to the historic preservation hotel occupancy tax fund and again identified Palm School as a potentially eligible expenditure; and

WHEREAS, Resolution No. 20170928-052 directed the City Manager to, among other things, negotiate the acquisition of the Palm School for use as a public and civic space and to analyze funding options; and

WHEREAS, on April 12, 2018, Antenora Architects LLP, Limbacher & Godfrey Architects, and McCann Adams Studio presented Travis County with a historic structure report on Palm School to help inform decisions about the property's future when the Health & Human Services Department is relocated; and

WHEREAS, the Travis County Commissioners Court next convened an advisory board to develop the provisions of a deed restriction that would govern the sale or long-term lease of Palm School in a "manner that balances and leverages its cultural, historic, and real estate value"; and

WHEREAS, on April 3, 2019, Travis County hosted a community meeting to receive feedback on the parameters of a potential restrictive covenant, which is not presently publicly available; and

WHEREAS, most speakers encouraged Travis County to use Palm School and the surrounding property for public rather than private use, and several spoke in favor of creating a museum; and

WHEREAS, from the February 2017 public hearing to the Waller Creek Conservancy public input sessions to the most recent Travis County meeting, community members have overwhelmingly emphasized the importance of maintaining public ownership of Palm School and using the structure for cultural programming; and

Waller Creek

WHEREAS, in June of 2010, the Council approved the Waller Creek District Master Plan, which called for, among other things, “the improvement of pedestrian and bicycle linkages to, across and along the creek corridor to connect Lady Bird Lake with UT and East Austin and Rainey Street with Downtown” to help diminish the barrier effect of IH-35; and

WHEREAS, Council amended the Austin Tomorrow Comprehensive Plan in 2011 by adopting the Downtown Austin Plan, which called for the transformation of Waller Creek as a “linear park between Lady Bird Lake and UT, along with Palm and Waterloo parks to provide a green ‘necklace’ that can support the revitalization of Downtown’s east side”; and

WHEREAS, Council approved an extension of the Waller Creek Tax Increment Reinvestment Zone term in February 2018 and committed to issue up to \$110 million of debt to be reinvested into parks funding; and

WHEREAS, via the Waller Creek District Master Plan (Ordinance 20100624-151), the Council approved voluntary design guidelines for the Waller Creek District to guide development in accordance with the vision for the Waller Creek chain of parks; and

WHEREAS, the Waller Creek District Master Plan indicates that improvements to Palm Park could “establish a stronger and more complementary relationship to the creek, the Convention Center and the District as a whole” and that the adjacent Palm School “presents an opportunity to engage and reinforce the park, particularly if County services were to relocate or reconfigure, and be replaced or augmented with complementary community, cultural and educational activities”; and

Emma S. Barrientos Mexican American Cultural Center

WHEREAS, in response to the loss of important Mexican American cultural institutions in the eastern Downtown area in the 1970s and 1980s due to gentrification and displacement, community members began proposing the establishment of a cultural facility; and

WHEREAS, in 1998, the voters approved bonds to construct the Emma S. Barrientos Mexican American Cultural Center (ESB-MACC) in the southwest portion of the Rainey

Street National Register Historic District due to the neighborhood's strong connection to the Mexican American community; and

WHEREAS, in May 2018, Council approved the Emma S. Barrientos Mexican American Cultural Center Master Plan, which will guide expansion of the existing facility and addresses mobility, access, and circulation with particular attention to the "Gran Entrada," or entrance to the complex from Rainey Street, the relationship to the waterfront at Lady Bird Lake and Waller Creek, and to the neighboring commercial and residential properties; and

WHEREAS, in November of 2018, voters approved \$27 million in bond funds for the second phase of the ESB-MACC, which will enable the facility to enhance its mission and provide an opportunity for this facility to contribute toward the coherent vision of this area; and

Rainey Street

WHEREAS, in 1985, the Rainey Street Historic District was added to the National Register of Historic Places; and

WHEREAS, in June of 1999, Council directed the City Manager to work with residents, business owners, and property owners in the Rainey Street area to develop "land use objectives and priorities for the area"; and

WHEREAS, Resolution No. 20000601-063 directed the creation of a comprehensive master plan for the Rainey Street area and identified a consultant, but this planning effort was subsumed into the Downtown Austin Plan; and

WHEREAS, in 2003, the Downtown Commission convened stakeholders to develop recommendations regarding the future planning of the Rainey Street area; and

WHEREAS, Resolution No. 20040212-035 initiated the Rainey Street area rezoning and the regulations review for the Rainey Street Subdistrict of the Waterfront Overlay Combining District with consideration for the recommendations from the Rainey Street Redevelopment Strategy, the Downtown Commission, and the ESB-MACC development plans; and

WHEREAS, Resolution No. 20040212-035 also directed the City Manager to analyze the infrastructure within the Rainey Street area and requested that various boards and commissions suggest strategies to catalyze mixed-use redevelopment while preserving the historic integrity of the area; and

Rainey Street Historic District

WHEREAS, in response to the relocation of several historic homes from the Rainey Street Historic District, Resolution No. 20130509-035 directed the City Manager to explore mechanisms such as using right-of-way fees within the Rainey Street Subdistrict to Palm Park between Red River and IH-35 to support relocating Rainey Street houses, creating a Rainey Street History Center, and improving infrastructure; and

WHEREAS, Ordinance No. 20131024-010 amended the Fiscal Year 2013-2014 Capital Budget (Ordinance No. 20130909-002) to create the Rainey Street District Fund to receive right-of-way fees, alley vacation sales, and license agreements from within the Rainey Street Historic District and Subdistrict; and

WHEREAS, money from the fund was used to rehabilitate single family structures transferred out of the Rainey Street Historic District so that they could be maintained as affordable housing; and

WHEREAS, transcripts suggest the Council intent was for the Rainey Street District Fund to continue to accrue fees to support reinvestment within the Rainey Street Historic District, but this intent was never realized; and

Fifth Street Mexican American Heritage Corridor

WHEREAS, in May 2011 the Travis County Commissioners Court unanimously approved a resolution to collaborate with Mexic-Arte Museum and the City of Austin in creating the Fifth Street Mexican American Heritage Corridor to recognize past contributions of the Mexican American community, to enhance the present, and to build a better future; and

WHEREAS, recognizing that the Mexican and Mexican American community members who settled along the Fifth Street Corridor and adjacent spaces, City of Austin Resolution No. 20110825-067 stated the intention for the Fifth Street Mexican American Cultural Heritage Corridor to connect and enhance Downtown's network of public parks and

streets and to celebrate the distinct history, culture, and identity of the place as well as stimulating the local economy; and

WHEREAS, the Hispanic/Latino Quality of Life Initiative in June 2013 recommended the City designate a segment of Fifth Street as the Mexican American Heritage Corridor and recommended funding a master plan to amplify the history of the Mexican American community in Downtown Austin; and

WHEREAS, the Hispanic/Latino Quality of Life Initiative emphasized the importance of Hispanic/Latino-owned businesses in the City's economic landscape; and

WHEREAS, the Greater Austin Hispanic Chamber of Commerce (GAHCC) has served as a collaborative partner and service provider to the city of Austin for nearly four decades, and the potential creation of a Mexican American Cultural Heritage Corridor should include the feasibility of locating a permanent home for the GAHCC; and

WHEREAS, since 1984, Mexic-Arte Museum has enriched the community through educational programs, exhibitions, and the collection, preservation, and interpretation of art and culture for visitors of all ages through its permanent collection of historic and contemporary Latino art; and

WHEREAS, Resolution No. 20140130-047 affirmed that Mexic-Arte Museum would be a "central anchor of the Fifth Street Mexican American Heritage Corridor where some of the first members of the Mexican and Mexican American community settled in Austin;" and

WHEREAS, the Mexican American Heritage Corridor was referenced as a “planned corridor” in the Republic Square Master Plan (2013) and wayfinding for the Fifth Street Mexican American Heritage Corridor was identified as a priority in the Downtown Austin Wayfinding Master Plan (2013); and

Connectivity

WHEREAS, in response to increased congestion and a desire for greater pedestrian safety in the Rainey Street area, Resolution No. 20110127-035 directed the City Manager to develop short and long-term recommendations for addressing pedestrian safety, congestion, and parking issues for residents and patrons of the Rainey Street Historic District; and

WHEREAS, the Downtown Austin Plan identified specific goals for the Rainey Street Historic District, which included stronger pedestrian and bicycle linkages to the Central Business District, Town Lake, Waller Creek, and East Austin, as well as improved roadway connectivity between IH-35 and Cesar Chavez; and

WHEREAS, the Downtown Austin Plan included responses from a 2009 survey in which the most popular public improvement priorities for the Rainey Street area were the incorporation of “Great Streets” standards and new parks, pocket parks, or plazas; and

WHEREAS, the Downtown Austin Plan acknowledged that the Rainey Street Historic District was not “well connected to the surrounding Downtown, limiting pedestrian, bicycle, and vehicular access and making the area feel isolated”; and

WHEREAS, the Downtown Austin Plan established urban design priorities for the Rainey Street Historic District including the promotion of “streetscape, creekscape, bridges, trails, promenade and other open space improvements that establish a more direct relationship with Lady Bird Lake (Town Lake) and Waller Creek,” as well as better connections between the ESB-MACC and Downtown/East Austin; and

WHEREAS, Rainey Street area residents have repeatedly requested that the City develop a master plan of the area to develop and implement strategies for managing mobility challenges for the thousands of current residents and the several thousand more on the way; and

WHEREAS, the Rainey Neighborhood Mobility Study and Plan prepared by Big Red Dog Engineering and Consulting in May of 2017 provided comprehensive recommendation for mobility improvements in the Rainey area; and

WHEREAS, the Austin Transportation Department is proposing a local mobility plan for the Rainey Street neighborhood as part of the Austin Core Transportation Plan; and

WHEREAS, the Austin Strategic Mobility Plan (ASMP), adopted on April 11, 2019, references the need to improve mobility in the Central Business District, South Central Waterfront, and Rainey Street neighborhood; and

WHEREAS, Capital Metro’s Project Connect Plan envisions high-capacity transit providing an additional crossing over Lady Bird Lake from the South Central Waterfront into the lower southeast quadrant of Downtown; and

WHEREAS, Capital Metro’s Project Connect proposes to intersect its high-capacity transit lines at the new Downtown Station, between the Convention Center and Brush Square; and

WHEREAS, several local organizations and the City Council (Resolution 2010620-058) have supported the proposal to “cut and cap” IH-35, which would transform the eastern side of Downtown and create the cohesive connections between East Austin and Downtown that the City of Austin’s planning documents have recommended for years; and

Austin Convention Center

WHEREAS, on May 13, 2019, the Tourism Commission recommended that the City Council adopt and implement the recommendation of the Visitor Impact Task Force as a guiding framework for the expansion of the convention center; and

WHEREAS, in March of 2014, the Austin Convention Center Department consulted with Gensler to craft a Long-Range Master Plan to address the Convention Center’s future needs; and

WHEREAS, the Council next passed Resolution No. 20141211-218, directing the City Manager to work with the Urban Land Institute (ULI) so that a Technical Assistance Panel could review options for both increasing beyond and maintaining the Convention Center’s current footprint; and

WHEREAS, the resulting ULI report recommended that the City expand the Convention Center to create a “visionary” District that would include funds for projects such as Brush Square, the Red Line Station, and Waller Creek; and

WHEREAS, in November of 2015, the Council approved Resolution 20151112-033, which adopted the Austin Convention Center’s Long-Range Master Plan, with the additional direction that the Economic Opportunity Committee provide recommendations on several proposals and considerations, including the enhancement of Brush Square, Palm Park, Palm School (in coordination with Travis County), and green space initiatives (in coordination with the Waller Creek Conservancy); and

WHEREAS, later that year Capital Metro announced it had received funds to complete the MetroRail Downtown Station, near the Austin Convention Center, Waller Creek, and historic Brush Square and Capital Metro has since broken ground on this project; and

WHEREAS, Resolution No. 20160225-045 stated that “the new Downtown Station presents an opportunity to collaborate with stakeholders and multiple agencies to shape a long-term vision and identity for the area that includes the Downtown Station, Brush Square, the Convention Center, Waller Creek, and other important public spaces and cultural amenities” and directed the City Manager to work with relevant City departments and stakeholders toward that end; and

District Planning

WHEREAS, on March 28, 2019, Council approved the Brush Square Master Plan, a multi-year planning effort that acknowledges the increasingly important role Brush Square will play as investments increase in the Downtown Station, the Convention Center, the new residential and office developments in the Central Business District, and the Rainey Street Historic District; and

WHEREAS, Our Austin Story was commissioned by the Downtown Austin Alliance in partnership with the City of Austin Parks and Recreation Department (PARC), and its scope of work includes providing interpretive planning for historic public squares located within the Downtown area, such as Brush Square; and

WHEREAS, in approving the Brush Square Master Plan, the Council also directed the City Manager to develop a plan, determine a location, and identify funding to relocate Fire Station Number 1's operations as part of the Brush Square Master Plan; and

WHEREAS, the Center for Sustainable Development at the University of Texas's April 2019 report analyzed various possible scenarios for a Convention Center expansion, taking into consideration emerging projects, national trends and best practices, restoration of the Waller grid, public access, economic impacts, and Downtown development patterns; and

WHEREAS, the report recommends the City should "move away from ad-hoc planning, and instead think holistically and strategically about the future of the entire area surrounding the convention center"; and

WHEREAS, the Waller Creek Conservancy and Downtown Austin Alliance have suggested the City of Austin partner in creating a regulating plan to ensure that projects along Waller Creek redevelop with a thoughtful, context-sensitive approach, and the basis of such a regulating plan would be informed by the Palm District planning efforts; and

WHEREAS, as this area of Downtown grows, evolves, and expands, the City must plan comprehensively and strategically; and

WHEREAS, a District Plan could help identify next steps on important projects such as the Convention Center while also leveraging the City's investments and helping create a Downtown that is more inclusive, equitable, accessible, prosperous, multi-modal, and aesthetically pleasing; and

WHEREAS, the Regional/Urban Design Assistance Team (R/UDAT) of the American Institute of Architects /Community for Centers by Design helps transform communities by leading interdisciplinary teams in dynamic, multi-day grassroots processes to produce community visions, action plans, and recommendations; and

WHEREAS, Austin was the recipient of a R/UDAT planning grant in 1991, which recommended, among other things, the creation of a downtown Public Improvement District (PID) and also created the South Central Waterfront Vision framework; and

WHEREAS, the City Council aims to bring the disparate planning efforts described in the recitals above into conversation with one another to achieve a more comprehensive and coherent vision and blueprint for this area.

NOW, THEREFORE:

BE IT RESOLVED BY THE CITY OF AUSTIN CITY COUNCIL:

Palm School Negotiations

The City Council considers the Palm School and the surrounding site to be of significant historical, cultural, and community value and deserving of both preservation and active public use. The City Council seeks to partner with Travis County in achieving those aims, and to that end directs the City Manager as follows:

1. The City Council urges Travis County not to sell the Palm School or the surrounding site. The Council reiterates its direction to the City Manager to negotiate in earnest with Travis County on options for the continued public ownership and operation of the Palm School and the surrounding site.
2. The City Manager is directed to provide a copy of this resolution to the members of the Travis County Commissioner's Court within 10 days of its passage.

Rainey Street District Fund

1. The City Manager shall return to Council by June 20, 2019 with an ordinance that will require funds from right-of-way fees, alley vacation sales, and license agreements for developments within the Rainey Street Historic District to be deposited into the Rainey Street District Fund.

The City Manager is directed to return with a positive or negative recommendation on the ordinance based on:

- a. previous investments made in the Rainey Street Historic District,
- b. needed investments in the Rainey Street Historic District,
- c. citywide funding needs and strategic priorities, and
- d. an analysis of equity in city investments, recognizing the importance of safe access to the MACC and Fifth Street Mexican American Heritage Corridor, and recognizing the importance of investing in communities of color currently underserved by the City.

The request for this additional information shall not prevent the City Manager from returning with the ordinance on the date specified above, nor shall it prevent the City Council from taking action on this ordinance.

2. The City Manager shall provide a report to Council by June 1, 2019, indicating the amount of money that would have been in the fund had right of way, alley vacation, and license agreement fees been deposited since 2013. The report should also include an accounting of city investments in the Rainey Street District during that same period.

Fifth Street Mexican American Heritage Corridor

1. The City Manager has previously been directed to analyze whether Hotel Occupancy Taxes can be used to promote and install appropriate wayfinding and signage along the Fifth Street Mexican American Heritage Corridor. The City Manager is directed to report back by June 15, 2019, on the results of this analysis and contingent on this

analysis, include Corridor wayfinding in the Fiscal Year 2020 historic preservation spending.

2. The City Manager is directed to return to Council by August 1, 2019, with an action to initiate the process for a cultural district designation of the Corridor, the timeline for completing the designation, and identifying other actions that will help amplify the stories and contributions of the Mexican American community within that corridor and its immediate surroundings.

Convention Center Expansion

The City Council desires to re-envision the Convention Center as an active, community-oriented civic building that enhances the culturally rich fabric of the Palm District and desires to begin the process to expand the Austin Convention Center. To that end, the Council directs the City Manager as follows:

1. The City Manager is directed to recommend an initial design for a Convention Center expansion and to begin with Convention Center Scenario 5 (as outlined in the UT Center for Sustainable Development Study). Of the scenarios presented, this one best embodies the desired re-envisioning of what a convention center can be, including not only additional convention space but also removing existing elements to create and enhance public space, place-making, and connectivity within the Palm District, especially along Second Street, Waller Creek, and Palm Park.

Initial design explorations should aim to create flexible convention spaces that could be used or transformed for other purposes if convention demand ebbs and flows. The City Manager is also directed to explore ways to incorporate Austin's own music and arts community into the design and use of the convention center; to identify and present options for bringing the public inside the building day-to-day; and to provide information about options on how to make ground-level retail successful and engaging.

The Council directs this action with the understanding that additional elements could and perhaps should be included, that any design will need to meet practical and financial considerations, and that the City Council, the staff, and the public will need to be afforded ample opportunities for appropriate explorations of different aspects of this scenario, including the financial rationale, estimated costs, and potential funding options.

2. The City Manager is directed to analyze and recommend a financing plan for a Convention Center expansion as described above. This analysis should include the following:

- a. Funding Mechanisms: Funding mechanisms should include but not be limited to consideration of the recommendations of the Visitor Impact Task Force, a potential two percent increase to the Hotel Occupancy Tax under Section 351.1065 of the Texas Tax Code, 4.5 cents of the

Convention Center Tax Fund also under Section 351.1065, 2% venue tax by public election under Section 334.023, Convention Center facility revenue, and public-private partnerships. The financing plan should reflect maintenance of the annual funding of both the Historic Preservation Fund and the Cultural Arts Fund at the full 15% of the Hotel Occupancy Tax revenue allowed for each allocation. Expansion financing and funding for ongoing Convention Center operations may not include general obligation debt, any property tax pledge, General Fund revenue, or General Fund reserves. However, should it be recommended that non-convention center elements be included in the expansion (for example, a fire station relocation), separate financing or funding may be proposed.

- b. Due diligence. This analysis should include the economic and financial information needed by Council related to: different scenarios for paying down the Austin Convention Center's current debt; options for land leasing and acquisition; different methods of establishing public-private partnerships; current and projected operations and maintenance costs; current and projected hotel industry growth citywide and within the Central Business District; further evaluation of possible HOT revenue projections beyond those presented in the UT study (including an evaluation based on the average of the last three years of actual room night

data relative to attendance for Denver, San Antonio, and Nashville, peer cities considered in the UT study); an evaluation of the state of the national convention center industry and its implications for future revenue flows for the Austin Convention Center; and opportunities to maintain and/or expand future HOT revenue allocation percentages towards cultural arts and historic preservation.

- c. Risks. For every financing and funding mechanism considered, the City Manager is directed to present a thorough analysis of the associated opportunity costs and risks, such as (but not limited to) implications for the City's ability to move forward with non-convention center projects. Consideration of Hotel Occupancy Tax revenue bonds must include an evaluation of what might happen if pledged HOT revenues are insufficient to cover the 30-year bond obligations (e.g. risks to the city's revenue bond credit rating, risks to current and future allocation flows towards cultural arts and historic preservation), and the relative merits of using Chapter 334 vs. Chapter 351 tax revenue.
3. The City Manager should explore all possibilities related to land leasing, acquisition, and the establishment of public-private partnerships for the expansion project. The City Manager should identify options for maximizing private development so as to help offset the costs of expansion.

4. The City Manager should work with stakeholders including but not limited to, the Austin Hotel and Lodging Association and the Downtown Austin Alliance, Visit Austin, ECHO and other homelessness service providers to prepare for the establishment of a Tourism Public Improvement District allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin, especially in the area near the Austin Convention Center.
5. Convention Center planning, design, and financing efforts should assume participation in Green Building and LEED certification programs as well as the Better Builder Program, or a program with comparable worker protections for all construction workers performing work related to the Convention Center expansion including:
 - a. Wages no less than the City of Austin living wage as defined in Austin City Ordinance No. 20160324-015;
 - b. Completion of OSHA 10-hour training;
 - c. Workers' Compensation;
 - d. Hiring goals from local craft training programs;
 - e. Compliance with all applicable state, federal, and local laws; and
 - f. Independent on-site monitoring.

The assumptions should also take into account the Council's desire to create a zero waste, net zero energy, and net positive water facility. The efforts should consider including, if practical, a new Downtown fire station, an Austin Energy water chiller, as well as any other municipal needs (such as City office space) the Manager might identify.

6. The City Manager is directed to incorporate these efforts into the Palm District planning effort described in this resolution. The beginning of the convention center expansion process should inform that planning process, just as that planning process should inform the expansion process. The two processes should also operate independently.
7. The City Manager should present as much of this convention center expansion analysis and initial design as is available by July 31, 2019, and should present a timeline, if not already completed, for the design work and for the documents, actions, and ordinances necessary to adopt and initiate the additional hotel occupancy taxes and to undertake an expansion.
8. As part of the convention center expansion process, the City Manager is directed to provide options for expansion or modification of the Board of Directors of Austin Convention Enterprises, Inc., that would create more formalized representation of the interest of employees (both public and private) at the convention center and at the

publicly-owned convention center hotel. Such options should be provided concurrently with the convention center expansion analysis by July 31, 2019.

District Planning Process

The City Council expresses an interest in the creation of a Palm District Master Plan and to that end directs the City Manager as follows:

1. The City Manager shall convene stakeholders in a comprehensive, focused planning effort to bring forward the Palm District Master Plan, comprised of Palm School and Palm Park, Brush Square, the ESB-MACC, the Convention Center, Waller Creek, the Rainey Street Historic District, the Downtown Station and the Fifth Street Mexican American Heritage Corridor. The Palm District Master Plan should be informed by Project Connect.
2. Stakeholders in the planning effort should include representatives from the Red River Cultural District, the Raza Roundtable, the Rainey Neighbors Association, the East Cesar Chavez Neighborhood Contact Team, the Rainey Business Coalition, the Town Lake Neighborhood Association, the Austin History Center Association, the Greater Hispanic Chamber of Commerce, Hispanic Austin Leadership (HAL), Hispanic Advocates Business Leadership of Austin (HABLA), the Downtown Austin Neighborhood Association, Mexic-Arte, La Peña, the Tourism Commission, Capital Metro, AIA Austin, Preservation Austin, and others including residents, businesses

and other community groups in proximity to or having an interest in the district as well as Visit Austin, the ESB-MACC, and other relevant boards and commissions.

3. The planning process should provide opportunities for public charrettes involving any interested participants as well as smaller, focused conversations with invited participants.
4. The City Manager will support this effort with the personnel necessary to promote a robust planning process, including staff from the Urban Design Division of the Planning and Zoning Department, Parks and Recreation, Austin Transportation Department, the Austin History Center, the Cultural Arts Division and Heritage Tourism Division of the Economic Development Department, and the Austin Convention Center. The City Manager shall also invite Travis County, Waller Creek Conservancy, the Downtown Austin Alliance, Our Austin Story stakeholders, the Trail Foundation, Preservation Austin, the Travis County Historical Commission, Austin History Center Association, Capital Metro, and Travis County to participate in this planning effort.
5. The City Manager is encouraged to apply for an American Institute of Architects/Center for Communities by Design Regional/Urban Design Assistance Team (R/UDAT) grant to guide the planning efforts in collaboration with key partners.

6. In the event that other external groups have financial resources or expertise to contribute to plan development, the Council authorizes the City Manager to accept appropriate and reasonable assistance.

The City Council expresses an interest in updating and implementing the Waller Creek District Master Plan and to that end directs the City Manager as follows:

1. The City Manager is directed to collaborate with the Waller Creek Conservancy and Downtown Austin Alliance on a community-based planning process to create a more comprehensive vision and blueprint for the Waller Creek District. This process will result in, among other outcomes, standards for development that are compatible with the creek restoration, trail improvements, and a thriving public realm. The Waller Creek District is bounded on the east by IH-35, on the west by Trinity Street, on the north by Fifteenth Street, and on the south by Lady Bird Lake. The Waller Creek District Plan will incorporate the findings of the Palm District Master Plan.
2. The City Manager will identify elements of the existing Waller Creek Design Guidelines that can be elevated to code amendments for developments that could have an immediate impact on Waller Creek.

Improved Connectivity

In addition to those articulated elsewhere and stated earlier in this resolution, the goals of the Palm District Master Plan should also include identifying options for improving mobility, accessing transit, and resolving the barrier created by Cesar Chavez between the

northern and southern areas of the district. These options should include short and long-term suggestions and be both achievable and aspirational.

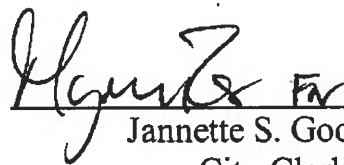
Timeline

Nothing in this resolution precludes the City Manager from exploring land or facility acquisitions or public and private partnerships that might arise during the planning period and presenting those opportunities to City Council.

Except for elements and timeframes articulated above, the City Manager is directed to present a work program for the Palm District Plan process and any necessary resources to develop the plan to the City Council no later than August 1, 2019, for potential inclusion in the 2020 budget. Also for potential inclusion in the 2020 budget, the City Manager is directed to identify resources and a timeline for the proposed district-level planning process as detailed in the Land Development Code Policy Direction to the City Manager on May 2, 2019.

ADOPTED: May 23, 2019

ATTEST:



Jannette S. Goodall
City Clerk

Tab 3



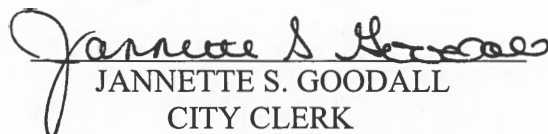
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the Initiative Petition related to proposing an ordinance “prioritizing the use of Austin’s Hotel Occupancy Tax Revenue for the promotion and support of local cultural, heritage and environmental tourism; requiring voter approval and public oversight for significant expansions of the Austin Convention Center; and establishing other local requirements for the use of Hotel Occupancy Tax revenue”, as on file in the Office of the City Clerk on the 12th of July, 2019.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 15th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS



PETITION COVER SHEET

★
Name of Petition:

Petition to support Austin's Music, Arts & Cultural Tourism for the Back to K

Who Filed the Petition:

William G. Bunch
All of Austin

Date Petition was Filed:

July 12, 2019

Time Petition was Filed:

1:31 p.m.

Received by:

Enka Brady
(Typed name of OCC staff member)

E Brady
(Signature of staff member)

★ Above name is not the caption. The caption is ~~given~~ set out in the petition ordinance. WAB

PETITION TO SUPPORT AUSTIN’S MUSIC, ARTS & CULTURAL TOURISM FOR THE BENEFIT OF ALL OF AUSTIN

We, the undersigned registered voters of the City of Austin, petition the adoption of the following citizen-initiated ordinance:

The caption of the petitioned ordinance, which shall be used verbatim as the ballot language, reads as follows:

A PETITIONED ORDINANCE PRIORITIZING THE USE OF AUSTIN’S HOTEL OCCUPANCY TAX REVENUE FOR THE PROMOTION AND SUPPORT OF LOCAL CULTURAL, HERITAGE AND ENVIRONMENTAL TOURISM; REQUIRING VOTER APPROVAL AND PUBLIC OVERSIGHT FOR SIGNIFICANT EXPANSIONS OF THE AUSTIN CONVENTION CENTER; AND ESTABLISHING OTHER LOCAL REQUIREMENTS FOR THE USE OF HOTEL OCCUPANCY TAX REVENUE

PART 1. Findings and Purpose:

- (A) The City of Austin benefits significantly from cultural, heritage and environmental tourism, which collectively generate the bulk of the revenue the City receives from the assessment of the Hotel Occupancy Tax; however, with too little support from the City of Austin, many of our local artists, musicians, performers and local business owners upon which Austin’s cultural fabric is based are struggling to survive with Austin’s growing costs of living and doing business.
- (B) In contrast, the Austin Convention Center’s corporate meetings, conventions and events account for less than four percent (4%) of Austin’s overnight visitors, yet Convention Center-related operations, management, construction and reserves consume over seventy percent (70%) of Austin’s annual Hotel Occupancy Tax revenue.
- (C) The purpose of this ordinance is to re-prioritize Austin’s investment of Hotel Occupancy Tax revenue to promote and support tourism that emphasizes and enhances Austin’s diverse culture, heritage, environment and locally owned businesses.

PART 2. Section 11-2-7 of the Austin City Code is hereby repealed and replaced with the following provisions:

§ 11-2-7 ALLOCATION AND USE OF HOTEL OCCUPANCY TAX REVENUE

- (A) This section applies to all revenue, including interest and appreciation, derived from the Hotel Occupancy Tax and collected by the City of Austin, as authorized under state law.
- (B) The revenue derived from the Hotel Occupancy Tax shall be prioritized for activities and expenditures that will directly promote, support and enhance tourism that is focused on Austin’s unique and diverse culture, arts and music, historic preservation, parks, environmental resources, and locally owned businesses (collectively, the “Cultural Tourism Industry”). In furtherance of such objective, for each fiscal year, allocations of Hotel Occupancy Tax revenue shall be subject to the following constraints:
 - (1) Support for Cultural Arts. Not less than fifteen percent (15%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal year shall be prioritized and allocated to the Cultural Arts Fund (or a similar fund established by the City Council), which may be used for purposes described under Section 351.101(a)(4) of the Texas Tax Code.
 - (2) Support for Historic Preservation. Not less than fifteen percent (15%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal year shall be prioritized and allocated to the Historic Preservation Fund (or a similar fund established by the City Council), which may be used for purposes described under Section 351.101(a)(5) of the Texas Tax Code.
 - (3) Convention Center Expenditure Cap. The total annual allocation of Hotel Occupancy Tax revenue used for Convention Center Expenditures shall be limited to the greater of (i) an amount equal to five (5) times the Convention Center’s Earned HOT Revenue or (ii) thirty-four percent (34%) of the total annual Hotel Occupancy Tax revenue collected for each fiscal year. For purposes of this ordinance, (a) the “Convention Center’s Earned HOT Revenue” shall be deemed to be the total local Hotel Occupancy Tax revenue generated solely from documented hotel room rentals by convention delegates and registrants of events held at the Convention Center during the prior fiscal year; and (b) “Convention Center Expenditures” shall include but are not limited to the following: (1) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of Convention Center facilities within the Central Business District; (2) the city’s provision of facilities, personnel, and materials for the registration of convention delegates or registrants; and (3) the marketing, selling, and servicing of convention services. Funds related to Convention Center Expenditures shall be allocated to the Convention Center Capital Improvement Project Fund (or a similar fund established by the City Council).
 - (4) Prioritization of Remaining Funds. The remainder of the total annual Hotel Occupancy Tax revenue collected for each fiscal year shall be allocated to support and enhance Austin’s Cultural Tourism Industry through methods consistent with state law, including but not limited to, (a) advertising and conducting solicitations and promotional programs to attract cultural tourists to diverse, geographically dispersed parts of the City; (b) constructing, operating and maintaining a transportation system that could help connect cultural tourists from hotels in and near the City to downtown and other commercial centers with high concentrations of locally owned businesses and tourist attractions, as authorized under Section 351.110 of the Texas Tax Code; and (c) constructing, maintaining and operating cultural tourist venues, such as multipurpose, performing arts, and live music venues, as authorized under Chapter 334 of the Texas Local Government Code or other applicable law.
- (C) Without limitation to the above, a tax authorized under Chapter 334 (*Sports and Community Venues*), Subchapter H (*Hotel Occupancy Taxes*) of the Texas Local Government Code shall be subject to the limitations of subsection (B)(3) above.
- (D) Notwithstanding anything in this section, any remaining amounts from past collections of Hotel Occupancy Revenue that have accumulated in the Convention Center Capital Improvement Project Fund and/or its reserves prior to May 1, 2019, may be spent retiring previously issued, voter-approved debt for the convention center as it existed on May 1, 2019. In the event that such funds are used to pay down previously issued convention center debt earlier than otherwise required, the payments of such debt may exceed the limits prescribed under Section 11-2-7(B)(3) above.

PART 3. Title 11 of the Austin City Code is amended to add a new Section 11-2-8 to read as follows:

§ 11-2-8 CONVENTION CENTER IMPROVEMENT AND EXPANSION

- (A) For purposes of this ordinance, the term “Convention Center” shall refer to any facility built, operated or managed using Hotel Occupancy Tax revenue that is used primarily to host conventions or other corporate events or meetings, and such term expressly excludes facilities used primarily for purposes related to cultural arts, education, and historic preservation.
- (B) Except as provided in this section, any construction, expansion, redesign, reconfiguration or remodel of a Convention Center which costs in excess of twenty million dollars (\$20,000,000), whether via direct expenditure or an obligation incurred through debt financing, shall require voter approval by ballot measure at the next required uniform election date. The aforementioned twenty-million dollar cap shall include all total aggregate costs of improvements made to a Convention Center over any given forty-eight (48) month period of time. Such amount shall be modified each year with the adoption of the budget with an appropriate index to adjust for inflation.
- (C) No Convention Center may, without voter approval, be constructed, expanded, redesigned, reconfigured or remodeled in any manner that would remove real property from the tax rolls of the City of Austin or another taxing jurisdiction, such as the Austin Independent School District or other applicable school district.
- (D) Not less than ninety (90) days prior to an election required under subsections (B) or (C) above, the City shall publish and distribute to the public an objective analysis of the total estimated 30-year costs of such expansion, redesign, reconfiguration or remodel, which analysis shall include, among other appropriate information, (a) the potential lost property tax revenue over such period to all relevant taxing jurisdictions resulting from the property’s removal from the tax rolls, (b) all historic expenditures of City revenues for the construction, operation, maintenance and debt service for the convention center over the prior twenty (20) year period; and (c) the total projections for construction, operation, maintenance and debt service for the convention center facility to be improved for the full period of any contemplated bonded indebtedness that would be authorized by such election.

PART 4. Title 11 of the Austin City Code is amended to add a new Section 11-2-9 to read as follows:

§ 11-2-9 ADDITIONAL REQUIREMENTS FOR USE OF HOTEL OCCUPANCY TAX REVENUE

- (A) The City shall be prohibited from contracting with an entity to manage or supervise programs and activities funded by Hotel Occupancy Tax revenue, as authorized under Section 351.101(c) of the Texas Tax Code, unless such entity agrees to be bound to the provisions of this ordinance. For purposes of this ordinance, such contracted entity shall be referred to as a “Convention and Visitors Bureau”.
- (B) Any Convention and Visitors Bureau that uses Hotel Occupancy Tax revenue shall comply with all open government and public information laws that are applicable to a City of Austin department, as if they are operating as a City of Austin department. All public information requests submitted to a Convention and Visitors Bureau shall be processed and administered through the City’s Public Information Office.
- (C) Under no circumstance shall Hotel Occupancy Tax revenue be used to lobby directly or indirectly any governmental entity or official, whether state or local, nor be used to support or oppose a candidate or ballot measure.

PETITION TO SUPPORT AUSTIN'S MUSIC, ARTS & CULTURAL TOURISM FOR THE BENEFIT OF ALL OF AUSTIN

- (D) Prior to each year's allocation of Hotel Occupancy Tax revenue, any Convention and Visitors Bureau that uses Hotel Occupancy Tax revenue shall be required to prepare a report using the City's Equity Assessment Tool to ensure that budget and planning decisions are being made in ways that are reducing racial and geographic disparities, promoting service level equity, and increasing accessibility.
- (E) Any construction project using Hotel Occupancy Tax revenue shall (i) comply with all then-current environmental regulations of the Austin City Code, without variance or waiver; (ii) achieve sustainable-building best practices superior to those required for LEED™ Gold certification, and (iii) incorporate elements of green infrastructure (such as green roofs and vertical gardens), on-site (building-scale) alternative water use features (such as methods that harvest rainwater, stormwater, blackwater and air conditioning (AC) condensate), recycled construction materials, facilities for diversion of recyclables and organics in building operations, and amenities that support active transportation (such as showers, tree shading and bike cages).

PART 5. Effectiveness and Severability:

- (A) The effective date of this ordinance shall be the earlier of (i) ten (10) days after the date of its final passage by the Austin City Council, as prescribed under Article IV, Section 4(a) of the Austin City Charter or (ii) the date upon which the results of an election required under Article IV, Section 4(b) are canvassed. This ordinance shall apply to all uses of the Hotel Occupancy Tax, regardless of the effective date of any City contract or action.
- (B) If any section, paragraph, clause, or provision of this ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance, and to this end, the provisions of this ordinance are declared to be severable. This ordinance shall supersede the Austin City Code to the extent there are any conflicts.

Please fill in ALL blanks that are NOT optional. If you circulated this petition beyond your household, please print your name here: _____ and your phone number here: _____.

Date Signed	Full Name (Please Print Clearly) Signature	Street Address (only registered voters in the City of Austin may sign this petition)	County (check one)	Date of Birth (DOB) or Voter Registration Number	E-mail (optional) Phone Number (optional)
06/27 2019	Print Full Name: Julia K. Apodaca Sign Name: Julia K. Apodaca	Street No. & Name: 2421 Euclid Ave Austin, TX Zip Code: 78704	<input checked="" type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 01/18/1958 Voter Registration Number: 1139820557	Email: Phone Number:
06/27 2019	Print Full Name: Jacob Daniel Apodaca Sign Name: Jacob Daniel Apodaca	Street No. & Name: 2421 Euclid Ave Austin, TX Zip Code: 78704	<input checked="" type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 4/3/1964 Voter Registration Number:	Email: Phone Number:
6/27 2019	Print Full Name: Brenda Bell Sign Name: Brenda Bell	Street No. & Name: 3102 West Ave Austin, TX Zip Code: 78705	<input checked="" type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 10/11/1945 Voter Registration Number:	Email: Phone Number:
7/3 2019 07-03	Print Full Name: SHUDDIE BRON FATH Sign Name: Shuddie Bronson Fath	Street No. & Name: RPT 202 4100 JACKSON AVE Austin, TX Zip Code: 78721	<input checked="" type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 1/11/1916 Voter Registration Number:	Email: Phone Number:
7/10 2019	Print Full Name: Evelyn Brown Sign Name: Evelyn Brown	Street No. & Name: 2423 Forest Ave Austin, TX Zip Code: 78704	<input checked="" type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 1/1/1911 Voter Registration Number: 1139637133	Email: Phone Number:
1/1 2019	Print Full Name: Sign Name:	Street No. & Name: Austin, TX Zip Code:	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	DOB: 1/1/1911 Voter Registration Number:	Email: Phone Number:

Tab 4



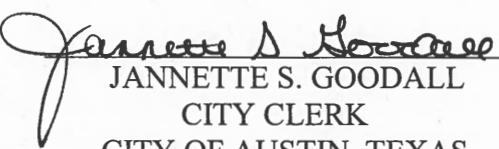
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the Certificate of Sufficiency of Initiative Petition related to proposing an ordinance “prioritizing the use of Austin’s Hotel Occupancy Tax Revenue for the promotion and support of local cultural, heritage and environmental tourism; requiring voter approval and public oversight for significant expansions of the Austin Convention Center; and establishing other local requirements for the use of Hotel Occupancy Tax revenue”, and certified sufficient by the City Clerk on the 26th day of July, 2019, as on file in the Office of the City Clerk.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 15th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS



CERTIFICATE OF SUFFICIENCY OF INITIATIVE PETITION

I, Jannette Goodall, City Clerk of the City of Austin, Texas, hereby certify that:

An initiative petition proposing an ordinance “prioritizing the use of Austin’s Hotel Occupancy Tax Revenue for the promotion and support of local cultural, heritage and environmental tourism; requiring voter approval and public oversight for significant expansions of the Austin Convention Center; and establishing other local requirements for the use of Hotel Occupancy Tax revenue” was filed with the City Clerk on July 12, 2019.

At the time of filing, the petition was comprised of 5,606 pages containing 31,908 signatures. In accordance with the City of Austin Charter and state law, the number of signatures required for a sufficient initiative petition is 5% of the qualified voters of the city or 20,000, whichever number is the smaller.

Based on verification against the voter registration rolls obtained from Travis County, Hays County and Williamson County, I have determined the following facts regarding this petition:

The raw-count number of signatures filed with the petition was 31,908. The required number of signatures is 20,000. The Texas Election Code authorizes the use of random sampling to verify petitions of large size, and the City has used the same random sampling method since 2002. Under that method, and in accordance with law, 25% of the total number of submitted signatures on this petition were verified, which equates to a sample size of 7,978.

Based on the analysis of the random sample results, it has been determined that the petition meets the requirement for the minimum number of signatures of valid voters, based on the required minimum of 20,000. Of the 7,978 submitted sample lines checked under the sampling method, 1,794 of the sample lines were disqualified on account of bearing signatures of persons not on the voter list (1,773), or of being duplicate signatures of registered voters who signed more than once (21). The remaining 6,184 sample lines were validated as bearing signatures of qualified voters.

Based on the above, the petition is determined to be sufficient, please see the attached report on the statistical analysis.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Austin on this the 26th day of July 2019.



Jannette Goodall, City Clerk
City of Austin, Texas

Report on Analysis of Convention Center Petition

We estimate that there are 24,481 valid signatures on the Convention Center petition. Using a random sample of a size required by law, the City is 95% confident that the true number of valid signatures on the entire petition exceeds 24,240 and is 95% confident that the true number of valid signatures on the entire petition is less than 24,722. Furthermore, the City is virtually certain that the true number exceeds 20,000.

A total of 31,908 lines of names were submitted on the petition. A random sample of 7,978 of these lines was checked. 1,794 of the sample lines were disqualified on account of being duplicate signatures of registered voters who signed more than once (21), or for other reasons (1,773). The remaining 6,184 sample lines were validated as bearing signatures of qualified voters.

Using these figures, we estimate that there are 24,481 valid signatures on the Convention Center petition. The method used for calculating this estimate is based on Goodman's method (*The Annals of Mathematical Statistics*, 1949, pp. 572-579), supplemented with variance estimate based on Haas and Stokes (*Journal of the American Statistical Association*, 1998, pp. 1475-1487.) The estimate of 24,481 valid signatures adjusts properly for the effect of multiple signatures. In principle, it is incorrect to extrapolate the 6,184 valid signatures that were found in the sample by simply multiplying 6,184 by the petition-to-sample-size ratio $31,908 \div 7,978 = 4$ (approximately). Also, the presence of multiple signatures in the sample substantially increases the margin of error for the estimate even when the multiplicities are relatively few, as in this petition. The method used correctly calculates both the estimate and the margin of error; the simple extrapolation does not. The effect of increased margin of error is to reduce confidence that a required minimum number of signatures was submitted. However, the correct margin of error is still small relative to the difference between the estimate of 24,481 and the benchmark minimum figure of 20,000. Therefore, the confidence is nearly 100% that the petition contains at least 20,000 valid signatures. Details on proper ways to adjust for multiple signatures are given in the cited references.

Random number generation for the sample and all programming were done with SAS[®] (Statistical Analysis System) software.

Number of Valid Signatures on Convention Center Petition is Estimated to be 24,481

The City of Austin has determined that the Convention Center petition meets the requirement for the minimum number of signatures of valid voters if the required minimum is 20,000. 31,908 lines of names were submitted on the petition. A random sample of 7,978 of the submitted lines was checked. 1,794 of the sample lines were disqualified on account of being duplicate signatures of registered voters who signed more than once (21), or for other reasons (1,773). The remaining 6,184 sample lines were validated as bearing signatures of qualified voters.

Furthermore, using the random sample, the City estimates that there are 24,481 valid signatures on the Convention Center petition. The City is 95% confident that the true number of valid signatures on the entire petition exceeds 24,240 and is also 95% confident that the true number is less than 24,722. Furthermore, the City is virtually certain that the true number of valid signatures exceeds 20,000.

Tab 5



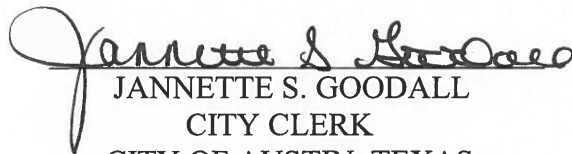
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the posted Agenda of the Special Called Meeting of the Austin City Council held on the 5th day of August, 2019, consisting of two pages, as on file in the Office of the City Clerk.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 20th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS



Special Called

Monday, August 5, 2019

The City Council will convene at 2:00 PM on
Monday, August 5, 2019 at LifeWorks Sooch
Foundation Youth & Family Resource Center
835 N Pleasant Valley Rd, Austin, TX



Mayor Steve Adler

Mayor Pro Tem Delia Garza, District 2

Council Member Natasha Harper-Madison, District 1

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Jimmy Flannigan, District 6

Council Member Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

For meeting information, contact the City Clerk, (512) 974-2210

The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Consent Agenda

City Clerk

1. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on July 26, 2019, to amend the City Code regarding the use of Austin's Hotel Occupancy Tax revenue.

Adjourn

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

For assistance, please call 512-974-2210 or TTY users route through 711.

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call (512) 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.

Tab 6



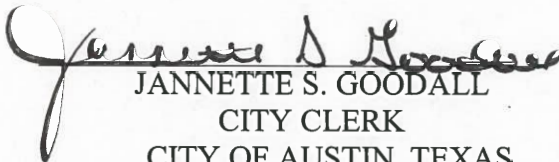
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the Austin City Council Agenda for August 8, 2019 Council meeting consisting of twenty-eight pages as on file in the Office of the City Clerk.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 20th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS



Thursday, August 8, 2019

The City Council will convene at 10:00 AM on
Thursday, August 8, 2019 at Austin City Hall
301 W. Second Street, Austin, TX



Mayor Steve Adler
Mayor Pro Tem Delia Garza, District 2
Council Member Natasha Harper-Madison, District 1
Council Member Sabino “Pio” Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Paige Ellis, District 8
Council Member Kathie Tovo, District 9
Council Member Alison Alter, District 10

For meeting information, contact the City Clerk, (512) 974-2210

The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

9:55 AM – Opening Moment

It is our custom here at City Council to start our meetings with a peaceful moment by inviting different people from walks of life and different faiths to share their prayers or moments of reflection. This is an important way that we celebrate the diversity that exists in our city and begin our meetings with everyone focused and aligned for the greater good.

Pastor Anthony Raybourne, Austin Central Seventh Day Adventist Church

10:00 AM – City Council Convenes

Consent Agenda

Approval of Minutes

1. Approve the minutes of the Austin City Council work session of June 18, 2019, special called of June 19, 2019, and regular meeting of June 20, 2019.

Austin Energy

2. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a permanent electric transmission and distribution easement consisting of approximately 2,245 square feet out of the John Applegait Survey Number 58, for the Austin Energy Transmission Circuit 811 Upgrade Project, located at 9813 N. Lamar Blvd., and being a portion of Lot 1A, Resubdivision of Lot 1 Block B, Northwend Phase B, Section One, recorded in Vol. 93, Pg. 279 of the Plat Records of Travis County, Texas, in an amount not to exceed \$61,149.

District(s): District 4

3. Approve issuance of incentives to the Housing Authority of the City of Austin for the installation of solar electric systems on two multifamily affordable housing communities: Pathways at Chalmers Courts South, located at 1638 E. 2nd St., for an estimated amount of \$151,110; and Pathways at Goodrich Place, located at 2126 Goodrich Ave., for an estimated amount of \$257,950; for a combined total amount not to exceed \$409,060.

District(s): District 3; District 5

4. Approve issuance of a rebate to Costco Wholesale Corp., for performing energy efficiency improvements at the Costco facility located at 10401 Research Blvd., in an amount not to exceed \$73,877.

District(s): District 7

5. Authorize negotiation and execution of a 12-year power purchase agreement with E.ON Climate & Renewables, for up to 200 megawatts of electricity from a utility-scale wind-generation facility,

in an estimated amount of up to \$17,000,000 per year, for a total estimated amount of up to \$204,000,000.

Austin Water

6. Authorize negotiation and execution of a financing agreement with the Texas Water Development Board for a 20-year low-interest loan in the amount of \$6,200,000 through the State Water Implementation Fund for Texas loan program, for the implementation of Austin Water's Advanced Metering Infrastructure project.

Capital Contracting Office

7. Authorize negotiation and execution of an amendment to the professional services agreement with CAS Consulting & Services, Inc. (MBE) for engineering services for the Williamson Creek Wastewater Interceptor project in the amount of \$2,400,995.53, for a total contract amount not to exceed \$6,459,995.53.

[Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 54.71% MBE and 12.89% WBE.]

District(s): District 2; District 3

8. Authorize award and execution of a construction contract with Rider Construction Group, LLC, for the Walsh Boat Landing - Site Improvements project in the amount of \$1,112,766.37 plus a \$111,276.63 contingency, for a total contract amount not to exceed \$1,224,042.90.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 13.92% MBE and 2.33% WBE participation.]

District(s): District 10

9. Authorize award and execution of a construction contract with L.D. Tebben Company, Inc. for the East Austin Neighborhood Center Roof Replacement for a total contract amount not to exceed \$609,629.00.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.00% MBE and 2.33% WBE participation.]

District(s): District 2

10. Approve a resolution finding that the use of the Competitive Sealed Proposal method of contracting, as authorized by Subchapter D, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Brush Square - O. Henry Museum Restoration project to restore the museum building.

(Note: MBE/WBE goals will be established prior to issuance of this solicitation.)

District(s): District 9

11. Authorize negotiation and execution of a professional services agreement with CDM Smith, Inc., (staff recommendation) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP267 to provide on-call environmental/civil engineering and sustainability management consulting services for the 2019 Austin-Bergstrom International Airport Environmental and Engineering Services in an amount not to exceed \$2,000,000.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.00% MBE and 15.80% WBE participation.]

District(s): District 2

12. Authorize award and execution of a construction contract with Facilities Rehabilitation, Inc. (MBE), for the Future Downtown Substation Water & Wastewater Relocation project, in the amount of \$594,021 plus a \$59,402 contingency, for a total contract amount not to exceed \$653,423.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 98.65% MBE and 1.35% WBE participation.]

District(s): District 9

13. Authorize an amendment to the construction contract with Alpha Paving Industries, LLC (MBE), for the Annual Asphalt Repair Contract 2018 (North) Indefinite Delivery/Indefinite Quantity contract for additional funding in the amount of \$562,500, for a total contract amount not to exceed \$2,812,500.

[Note: This contract was awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 100.00% MBE and 0.00% WBE.]

District(s): District 1; District 2; District 3; District 4; District 5; District 6; District 7; District 8; District 9; District 10

14. Authorize an amendment to the construction contract with Alpha Paving Industries, LLC (MBE), for the Annual Asphalt Repair Contract 2018 (South) Indefinite Delivery/Indefinite Quantity contract for additional funding in the amount of \$562,500, for a total contract amount not to exceed \$2,812,500.

[Note: This contract was awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 60.98% MBE and 0.00% WBE.]

District(s): District 1; District 2; District 3; District 4; District 5; District 6; District 7; District 8; District 9; District 10

City Clerk

15. Approve an ordinance ordering a special municipal election to be held on November 5, 2019, for the purpose of submitting to the voters a proposed citizen-initiated ordinance, certified sufficient on February 11, 2019, regarding the conveyance of city-owned property for sports or entertainment

facilities; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the elections; and declaring an emergency.

16. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on July 26, 2019, to amend the City Code regarding the use of Austin's Hotel Occupancy Tax revenue.
17. Approve an ordinance ordering a special municipal election to be held on November 5, 2019, for the purpose of submitting to the voters a proposed citizen-initiated ordinance, supported by a petition certified sufficient on July 26, 2019, to amend the City Code regarding the use of Austin's Hotel Occupancy Tax revenue; providing for the conduct of the special election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the elections.

Communications and Public Information Office

18. Authorize the negotiation and execution of an interlocal agreement with Capital Metropolitan Transportation Authority (Capital Metro) for the recording and televising of Capital Metro Board meetings on ATXN.

Community Court

19. Authorize negotiation and execution of an interlocal agreement with Austin Travis County Mental Health Mental Retardation Center dba Integral Care for integrated mental health and substance use disorder treatment services for indigent citizens and other eligible clients within the Downtown Austin Community Court, for an initial 12-month term beginning on October 1, 2019 and four 12-month renewal options, each in an amount not to exceed \$543,427, for a total agreement amount not to exceed \$2,717,135.
20. Authorize the negotiation and execution of Amendment #4 to the interlocal agreement with Austin Travis County Mental Retardation Center dba Integral Care for the Homeless Outreach Street Team, to connect homeless individuals and families with services necessary to begin their process of stability and recovery, by increasing funding for the two remaining 12-month renewal options in the amount of \$20,000 per renewal option, beginning October 1, 2019, for a total increase to the agreement in an amount not to exceed \$40,000.

Controller's Office

21. Approve a resolution adopting the Whisper Valley Public Improvement District 2020 Annual Service and Assessment Plan Update including the apportionment of the assessments among subdivided assessed parcels within the District.

District(s): District 1

22. Approve a resolution adopting the Indian Hills Public Improvement District 2020 Annual Service and Assessment Plan Update including the apportionment of the assessments among subdivided assessed parcels within the District.

District(s): District 1

23. Approve a resolution adopting the Estancia Hill Country Public Improvement District 2020 Annual Service and Assessment Plan Update including the apportionment of the assessments among

subdivided assessed parcels within the District.

District(s): District 5

Economic Development Department

24. Approve a resolution adopting the East Sixth Street Public Improvement District Service and Assessment Plan and Budget update for 2020. Related to item #94 and #96.

District(s): District 9

25. Approve a resolution adopting the South Congress Preservation and Improvement District Service and Assessment Plan and Budget update for 2020. Related to item #95.

District(s): District 9

26. Approve a resolution adopting the Austin Downtown Public Improvement District Service and Assessment Plan and Budget update for 2020. Related to item #97.

District(s): District 9

27. Authorize negotiation and execution of a contract with Pecan Street Owners Association, Austin, Texas (dba Sixth Street Austin) for management of the E. 6th Street Public Improvement District Service Plan, to extend the term of the contract for an additional five years in an amount not to exceed \$140,000 per year.

District(s): District 9

Neighborhood Housing and Community Development

28. Authorize negotiation and execution of an agreement with the Urban Renewal Agency relating to the roles, responsibilities and processes for the redevelopment of East 11th and 12th Streets for an initial term of 12 months with five 12-month optional extensions.

District(s): District 1

Office of Real Estate Services

29. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a drainage easement consisting of approximately 7,225 square feet of land and a temporary working space easement consisting of approximately 4,614 square feet of land, for the West Bouldin Creek- Del Curto Drive Storm Drain Improvement Project, all easements being situated in the Isaac Decker League Survey No. 20, being out of Lot 10, Block 2, Fredericksburg Road Acres Subdivision. A Subdivision of Record in Volume 3, Page 168 of the Plat Records of Travis County, Texas, located at 2211 Kinney Road, Austin, Texas 78704, from Carol Sylvia Smith, in an amount not to exceed \$262,665.

District(s): District 5

Parks and Recreation

30. Approve an ordinance authorizing the City Manager to negotiate and execute an amended and restated agreement with the Zilker Botanical Garden Conservancy (Conservancy) to authorize the Conservancy to manage and operate the Zilker Botanical Garden admissions; and amending the schedule of Fees and Fines and Other Charges to be set or charged by the City (Ordinance No.

20180911-002) to increase the fee charged for admission for visitors who are not Conservancy members.

District(s): District 8

31. Approve an ordinance accepting \$341,014 in grant funds from the Robert Wood Johnson Foundation, and amending the Fiscal Year 2018-2019 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to appropriate these grant funds to study the effects of green infrastructure installed at joint-use school parks located at elementary schools.

District(s): District 2; District 4

Planning and Zoning

32. Approve an ordinance for the full purpose annexation of approximately 42.064 acres in Travis County, located approximately four-tenths of a mile east of the intersection of River Place Boulevard and Milky Way Drive. Related to item #115.

District(s): District 6; District 10

33. Approve a resolution directing the City Manager to include a partial exemption from ad valorem taxes for certain historically-designated properties in budget calculations for the coming year; to provide this resolution to the Austin Independent School District; and to prepare an ordinance approving these partial exemptions to be considered by Council concurrently with the annual tax levy.

Police

34. Approve a resolution authorizing the extension of line of duty injury leave of absence for Austin Police Department Officer Ryan Hancock through January 21, 2020.
35. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department program titled APD Officer Protective Equipment Project.
36. Approve an ordinance accepting \$96,000 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, Justice Assistance Grant Program; and amending the Fiscal Year 2018-2019 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to appropriate \$96,000 for the Austin Police Department Officer Protective Equipment Project.

Public Health

37. Approve negotiation and execution of Amendment No. 8 to the agreement with African American Youth Harvest Foundation for the provision of youth development conferences, adding one 12-month extension option beginning October 1, 2019 in amount not to exceed \$83,362, for a total agreement amount not to exceed \$485,915.
38. Approve an ordinance authorizing acceptance of \$269,675 in additional grant funds from the Texas Health and Human Services Commission and amending the Fiscal Year 2018-2019 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to

appropriate \$269,675 for the Special Supplemental Nutrition Program for Women, Infants, and Children.

39. Approve an ordinance amending the Fiscal Year 2018-2019 Schedule of Fees, Fines, and Other Charges to be set or charged by the City (Ordinance No. 20180911-002) by reducing all Farmers Market Fees (Class A, B and C) in compliance with Senate Bill 932 of the 86th Legislature.
40. Authorize negotiation and execution of an agreement with Foundation Communities, Inc. for the provision of sustainable access to health services for seniors for a 13-month term beginning September 1, 2019 and two 12-month extension options, each in an amount not to exceed \$125,000, for a total agreement amount not to exceed \$375,000.
41. Approve a resolution to authorize acceptance of grant funding in the amount of \$155,354 from the Texas Department of Housing and Community Affairs for the Housing and Homeless Services Program, Homeless Youth Set-Aside. Related to item #42.
42. Approve an ordinance amending the Fiscal Year 2018-2019 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept and appropriate \$155,354 in grant funding from the Texas Department of Housing and Community Affairs for the Housing and Homeless Services Program, Homeless Youth Set-Aside. Related to item #41.

Purchasing Office

43. Approve ratification of expenditures with Austin Armature Works, LP, for wastewater pump repairs, in the amount of \$149,457.

(Note: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

44. Authorize negotiation and execution of a multi-term cooperative contract with W W Grainger Inc., to provide industrial supplies, equipment, tools, and services to be used throughout the city, for up to 53 months for a total contract amount not to exceed \$25,702,750.

(Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

45. Approve a ratification of emergency expenditures with Fuquay, Inc., for the rehabilitation of a 24" underground storm drain pipe, in the amount of \$79,163.

(Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

46. Authorize negotiation and execution of a multi-term contract with Visions Paints, Inc., to provide latex paint recycling, for up to five years for a total contract amount not to exceed \$500,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

47. Authorize negotiation and execution of a multi-term contract with Creative Enterprise Solutions, LLC D/B/A Beyond20, to provide an information technology service management solution, for up to five years for a total contract amount not to exceed \$450,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established).

48. Authorize award of a multi-term contract with Carus Corporation, to provide liquid phosphate, for up to five years for a total contract amount not to exceed \$2,750,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

49. Authorize negotiation and execution of a cooperative contract with Stop Stick, Ltd., for the purchase of tire deflation devices and accessories, in an amount not to exceed \$72,368.

(Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there no subcontracting opportunities; therefore, no subcontracting goals were established).

50. Authorize negotiation and execution of a multi-term cooperative contract with Axon Enterprise, Inc., to provide body worn camera accessories and peripherals, for up to five years for a total contract amount not to exceed \$1,500,000.

(Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

51. Authorize negotiation and execution of a multi-term contract with Avolve Software Corporation, to provide software licenses, maintenance, and support for an electronic plan review solution, for up to five years for a total contract amount not to exceed \$3,000,000.

(Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

52. Authorize award of a contract with Innovative Water Solutions LLC, to provide rainwater cisterns and installation, in an amount not to exceed \$85,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

53. Authorize negotiation and execution of a multi-term contract with CLEAResult Consulting Inc. D/B/A CLEAResult, to support Austin Energy's multifamily energy efficiency programs, for up to five years for a total contract amount not to exceed \$2,635,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

54. Approve ratification of a contract with NESCO Inc., for the seven month lease of tracked bucket trucks, in the amount of \$284,000.

(Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

55. Authorize negotiation and execution of a multi-term contract with Cority Software Inc., or one of the other qualified offerors to Request for Proposals 1100 BDH3000, to provide a cloud-based software-as-a-service environment, health, safety and quality platform, for up to five years for a total contract amount not to exceed \$1,625,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established. However, the recommended contractor identified subcontracting opportunities).

56. Authorize negotiation and execution of a multi-term cooperative contract with Sirius Computer Solutions, Inc., to provide software services, for up to three years in an amount not to exceed \$300,000.

(Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

57. Authorize award of a multi-term contract with ASC, Inc., to provide structural steel, for up to five years for a total contract amount not to exceed \$13,132,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

58. Authorize award of a multi-term contract with Ennis-Flint, Inc., to provide preformed thermoplastic

pavement marking materials, for up to five years for a total contract amount not to exceed \$1,035,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities therefore, no subcontracting goals were established).

59. Authorize award of a multi-term contract with Boss Systems LLC D/B/A Hood Boss, for kitchen hood cleaning services, for up to five years for a total contract amount not to exceed \$326,875.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

60. Authorize award of a multi-term contract to provide police pursuit tires, with Kando Partners D/B/A Klingemann Car Care #1, a local bidder that offers the City the best combination of contract price and additional economic development opportunities, including employment of residents and increased tax revenues, for up to five years for a total contract amount not to exceed \$1,838,000.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

61. Authorize negotiation and execution of a contract with HHM & Associates, Inc., to provide a historic building survey for University, Windsor and Hyde Park areas, for a term of one year in an amount not to exceed \$160,387.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

District(s): District 1; District 4; District 9

62. Authorize negotiation and execution of a contract with Cox McLain Environmental Consulting, Inc., to provide a historic building survey for North Loop, Hancock and Upper Boggy Creek areas, for a term of one year in an amount not to exceed \$245,725.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

District(s): District 1; District 4; District 9

Telecommunications and Regulatory Affairs

63. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim rate adjustment proposed by Atmos Energy Corporation's Mid-Tex Division.

Transportation

64. Authorize negotiation and execution of an agreement with Ford Smart Mobility LLC for the City:One Challenge, a public engagement program to solicit ideas to address mobility challenges, present those challenges to the community, and develop solutions, in an amount not to exceed \$300,000.
65. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the design and construction of an extension of Braker Lane from Samsung Boulevard to Dawes Place to provide connectivity and capacity within the roadway network; amending the Fiscal Year 2018-2019 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept funds from the Texas Department of Transportation in the amount of \$11,240,000; and amending the Austin Transportation Department Capital Budget to transfer in and appropriate 11,240,000 for design and construction of this project.

District(s): District 1

66. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the design and construction of an expansion of Lakeline Boulevard from Lyndhurst Boulevard to Parmer Lane to provide connectivity and capacity within the roadway network; amending the Fiscal Year 2018-2019 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept funds from the Texas Department of Transportation in the amount of \$13,700,000; and amending the Austin Transportation Department Capital Budget to transfer in and appropriate \$13,700,000 for design and construction of this project.

District(s): District 6

Treasury Office

67. Approve a resolution authorizing the issuance by Moore's Crossing Municipal Utility District of Unlimited Tax Refunding Bonds, Series 2019, in an amount not to exceed \$3,130,000.

Item(s) from Council

68. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
69. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the In Light performance, sponsored by Blue Lapis Light, to be held on September 17-22, 2019 and September 26-27, 2019, outside the IBC Bank Plaza in downtown Austin.

Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Leslie Pool, and Council Member Alison Alter

70. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the B.L. Joyce Parade, sponsored by Blackshear Elementary School Parent Teacher Association, which

was held on Thursday May 23, 2019, at Huston-Tillotson University.

Sponsors: Council Member Natasha Harper-Madison, Council Member Paige Ellis, Mayor Pro Tem Delia Garza, and Council Member Alison Alter

71. Approve a resolution relating to the identification of at least 10 locations within the boundaries of I-35, 15th Street, Lady Bird Lake, and Lamar Boulevard that are suitable to install free, ADA compliant, 24-hour drinking fountains; the formulation of a budget estimate for the installation, operations, and maintenance of drinking fountains; and an expedited procurement process.

Sponsors: Council Member Kathie Tovo, Council Member Sabino "Pio" Renteria, Council Member Paige Ellis, Council Member Alison Alter, and Council Member Leslie Pool

District(s): District 1; District 9

72. Approve a resolution directing the City Manager to initiate the creation of an economic development entity, including identifying potential funding sources, soliciting stakeholder feedback on the entity's governance and operational structure, and contracting with a subject matter expert to develop an implementation plan; structure the entity to manage a broad range of projects; and bring a recommendation back to Council during the Fiscal Year 2020 budget deliberations.

Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Alison Alter, Council Member Ann Kitchen, and Council Member Natasha Harper-Madison

73. Approve the waiver or reimbursement of certain fees for the Directors of Volunteers in Austin (DOVIA) Conference, sponsored by DOVIA, which was held on Saturday, August 2, 2019, at the Asian American Resource Center.

Sponsors: Council Member Natasha Harper-Madison, Council Member Alison Alter, Council Member Paige Ellis, and Council Member Gregorio Casar

District(s): District 1

74. Approve an ordinance waiving or reimbursing certain fees for the Calvary Chapel Real Life (CCRL) Summer Sports Camp, sponsored by Pastor Fernando Anderson of CCRL Church, which was held on July 17-19, 2019, at the Virginia L. Brown Recreation Center.

Sponsors: Council Member Natasha Harper-Madison, Council Member Paige Ellis, Council Member Gregorio Casar, and Council Member Alison Alter

75. Approve a resolution directing the City Manager to prioritize the completion of the Cypress and Shoal Creek Project (Project); conduct a feasibility and financial analysis of the extension of the Seaholm Tax Increment Financing District (District); and provide Council with, no later than the end of this fiscal year: (1) a written update of the Project and (2) a feasibility and financial analysis of the extension of the District.

Sponsors: Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Natasha Harper-Madison, and Council Member Alison Alter

76. Approve an ordinance renaming Indiangrass Wildlife Sanctuary to the Louis René Barrera Indiangrass Wildlife Sanctuary, and waiving certain provisions of City Code Chapter 14-1 related to the renaming of parkland.

Sponsors: Council Member Natasha Harper-Madison, Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Paige Ellis, and Council Member Ann Kitchen

77. Approve a resolution relating to the creation of a local government corporation to address homelessness issues.

Sponsors: Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Alison Alter, Council Member Sabino "Pio" Renteria, and Mayor Steve Adler

78. Approve a resolution declaring a climate emergency and calling for immediate and coordinated mobilization by the City to address the causes and consequences of climate change and directing the City Manager to take appropriate action.

Sponsors: Council Member Alison Alter, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Kathie Tovo, and Council Member Gregorio Casar

79. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the North Shoal Creek 4th of July Parade, sponsored by the North Shoal Creek Neighborhood Association, which was held on Thursday, July 4, 2019, at Pillow Elementary School.

Sponsors: Council Member Leslie Pool, Council Member Sabino "Pio" Renteria, Council Member Kathie Tovo, Council Member Ann Kitchen, and Council Member Jimmy Flannigan

80. Approve a resolution acknowledging the contributions of Austin Rosewood Community Development Corporation's historic members to the Millennium Youth Entertainment Complex (MYEC) in East Austin and the City of Austin's responsibility to ensure that the MYEC is a viable public institution.

Sponsors: Council Member Natasha Harper-Madison, Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Paige Ellis, and Mayor Pro Tem Delia Garza

81. Approve a resolution directing the City Manager to provide options to support the creation, operation, and maintenance of a high-capacity transit system.

Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Ann Kitchen, and Council Member Paige Ellis

Item(s) to Set Public Hearing(s)

82. Set a public hearing to receive comment on growth-related projects within the Drinking Water Protection Zone to be included in the FY 2019-2020 Capital Budget. (Suggested date: August 28, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX).
83. Set a public hearing to receive public comment on the proposed rate and fee changes for Austin Water as part of the Fiscal Year 2019-2020 Proposed Budget. (Suggested date: August 28, 2019, at Austin City Hall, 301 W. Second Street, Austin, TX).
84. Set a public hearing related to an application by Provident Realty Advisors, Inc., or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Auro Crossing, located near State Highway 45 and FM 1325, in the City's extraterritorial jurisdiction (Suggested date: August 22, 2019, Austin City Hall, 301 W. Second Street, Austin, TX).
85. Set a public hearing related to an application by Austin Leased Housing Associated II, Limited Partnership, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Ventura at Parmer Lane, located at or near 8407, 8509, and 8521 East Parmer Lane, in the City's extraterritorial jurisdiction (Suggested date: August 22, 2019, Austin City Hall, 301 W. Second Street, Austin, TX).
86. Set a public hearing to receive public comment on proposed rate and fee changes for Austin

Energy as part of the Fiscal Year 2019-2020 Proposed Budget. (Suggested date: August 28, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX).

87. Set a public hearing to consider an ordinance amending Ordinance No. 20120628-138 by amending the map indicating areas with additional regulations applying to Mobile Food Establishments in accordance with Section 25-2-812 of the City Code. (Suggested date September 19, 2019, at Austin City Hall, 301 W. Second Street, Austin, TX.)
88. Set a public hearing to receive public comment on the proposed rate and fee changes for Austin Resource Recovery as part of the Fiscal Year 2019-2020 Proposed Budget. (Suggested date: August 28, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX).

Non-Consent

Eminent Domain

89. Approve a resolution authorizing the filing of eminent domain proceedings for the West Bouldin Creek-Del Curto Drive Storm Drain Improvement Project for the acquisition of a drainage easement consisting of approximately 9,606 square feet of land (0.221 acre) and four temporary working space easements consisting of approximately 3,805 square feet (0.087 acre), 804 square feet (0.019 acre), 414 square feet (0.009) and 434 square feet (0.010), for the West Bouldin Creek- Del Curto Drive Storm Drain Improvement Project, all easements being situated in the Isaac Decker League Survey No. 20, being out of Lot 11, Block 2, Fredericksburg Road Acres Subdivision. A Subdivision of Record in Volume 3, Page 168 of the Plat Records of Travis County, Texas, in the amount of \$371,514 for the public use of constructing drainage improvements for the West Bouldin Creek- Del Curto Drive Storm Drain Improvement Project. The owner of the needed property is The Joe Steve Williams Revocable Trust. The property is located in District 5, at 2303 Kinney Road, Austin, Texas 78704. The general route of the project is along the Eastern Lane of Kinney Road, South of Iva Lane, in Austin, Travis County, Texas.

District(s): District 5

10:30 AM - Austin Housing and Finance Corporation Meeting

90. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <http://austintexas.gov/departments/city-council/2019/20190808-ahfc.htm>).

Public Hearings and Possible Actions

91. Conduct a public hearing and consider a resolution to adopt the Land Use Assumptions and Roadway Capacity Plan for a Street Impact Fee program.
92. Conduct a public hearing and consider an ordinance amending City Code Section 25-2-1205 (Site Development Regulations for Mobile Home Parks) to allow recreational vehicles in mobile home parks.
93. Conduct a public hearing and approve an ordinance amending various sections of City Code Title 25 (Land Development) to address density bonus increases, use regulations, and sign regulations in

the University Neighborhood Overlay (UNO).

94. Conduct a public hearing and approve a resolution re-authorizing the East Sixth Street Public Improvement District. Related to item #24 and #96.

District(s): District 9

95. Conduct a public hearing and consider an ordinance setting the assessment rate and approving the certified 2020 assessment roll for the South Congress Preservation and Improvement District. Related to item #25.

District(s): District 9

96. Conduct a public hearing and consider an ordinance setting the assessment rate and approving the proposed 2020 assessment roll for the East Sixth Street Public Improvement District. Related to item #24 and #94.

District(s): District 9

97. Conduct a public hearing and consider an ordinance setting the assessment rate and approving the 2020 assessment roll for the Downtown Public Improvement District. Related to Item #26.

District(s): District 9

98. Conduct a public hearing and consider a resolution for an application by Decker Lofts Ltd., or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Decker Lofts, located at or near 9000 Decker Lane, in the City's extraterritorial jurisdiction, and acknowledging certain facts relating to the allocation of housing tax credits and private activity bonds near the proposed development.

99. Conduct a public hearing and consider an appeal of the Planning Commission's decision to deny a Conditional Use Site Plan application for a Cocktail Lounge at 1300 E. 4th St. (SPC-2018-0478A - Plaza Saltillo Block E Texaco).

District(s): District 3

100. Conduct a public hearing and consider an ordinance to amend Ordinance No. 20150604-064 by authorizing the addition of new neighborhoods to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code, and the removing one neighborhood association from the Restricted Parking Area Map.

101. Conduct a public hearing and consider an ordinance amending City Code Title 25 to create new subdistricts in the North Burnet Gateway regulating plan.

12:00 PM - Citizen Communications: General

Katie Deollos - Rehumanize mobility

Paul Robbins - Solid waste and other city issues

Koo Hyun Kim - "Texas Austin City Travis County commissioner court are American enemies president Trump enemies"

Audrina Torres - Zero Waste Alliance land sale

Dylan Grams - Landfill, waste management

Melanie McAfee - Zero waste and Landfield

Karole Fedrick - Address library issues

Cleo Petricek - Homeless ordinance and shelter

Tracy Shannon - Drag Queens story hour at the Library

John D. Miller - Drag Queens story hour at the Library

Executive Session

- 102. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
- 103. Discuss legal issues related to the November 2019 election. (Private consultation with legal counsel - Section 551.071 of the Government Code).
- 104. Discuss matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).
- 105. Discuss legal issues related to legislation enacted by the 86th Legislature. (Private consultation with legal counsel - Section 551.071 of the Government Code).
- 106. Discuss legal issues related to Flores v. City of Austin, Cause No. C-1-CV-18-009175, in the County Court at law No. 1, Travis County, Texas (Private consultation with legal counsel-Section 551.071 of the Government Code).

2:00 PM - Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

- 107. C14-2018-0028 - E. Riverside Dr. and S. Pleasant Valley Rd. Tracts 1 & 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1109 and 1225 South Pleasant Valley Road (Country Club West Watershed). Applicant Request: To rezone from East Riverside Corridor (ERC) district zoning to East Riverside Corridor (ERC) district zoning, to change the subdistrict from urban residential (UR) to corridor mixed use (CMU), with conditions. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU) on a portion of Tracts 1 & 2, with conditions. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU), with conditions. Owner/Applicant: NRE Town Lake Property Owner, LLC and Ballpark Austin, LLC (Andrew Winograd). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jerry Rusthoven, 512-974-3207.

District(s): District 3

- 108. C14-2018-0027 - E. Riverside Dr. and S. Pleasant Valley Rd. Tracts 3 & 5 - Conduct a public

hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4700 East Riverside Drive and 1515 Wickersham Lane (Country Club West Watershed). Applicant Request: To rezone from East Riverside Corridor (ERC) district zoning to East Riverside Corridor (ERC) district zoning, to change the subdistrict from neighborhood mixed use (NMU) and urban residential (UR) to corridor mixed use (CMU), with conditions. Staff Recommendation and Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU), with conditions. Owner/Applicant: NRE Zone, LLC and NRE Edge, LLC (Mark Farrell). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jerry Rusthoven, 512-974-3207.

District(s): District 3

109. C14-2018-0026 - E. Riverside Dr. and S. Pleasant Valley Rd. Tract 4 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1600 Wickersham Lane (Country Club West Watershed). Applicant Request: To rezone from East Riverside Corridor (ERC) district zoning to East Riverside Corridor (ERC) district zoning, to change the subdistrict from neighborhood mixed use (NMU) to corridor mixed use (CMU), with conditions. Staff Recommendation and Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU), with conditions. Owner/Applicant BP Riverside West, LLC (Mark Farrell). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jerry Rusthoven, 512-974-3207.

District(s): District 3

110. C14-97-0010 (RCT) E. Riverside Dr. and S. Pleasant Valley Rd. Tract 4-Conduct a public hearing and approve a restrictive covenant termination on a property locally known as 1600 Wickersham Lane (Country Club West Watershed). Applicant request: To terminate the public restrictive covenant associated with zoning case C14-2018-0026. Staff recommendation and Planning Commission recommendation: To grant the restrictive covenant termination. Owner/Applicant: BP Riverside West, LLC (David Nazarian). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jerry Rusthoven, (512) 974-3207.

District(s): District 3

111. C14-72-204(RCA5) E. Riverside Dr. and S. Pleasant Valley Rd. Tracts 1-5- Conduct a public hearing and approve a restrictive covenant amendment on a property locally known as 1109 and 1225 South Pleasant Valley Road, 4700 East Riverside Drive, 1515 and 1600 Wickersham Lane (Country Club West Watershed). Applicant request: To amend the public restrictive covenant associated with zoning cases C14-2018-0026, C14-2018-0027, and C14-2018-0028. Staff and Planning Commission recommendation: To grant the restrictive covenant amendment.. Owner/Applicant: NRE Town Lake Property Owner, LLC (Andrew Winograd); Ballpark Austin, LLC (Andrew Winograd); NRE Zone, LLC (Mark Farrell); NRE Edge, LLC (Mark Farrell) and BP Riverside West, LLC (Mark Farrell). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jerry Rusthoven, (512) 974-3207.

District(s): District 3

112. NPA-2019-0005.02 - Palm Harbor Homes M/H Park - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 810 Bastrop Hwy SB (Carson Creek

Watershed) from Commercial to Higher Density Single Family land use. Staff Recommendation: To deny Higher Density Single Family land use. Planning Commission recommendation: Forwarded to Council without a recommendation on an affirmative vote. Owner: Palm Harbor Homes, Inc. Applicant: City of Austin, Planning & Zoning Dept. Staff: Maureen Meredith (512) 974-2695.

District(s): District 3

113. C14-2019-0028 - Palm Harbor Homes Mobile Home Park - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 810 Bastrop Highway Southbound (Carson Creek Watershed). Applicant Request: To rezone from general commercial services - neighborhood plan (CS-NP) combining district zoning to mobile home residence - neighborhood plan (MH-NP) combining district zoning. Staff Recommendation: To deny mobile home residence - neighborhood plan (MH-NP) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation on an affirmative vote. Owner: Palm Harbor Homes, Inc. City Staff: Kate Clark, 512-974-1237.

District(s): District 3

114. C14-2019-0007 - Comfort Mobile Home Park - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 7303, 7311, 7401, and 7403 East Riverside Drive (Carson Creek Watershed). Applicant Request: To rezone from East Riverside Corridor (ERC) district zoning to mobile home residence (MH) district zoning. First reading approved on June 20, 2019. Vote 11-0. Owner: 7307-7403 E Riverside LLC. Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning case.

District(s): District 3

115. C14-2018-0124- River Place - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Milky Way Drive (West Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner/Applicant: Milky Way Holdings GP, LLC (Garrett S. Martin). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057. Related to item #32.

District(s): District 6; District 10

116. NPA-2016-0014.01.SH - 4500 Nuckols Crossing Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed) from Single Family to Multifamily land use. Staff Recommendation: To deny the applicant's request for Multifamily land use. Planning Commission Recommendation: To be reviewed September 10, 2019. Owner/Applicant: Angelos Angelou and John Sasaridis. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695.

District(s): District 2

117. C14-2017-0010 - 4500 Nuckols Crossing Road Rezoning - Conduct a public hearing and

approve an ordinance amending City Code Title 25 by rezoning property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 10, 2019. Owners: Angelos Angelou and John Sasaridis. Applicant: McDowell Housing Partners (Ariana Brendle). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

118. C814-2012-0160.01 - 211 South Lamar - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 211 South Lamar Boulevard Northbound and 1211 West Riverside Drive (Lady Bird Lake Watershed). Applicant's Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on August 27, 2019. Owner/Applicant: 16 Piggybank Ltd. (Huston Street). Agent: Drenner Group, PC (Amanda Swor). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 5

119. NPA-2018-0005.01 - 1501 Airport Commerce Drive - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1501 Airport Commerce Drive, (Carson Creek Watershed) from Commercial to Mixed Use land use. Staff recommendation: To deny Mixed Use land use. Planning Commission recommendation: To be reviewed on August 13, 2019. Owner/Applicant: W2 Hill ACP II LP; W2 Real Estate Partners. Agent: Amanda Swor; Drenner Group City Staff: Jesse Gutierrez, (512) 974-1606.

District(s): District 3

120. C14-2019-0029 - 1501 Airport Commerce Dr - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on August 13, 2019. Owner/Applicant: W2 Hill ACP II, LP. Agent: Drenner Group, PC (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 3

121. NPA-2017-0021.01 - 4530 East Ben White Blvd. - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 4530 East

Ben White Blvd. (Country Club Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To grant Applicant's request for indefinite postponement. Owner/Applicant: Belco Equities, Inc. Agent: Coats Rose (John M. Joseph). City Staff: Maureen Meredith, (512) 974-2695.

District(s): District 3

122. C14-2019-0054 - Chisholm Lane - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9110 Chisholm Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot conditional overlay (SF-2-CO) combining district zoning. Owner/Applicant: Paula Lantz. Agent: Spyglass Realty & Investments (Matthew Edwards). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.

District(s): District 5

123. C14-2019-0041 - 3706 Goodwin- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3706 Goodwin Avenue (Boggy Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff Recommendation: To deny to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Owner/Applicant: GBME LLC (Matt Albrecht). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 1

124. NPA-2018-0021.01 - 5101 East Oltorf - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5101 East Oltorf Street. (Country Club Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To deny Mixed Use land use. Owner/Applicant: Charitable Holdings, II. Agent: Armbrust & Brown (Richard Suttle and Ferris Clements). City Staff: Kathleen Fox, (512) 974-7877.

District(s): District 3

125. C14-2018-0080 - 5101 East Oltorf - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5101 East Oltorf Street (Country Club West Watershed). Applicant's Request: To rezone from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services -conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Owner/Applicant: Charitable Holdings, II (Michael Nellis). Agent:

Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 3

126. C14-2019-0071 - Rose Hill Apartments - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5508 Rose Hill Circle (Williamson Creek Watershed). Applicant's Request: To rezone from limited office-neighborhood plan (LO-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Owner and Applicant: Spatz Austin Apartments, LLC (David M. Spatz). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 5

127. C14-2019-0069 - Saint Elmo Apartments - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4315 South Congress Avenue (Williamson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Owner: Lampros Moumouris. Agent: Rivera Engineering (Michael A. Rivera). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 3

128. C14-2019-0079 - Talia Homes - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12500 Lamppost Lane (Walnut Creek Watershed). Applicant Request: To rezone from urban family residence (SF-5) district to townhouse & condominium residence (SF-6) district zoning. Staff Recommendation and Zoning and Platting Commission: To grant townhouse & condominium residence (SF-6) district zoning. Owner/Applicant: HQR Investments, LLC Series 12500 (Michael Vasquez). Agent: Civiltude, LLC (Eyad Kasemi). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 7

129. C14-2019-0073.SH - Lakeline II - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 13653 Rutledge Spur (Lake Creek Watershed). Applicant Request: To rezone from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, to change a condition of zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: FC Austin Six Housing Corporation (Walter Moreau). Agent: Civiltude, LLC (Eyad Kasemi). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

130. C14-2019-0040 - Victory Medical Office - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2111 Fort View Road (Williamson Creek Watershed). Applicant Request: To rezone from neighborhood office-mixed

use-conditional overlay (NO-MU-CO) combining district and family residence (SF-3) district zoning to limited office (LO) district zoning. Staff Recommendation and Planning Commission Recommendation. To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Owner/Applicant: Eveann Investments, L.P. (William G. Franklin). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 5

131. C14-2019-0068 - SH 45 North Tract - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 14310-15700 North FM 620 Road (Lake Creek Watershed). Applicant Request: To rezone from limited industrial (LI) district zoning, development reserve (DR) district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Owner/Applicant: Ivalene Pearson Banks. Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

132. C14-2019-0066 - Lamborghini Dealership - Aux Com Lot - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4109 Marathon Boulevard (Waller Creek Watershed). Applicant Request: To rezone from Limited Office (LO) district zoning to Community Commercial-Conditional Overlay (GR-CO) combining district. Staff Recommendation: To deny to Community Commercial-Conditional Overlay (GR-CO) combining district. Zoning and Platting Commission Recommendation: To grant indefinite postponement. Owner: Fuad Fayad. Agent: Permit Partners (David Cancialosi). City Staff: Kate Clark, 512-974-1237.

District(s): District 10

133. NPA-2018-0016.04- Springdale Farms -Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 735 Springdale Road (Boggy Creek Watershed) from Single Family to Mixed Use land use. Staff recommendation and Planning Commission recommendation: To grant Mixed Use land use. Owner/Applicant: PSW - Springdale, LLC. Agent: PSW Homes LLC (Jarred Corbell). City Staff: Maureen Meredith (512) 974-2695.

District(s): District 3

134. C14-2019-0031 - Springdale Farms - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 735 Springdale Road (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: PSW-Springdale, LLC (Jarred Corbell). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 3

135. C14-2019-0010 - 12213 Tech Ridge Blvd.- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12213 Tech Ridge Boulevard (Walnut Creek Watershed) from community commercial (GR) district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff Recommendation: and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Owner/Applicant: Quicktrip Corporation (Matthew D. Miller). Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 1

136. C14-2019-0076 - 8107 Springdale Rd.- Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 8107 Springdale Road (Walnut Creek Watershed) from interim rural residence (I-RR) district zoning to limited industrial services (LI) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant limited industrial services (LI) district zoning. Owner: Ind Austx EBC, LLC. Applicant: HPI Real Estate (Christopher Balinsh). Agent: Lenworth Consulting, LLC (Nash Gonzales). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 1

137. C14-2018-0155 - 3303 Manor Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2205 Tillery Street, 2213 Tillery Street, and 3303 Manor Road (Tannehill Branch Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, and general commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning, and family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed August 13, 2019. Owner/Applicant: The Austin Groundskeeper, Inc. (Glenn F. Cooper). Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 1

138. C14-2018-0128 - 2323 South Lamar - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2323 South Lamar Boulevard, 2421 Bluebonnet Lane, and 2315 South Lamar Boulevard (West Bouldin Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning to limited office-vertical mixed use building-conditional overlay (LO-V-CO) combining district zoning and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning, as amended. Staff Recommendation: To grant limited office-vertical mixed use building-conditional overlay (LO-V-CO) combining district zoning and community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning. Planning Commission Recommendation: To be reviewed August 13, 2019. Owner/Applicant: 2323 South Lamar, LTD (Kirk Rudy). Agent: Armbrust and Brown (Richard Suttle). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 5

- 139.** C14-2017-0022 - Bluff Springs Commercial - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6901 and 7001 Bluff Springs Road (Williamson Creek Watershed; South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Buda Bluff, LLC (Salim Haddad). Agent: South Llano Strategies (Glen Coleman). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

5:30 PM - Live Music

TBA

5:30 PM – Proclamations

Distinguished Service Award – Greg Guernsey – To be presented by Mayor Steve Adler and to be accepted by the honoree.

Proclamation – Americans with Disabilities 29th Anniversary Day – To be presented by Mayor Steve Adler and to be accepted by David Ondich, ADA Program Administrator.

Distinguished Service Award – Alan Holt – To be presented by Council Member Kathie Tovo and to be accepted by the honoree.

Proclamation – Dr. Santiago Zamora Day – To be presented by Council Member Sabino “Pio” Renteria and to be accepted by the honoree.

Proclamation – Austin Pride Day – To be presented by Council Member Jimmy Flannigan.

Adjourn

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

For assistance, please call 512-974-2210 or TTY users route through 711.

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call (512) 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.



City of Austin

301 W. Second Street
Austin, TX

Agenda

City Council Addendum Agenda

Thursday, August 8, 2019

10:00 AM

Austin City Hall

The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Consent Agenda

Budget

140. Approve a resolution adopting a maximum proposed property (ad valorem) tax rate of __, __ cents per \$100 taxable value that the City Council will consider for Fiscal Year 2019-2020; and setting the date that the Council will adopt the Fiscal Year 2019-2020 property (ad valorem) tax rate (Suggested date and time: September 10, 2019 at 10:00 a.m. Austin City Hall, 301 West Second Street, Austin TX). Related to items #146 and #147.

Public Health

141. Authorize negotiation and execution of Amendment No. 5 to an agreement with The Salvation Army, a Georgia Corporation, for one-time funding for expansion of homeless services to individuals at the Downtown Shelter and Social Service Center in an amount not to exceed \$500,000, for a total agreement amount not to exceed \$1,745,275.
142. Authorize negotiation and execution of an agreement with The Salvation Army, a Georgia Corporation, for one-time funding for provision of homeless services to individuals and families with children at the Rathgeber Center in an amount not to exceed \$1,000,000.

Item(s) from Council

143. Approve a resolution initiating the renaming of the Indiangrass Wildlife Sanctuary to the Louis René Barrera Indiangrass Wildlife Sanctuary under City Code Chapter 14-1 (Dedication of or Naming a Public Facility or Property).

Sponsors:

Council Member Natasha Harper-Madison, Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Paige Ellis, and Council Member Ann Kitchen

144. Approve a resolution related to the prompt improvement of lighting, sanitation, and pedestrian mobility safety in the Red River Cultural District.

Sponsors:

Council Member Kathie Tovo, Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Leslie Pool, and Council Member Alison Alter

Item(s) to Set Public Hearing(s)

- 145.** Set a public hearing to consider an ordinance amending Title 25 and Title 30 of the Land Development Code relating to approval deadlines and the administration of land development applications as necessary to comply with House Bill 3167 passed in the 86th Texas legislative session. (Suggested date August 22, 2019, Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX.)
- 146.** Set public hearings on the proposed property (ad valorem) tax rate for Fiscal Year 2019-2020 (Suggested dates: August 22, 2019 and August 28, 2019, Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #140 and #147.
- 147.** Set a public hearing to receive public comment on the City of Austin Fiscal Year 2019-2020 Proposed Budget. (Suggested date: August 22, 2019, Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #140 and #146.

Adjourn

Note: The above item(s) will be considered under its respective category, but follow the last number on the Austin, Texas, City Council Agenda for Thursday, August 8, 2019

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

For assistance, please call 512-974-2210 or TTY users route through 711.



City of Austin

301 W. Second Street
Austin, TX

Agenda

City Council Second Addendum

Agenda

Thursday, August 8, 2019

10:00 AM

Austin City Hall

The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Consent Agenda

Convention Center

148. Approve an ordinance adopting a Capital Improvement Plan for the expansion of the Convention Center Facility; authorizing an increase in the City of Austin Municipal Hotel Occupancy Tax from 7% to 9% effective August 8, 2019 for the purpose of funding the Convention Center Expansion; and declaring an emergency.

Item(s) from Council

149. Approve a resolution calling for state and federal authorities to take all actions necessary to immediately address gun violence and directing the City Manager to send this call for action to the appropriate local, state and federal leaders.

Sponsors:

Council Member Alison Alter, Council Member Kathie Tovo, Council Member Leslie Pool, and Mayor Steve Adler

Adjourn

Note: The above item(s) will be considered under its respective category, but follow the last number on the Austin, Texas, City Council Agenda for Thursday, August 8, 2019

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

For assistance, please call 512-974-2210 or TTY users route through 711.

Tab 7



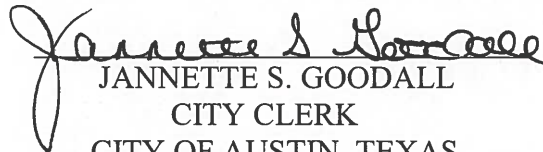
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the transcript of the City Council regular meeting of August 8, 2019, as on file in the Office of the City Clerk. This office makes no claims regarding the accuracy of the transcription.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 15th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS

City Council Regular Meeting Transcript – 08/08/2019

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 8/8/2019 6:00:00 AM

Original Air Date: 8/8/2019

Transcript Generated by SnapStream

=====

[10:24:57 AM]

>> Mayor Adler: All right. I think we have a quorum and we could begin here in just a second. You know, it's our custom here at city hall to start our meetings with a peaceful moment by inviting people from different walks of life, different faiths to share prayers or moments of reflection. This is an important way that we celebrate the diversity that admits our city and it gives us a way to start our meetings focused and aligned for the greater good. We're going to start today's opening moment with pastor Anthony raybourne lost Austin central seventh day adventist church. And as he comes to the podium, I would suggest that

[10:25:58 AM]

we all also take this moment of reflection and then silence to remember and recall, pray if you would like for Chris chin, our assistant director of Austin water, who passed away this week. And then I think councilmember harper-madison, there is someone else that you wanted to recognize?

>> Harper-madison: Absolutely. Obviously our friends and family members in El Paso and Dayton, Ohio. And more locally while she took refuge in her hometown for the last several months, Ashley flash govern, a -- flash Gordon, a lot of us knew, loved her, she passed away this week and I want to make sure we recognized her efforts in the community and add her to our list of people that we want to pay tribute to during the course

[10:26:59 AM]

of this moment of silence. Thank you.

>> Mayor Adler: Thank you. Pastor.

>> Oh heavenly father, we take this approximate moment -- we take this moment to thank you for the privilege and honor to come before your throne of grace. It is also, lord, a privilege to be here this morning at the beginning of this city council session to bring before you each man, each woman in this place, from the maintenance worker to the mayor. We thank you, lord, for calling these men and women to work for this great city of Austin. They have accepted the challenge. And though sometimes the task seems daunting, we know that we can do all things through Christ who strengthens us. We also reflect on those who

[10:28:05 AM]

have left this life. We remember them even now. They have made inroads in this city and in our lives, and their memory will live on with all of us. As we differ by faces, by ethnicity, lord so we differ with our challenges. And as we bring before you this morning the mayor, Steve Adler, on whose shoulders the city of Austin sits, we pray in a mighty way that you would grant him the wisdom of Solomon. Give him knowledge and a heart of understanding. Though there may be those who are participants, there may be those who are protesters, but lord, I pray that you would give him an honest heart as he continues

[10:29:06 AM]

to be the mayor of every citizen of Austin. Bless each person in this assembly today, each visitor here. Were it not for your grace, lord, some of us would not see the sunrise today. And were it not for his grace some of us would not see the sunset. So we depend totally upon you for life, for strength for all. Be with the policemen and women of this city as day-by-day they sacrifice their lives to protect us, the firemen and women, the emts, the nurses, the doctors, everyone who participates, lord, to the best of their ability to fulfill the task for which they have been called. And this morning, lord, let this be no different. Though we may have different issues and ideologies, we pray that today we come with

[10:30:08 AM]

courage and that is to seek the good of Austin. So because of this we thank you in advance for being with this assembly today. May your presence be felt in this place, keeping us safe. And lord, as we look at el Paso and Ohio and California, where the enemy that is common to all of us have brought Diskind death, we thank you that you have blessed Austin thus far and we continue to rely upon you to keep us on the right path. We thank you and we praise you for all who you are, whatever we have failed to ask of you we pray that you would fail not to grant unto us, and we pray all of these things in the name of Jesus. Amen.

[Applause].

>> Mayor Adler: As we -- before we begin our meeting, I do want to recognize the day, which we'll recognize more completely when we get

[10:31:09 AM]

to proclamations later in the day, but we're going to be recognizing the end of service for the city for two people that have been here for a really long time and made real significant contributions. Planning department director Greg Guernsey, who has been with the city for 34 years. And the long time library employee John Gillum, who basically built the library that we now all enjoy. I just want to recognize them and we'll do a more complete job of that later this afternoon. That all said today is Thursday, August 8, 2019. This is the Austin city council meeting. It is 10:31.

[10:32:10 AM]

We are in 301 west second street, Austin, Texas.

[Shouting].

>> Mayor Adler: I need for you guys to sit down. If you can't sit down then I'm going to have to ask people to come in. That said, we have a lot of business today. If we could have folks escort these folks out of the chamber that would be helpful, please. Please escort the folks out.

[Shouting].

[10:33:23 AM]

>> Mayor Adler: While these folks are going to be escorted out, we're going to try to go on with the business we have. We have a consent agenda is items 1 through 88 and items 140 through 149.

[Shouting].

>> Mayor Adler: I think we need greater help here.

[10:34:24 AM]

That brings us up to the dais. The consent items on items 1 through 88 and items 140 through 149. Colleagues, what I'm showing is that items number 15 and 17 are being pulled for executive session so we'll consider those then. Item number 16 has been withdrawn. We have item number 24 and 25 and

26 that all will be arrested after public hearing. We have corresponding public hearing items on these, so these have to be raised after those. Item number 30 has been pulled by councilmember tovo. Item number 32 is being pulled because it needs to be discussed with zoning case number 115. Item number 33 has been pulled by councilmember

[10:35:25 AM]

Flannigan. Item number 68 is not being pulled, but councilmember pool wants to make a comment. Please don't let me forget to come back to you on that. Item number 77 has been pulled for speakers. Item number 78 has been pulled by speakers. Item number 144 has been pulled and it's going to go into executive session. It's my intent to give the elected officials who are -- actually, 144 is an amendment I've handed out. I was jumping ahead. 144 is an amendment I've handed out. It was posted on the message board. I don't know if we need to pull it and discuss that or if that amendment is acceptable. Councilmember tovo? Was that your ifc?

>> Tovo: 144 is mine.

[10:36:26 AM]

Sorry, I wasn't sure if you said my name.

>> Tovo: I have an amendment to an amendment from some stakeholders so I think we're getting that. I think it will be super quick in the spirit of it.

>> Mayor Adler: Let's pull it. We'll pull 144. 148 is something that is being pulled to go into executive session. It's also being pulled by speakers, but it would be my intent to give at the very least the three elected officials who are here the opportunity to be able to come up early -- four elected firms that are here the opportunity to be able to get up and speak so they can get back to their offices. And then we have some ahfc items that have been pulled, but we'll consider those as part of the consent agenda in the ahfc items. We're not calling those

[10:37:26 AM]

items yet, but we will handle that on consent when we get to that agenda. So again the items that I have being pulled are items 15, 17, 24, 25, 26, 30, 32, 33, 77, 78, 144 and 148. I have some changes and corrections to read into the record. Item number 9 concerns district 3, not district 2. The following items have

been withdrawn: 16, 76, 89, 140 and 146. Item number 28 is being postponed to August 22nd of 2019. Item number 73 is to approve an ordinance waiving or reimbursing certain fees.

[10:38:27 AM]

Item had number 99 is postponed to September 19th of 2019. Item 115, a valid petition has been filed in opposition to this zoning request, 115. Item 122, the petition is no longer valid. Item 135 concerns district 7. Item 147 is to set a public hearing to receive public comment. The suggested dates are August 22nd and adding August 28th of 2019. And 149 should show an additional sponsor, councilmember Ellis. We have late backup in items 7, 30, 68, 71, 72, 75, 77, 78, 89, 91, 98, 99, 100,

[10:39:30 AM]

108, 109, 1011, 1015. 122, 123, 127, 135, 134 and 149. And 27 is being pulled to be heard after 94 and 96. So 27 added to the pulled items. We have some people that are here to speak on the consent items. And I will call them after I give the elected officials the chance to speak. Yes.

>> Tovo: I need to clarify a couple of things. One is 149 pulled. It shows so on our sheet, but I don't think you.

>> Mayor Adler: I was told that was inadvertent.

>> Tovo: And I have a quick question about 81 so I would like to pull that. And then you and I had an

[10:40:31 AM]

exchange about red river, but I think you had made an amendment actually to 75, my item on shoal creek and cypress. So I don't know that we need to pull 144, which is red river.

>> Mayor Adler: Yes. So I'm pulling 75. That's the amendment I handed out. Are you okay with that amendment or is that the one we need --

>> Tovo: That's the one I've made an amendment to, but you are listed on the sheet as having pulled 144. Red river.

>> Mayor Adler: I wanted to pull 144 to get a staff comment on that because I wanted to ask about the timing of this contract work.

>> Tovo: I think that's great. So I think then we need to pull 75 too if you haven't done so.

>> Mayor Adler: So let's pull 75. 144 I going to be really quick because I just need to ask a question for clarification on that. Okay. All right. Judge Eckhardt, I'll give you the opportunity to speak.

>> Alter: Mayor, I want to

[10:41:31 AM]

clarify if we want to comment on consent items we will do that then after all the speakers?

>> Mayor Adler: Yes. After the speakers have spoken on consent agenda before we take the vote.

>> Alter: Thank you.

>> Mayor Adler: You need to press the button.

>> Thanks. I've never been here before.

>> Mayor Adler: Welcome.

>> First, I'm not here to testify one way or the other with regard to the convention center. Travis county takes no position on what the city chooses to do with the land it owns. So that is not my intention here today at all. In my 11 years on the commissioners' court, I've never appeared before any city council of a city inside Travis county. It's my philosophy that us local governments should

[10:42:32 AM]

seek to support one another where we can, and where we may differ we should avoid public conflict. Except, and here's my two-prong test, except when the action contemplated could harm interests of Travis county and where, two prong test, the county's involvement in the city's deliberations has a high probability of avoiding the harm. So I'm here today because expanding the size and the duration of the city's hotel occupancy tax appears, appears to harm Travis county's stated and repeated interest in moving two percent of the benefits from tourism to east Austin for the redevelopment of the exposition center. I believe that our presence here today, although unprecedented, has a high probability of avoiding that harm, clearing up some possible misconceptions about how we have proceeded

[10:43:36 AM]

in the past and also avoiding the harm to Travis county, putting us on a better footing of partnership with the city moving forward. And that is what my goal here today is. I'm here with three other members of the commissioners' court as well as representatives of the star of Texas rodeo that is one of the primary tenants of the exposition center. And also several county staff are available to answer any

questions you all may have about the testimony any one of us gives and about the contemplated action today. So would y'all just stand, the county staff and rodeo Austin folks? We have representatives from the county office, our development office in the back as well as rodeo Austin officials. Let me give you the history on the item before you today and it is a county perspective, so I want to be open and transparent about

[10:44:37 AM]

that. Since the 1990s, the city of Austin has utilized, the entire local increment of hotel occupancy tax available under both the tax code and the local government code. For an investment in the convention center. Again, I have no dog in that hunt. And in the '90s the county had no problems whatsoever with the city utilizing the entire increment, including the two percent under the local government code that counties could also access. The reason why we had no issue with it, even though we've always had significant tourism on the lake in western Travis county, was at the time far and away the preponderance of the tourism activity was in the central business district of the city of Austin, so it made sense. But over the intervening 30 years much has changed. We now have a vibrant festival economy in both far western and far eastern Travis county.

[10:45:37 AM]

The circuit of the Americas located in del valle in Margaret's precinct. We have hotels now in Westlake and rollingwood and lakeway and pflugerville and bee caves. There are hotels proposed for manor and for the banks of the Walter E long lake. So we began approaching the city back in 2014 about eventually, not right away, but eventually the county utilizing just the two percent, the only percent that's available to counties, which is under the local government code. The issue at the time, and it remains the issue, is that the city is still using the local government code two percent for the convention center. At the time it was to be utilized through 2029. We understand that and we're patient. The county approached the city in 2014 about a

[10:46:40 AM]

partnership between the city, the county and Austin rodeo to take a look at the exposition center for possible future redevelopment utilizing the two percent. And we were really grateful and bouyed that the city invested in that partnership, I think we invested \$100,000 for the market analysis. The market analysis came back in 2016. It did contemplate the county utilizing the local government code two percent hot for that redevelopment. It is true that the city council never received a presentation of the huntton report, but we still remained hopeful that the city and county could partner up in utilizing that two percent on this city owned property underneath the exposition sister center in the eastern edge of

the city of Austin. The city was taking it under advisement, y'all would get back to us. There was no written commitment with regard to the two percent, but we were

[10:47:40 AM]

hopeful. In 2017 the commissioners' court asked the county judge, me, to write the city and ask you all to consider selling the exposition center to us or extending our 50 year ground lease and also paying down the local government code hot tax of two percent by 2021 so that we could redevelop the exposition center. Although the county didn't receive a written response back from the city, commissioner Travillion and I both met with the mayor who was very forthcoming about the city's intentions and we very much appreciated that meeting. The city would likely want to extend its use of the two percent hot under the local government code to fund a redevelopment of the convention center and an expansion of it into additional blocks. But the mayor, thank you very much for being forthcoming about the possibility that under at least one scenario the city could pay down the two percent local government

[10:48:42 AM]

code hot for the county's use in 2021. The county believed we were making real progress. We were very excited by that meeting and we really thank you for it. We also understood that the city needed to take a look at all of its finances because there are other scenarios as well that were being contemplated by the city. County staff continued to work in good faith with the city staff to make sure our plans for the exposition center complemented city plans for Walter E long lake, for colony park, our mutual planning for the green line and other amenity amenities that would run down to the eastern crescent. Evidence of the positive progress can be seen in the November 2018 resolution from the city council and the January 2019 follow-up memo to you from Sarah Hensley regarding the exposition center. But in may of 2019 the council approved a resolution that was deeply doubling to the -- deeply troubling to the

[10:49:42 AM]

commissioners' court. While it did support our believe that palm school should be saved for its cultural and historic significance, on pages 19 through 21 of a 27-page resolution, the city manager was directed to develop a financing plan for the downtown convention center that would use up all of the now nine percent hot available under the tax code, plus the two percent hot available under the local government code for up to 30 additional years. In June of 2019 the commissioners' court directed me to again write the city council, reurging a swap of real estate and revenue interests, including the two percent hot under the local government code. The commissioners' court asked for a response by the end of July, hoping we could finally obtain a commitment

[10:50:42 AM]

from the city with regard to paying down the two percent local government code hot by 2021. I met with the city manager twice during July during the recess of the city council. I think they were productive meetings and we had a plan for a third meeting bringing staff, city staff and county staff, together again to discuss possible swaps. I want to be plain with you all that for Travis county to use the two percent hot under the local government code, whether the city stops using it in 2021, 2029, 2059 or whenever, Travis county must go to the voters to ask the voters' permission just as the city did back in the '90s. Although discussion with city representatives over the years have been encouraging, recent actions by the city indicate an intention to expand and extend the use of all of the

[10:51:45 AM]

hot tax for these downtown blocks for the next 30 years. I ask you instead to commit on the record today to pay down the two percent hot under the local government code by 2021 so that the county may use it and invest it in the eastern crescent for the redevelopment of the exposition center. I know that my colleagues would also like to give voice to some of their concerns, but that is a history of at least over the last six to seven years.

>> Mayor Adler: Thank you. Thank you for your testimony. We'll give any of your colleagues a chance.

>> Do any of you have questions?

>> Mayor Adler: We'll give your colleagues a chance to speak as well. Commissioner Shea.

>> Thank you all. We appreciate the opportunity to speak to you and the privilege that you've extended to us to speak first. I'm just going to make a few points. One is I am delighted at the

[10:52:47 AM]

leadership the city is showing on declaring a climate emergency today. I think it is one of the tenants in declaring an emergency that local government must examine how it's spending its money. I urge you not to rush in to what's hard for me to understand is an emergency and to lock up a vast amount of money, well over a billion dollars, on something where you haven't gotten all the facts. You're still waiting to be briefed from your staff from the direction that you gave them to get all the information back. So I think that's an special part of what we all have to do, declaring a climate emergency means re-examining what we're spending our money on. I think a billion dollar expenditure really needs to be examined. The other point is we are all under revenue caps and

[10:53:49 AM]

we have got to partner. There simply will not be enough resources to go around, and I think the public is depending on us to really act cooperatively to pursue whatever partnerships we can. Another point is I think there needs to be real transparency around these actions. When I talk to people no one is aware that the plan involves tearing down a perfectly good convention center and taking another three blocks of private land off the tax rolls. And finally, I think it would be nice to have a consistent and honest discussion. I recall the real estate Austin of Austin taking a position -- the real estate council of council taking a position against the downtown courthouse because it would take that valuable

[10:54:50 AM]

land off the tax rolls. I assume you will be hearing from some of those same representative today urging that this plan go forward. I don't think we can be giving up tax revenue lightly so I would urge you to just not rush into this decision today. I do believe Travis county will be harmed if all of the hot tax is tied up in an area that serves half a half a mile in -- that serves roughly a half a mile in the downtown. I know there are huge issues here, which I know my colleague Jeff Travillion will speak to. I don't think we'll be well served if you rush into this and I urge you not do this today and to work with us. Thank you.

>> Mayor Adler: Commissioner, thank you. Commissioner Gomez or Travillion?

>> Thank you and thank you so much for allowing us to speak at this time. I have always promoted the

[10:55:50 AM]

partnerships between the city and the county and I think that we can continue that process. I'm a resident of both Austin and Travis county. I'm a taxpayer and I've certainly participated in elections and other issues in Austin for a long time. And I still look forward to having some partnerships take place. We serve the same taxpayers and we collect from the same taxpayers. And so I really look forward -- and I think it's significant that the entire court is here. A majority voted for the resolution and for us to meet with you, and the super majority of the court is here today to ask you to let's have some really productive meetings, and I look forward to working with y'all in the future. Thanks.

>> Mayor Adler: Thank you, commissioner. Commissioner Travillion.

>> Mayor and council, my

[10:56:53 AM]

name is Jeff Travillion and I am fortunate to serve on a number of boards and commissions with many of you. Honestly, because we talk so much, because we meet so much, because we share so many goals, I had hoped that we wouldn't have come here to talk about the partnership that we all know that we must have if this community is going to be fully developed. It is because historically there have been opportunities to work together and maybe we haven't that we should consider when something significant is going to have a long-term effect over generations is about to happen that we take our time, we work together, and we do it right instead of doing it quickly. So many people rely on us. You know, I think that we have consistently worked to try to talk through and

[10:57:53 AM]

build a concrete plan that we can all agree with, that we have consensus with, that we all understand the beginning and the middle and the end. When we talk about the things that are necessary, the things that make Austin a wonderful place, we have a vibrant downtown. We have a -- we have one of the most beautiful and affluent cities in the state and in the country. But in the shadow of that city, we still have some areas that are suffering from great inequities that are generational inequities. And I know that opportunities pop up periodically, challenges pop up periodically, but we have got to think about how we work with the whole area and not just downtown. The whole of Austin is not downtown. The people that we have displaced have been moved

[10:58:54 AM]

out to this area. When I moved here in 1985, ground zero for our health care disparities was 78702, very close to downtown. Those families have been pushed out in 78724 and 78725, colony park, Austin's colony. They now have the greatest health care disparities in the region. These -- the things that we are talking about are the infrastructure issues that we have got to address because what is happening very quickly is 183 is becoming what 35 was for the last generation. It is important for us to sit together and reason together and think about equity before plans go in place, not to wonder what happened because we didn't sit down together. If we have a concrete plan,

[10:59:55 AM]

then we can answer the question when do we start? Is it fy-21, fy-29? We really need the confidence that we are working together, talking together regularly and we are addressing problems that we see on the ground every day. Because if we don't do that, the message that we send is we're denying something to a community that has been under served for way too long and we're not giving them

things that they should already have. Colony park was promised in 1975, when land was taken away from community members that they would be given four-pocket parks and they would be integrated into the city. If you drive up Loyola lane, nobody, honestly, can argue that that place has been fully integrated into this

[11:00:56 AM]

affluent city. And no matter what the mistakes are of the past, this is not a zero sum game. We have got to analyze the decisions that have been made, we've got to figure out why we are where we are and we've got to figure out how we move everybody forward. And it's more important that we take our time and do this right as opposed to rush to a judgment that we know is not going to serve everybody. So thank you for the opportunity to speak to you today, and I look forward to continuing to work with you. We have worked together for a while. Most of you I call my friends. And we are reaching and extending a hand to work with you. Thank you.

[Applause]

>> Mayor Adler: Thank you all for being here today. Thank you. Yes, go ahead.

>> Alter: I just had one

[11:01:57 AM]

question on the section of the resolution from may that you cited from 19 to 22, that was a section that was designed to make sure that we didn't make a decision on the convention center without doing our due diligence on various economic analyses. As I read it, part of that was tell us the difference between 334 and 351 and what are our option and if we were to use 334, what would we be -- you know, what are the tradeoffs of doing that, which one of those major tradeoffs I would presume they would come back with is that the county would be able to do their stuff and might want to be investing in the expo center. And then there was a section about the 30-year bond which was about what happens if the H.O.T. Taxes are not sufficient to back up a bond. However it was funded, you would have a 30-year bond that we're saying is going to be backed by H.O.T. Taxes, whatever the amount -- however we decided to that.

[11:02:57 AM]

And so I'm just not -- I never read that as a 30-year commitment for 334. It was, you know, we haven't done our due diligence on this convention center, we're not going to pass a convention center without having that as a key part of the next steps. And so I just want to understand which part of that you are

interpreting as saying we said we were committing to a 30 years use of the 334 because that was not -- I think a lot of that I may have written and I don't see that as what we said and so I want to understand where the misunderstanding might be.

>> Councilmember alter, you are -- I agree with your interpretation. Those pages from 19 -- I'm sorry, page 19 to 21 lay out a direction to city management to come up with all scenarios for utilization of all of -- both provisions up to 30 years. What I am concerned about is

[11:03:59 AM]

there is no commitment in that document, and indeed an inference in the opposite direction to pay down the 2% local government code H.O.T. By 2021. Which is what has been repeatedly discussed prior to this resolution. It was mentioned in the convention center task force report of 2017 to pay down the local government code H.O.T. 2% by 2021, it was discussed in conversation, it was discussed among commissioners court, it was put into letters that were provided to the city council, but this document seemed to blow right past any of those discussions to look at full utilization of both up to 30 additional years.

>> Alter: Again, I think it's -- the portion where it mentions 30 years is a fact

[11:05:00 AM]

that you would do 30-year bonds no matter how we were funding it and it's asking what happened -- the emphasis there is not on doing any one of those for 30 years, it's what are the risks to the city if our H.O.T. Taxes, however we're raising them, don't meet our obligations for that 30-year bond.

>> Councilmember alter, are you willing to move now to commit to pay down the 2% of the local government code H.O.T. Tax by 2021?

>> Alter: I certainly favor that being used by the county. I don't have enough information to say a year of 2021 or not, but as I wrote this and we put in the relative merits, that was there to put in my mind the emphasis on the need to make investments in the expo center. And so, you know, I can't speak for everyone else, but, you know, as someone who wrote that language, I'm concerned that it's being interpreted in a different

[11:06:00 AM]

way. I agree there is not the commitment that you want to 2021, but I don't know what the convention center is going to cost and I can't Mitt today to 2021 where maybe if we did it in 2023 it would be overall

better for the S I don't have an analysis to do that. Can I make a commitment that we would want to move forward to make investments in the eastern crescent and the expo center and work together on that, yes, and do I think as a principle that we should be trying to finance a convention center that we can afford while still doing the other, yes.

>> Thank you.

>> Mayor Adler: Let's continue on. Mr. Flannigan, did you have a question?

>> Flannigan: Yes. Thank you all for coming down today. I'm a Williamson county resident so I have a unique perspective maybe from my colleagues on working with Travis county. It's always a joy to work with you, judge and commissioners. And it's not lost on me that seeing a quorum of the

[11:07:01 AM]

commissioners court before us today is maybe an unprecedented move. So, you know, it's not lost on me that that's the case. As far as the expo center is concerned, I passed a resolution last year with one of my colleagues directing the manager to go figure out how to get that done. That work has been happening. It's not easy. It's very complicated because the city land is parkland and there's rules about that and the lease with the county has a certain number of years left on it and so how would that get unpacked and can you do the types of economic development or affordable housing on parkland and how do we unpack that question and there's a lot of stuff that's been going on and I'm very interested in seeing that project move forward in a much more substantive way. I do -- I do want to be clear, though, that there's no lack of analysis happening from the city council perspective. And I really appreciate

[11:08:03 AM]

judge Eckhardt's comments, but it doesn't seem like your colleagues are not taking a position on convention center. It seems like there is a very clear position coming from the county, at least from some of your colleagues, which is fair and fine and every right to do that. You know, the city didn't get involved when the new courthouse after being denied by the voters was voted through fairly quickly by the court. The city didn't get involved when that and talk about the taxable land as being removed off the rolls. So I think we all have different jobs that we're doing and I -- my hope is that the process that we move forward as a city and a council and the processes that you move forward as a county become much more close and much more collaborative over time. And I know it can be done because -- and this may surprise many of you -- that's how it works in Williamson county. I have Williamson county

[11:09:03 AM]

coming to my office willing to go halfies on infrastructure projects with the city of Austin. I don't know if there's a lot of that happening with Travis county, but on the willco side, given the number of cities and relative equal size and the math is very different up there, but there is a way to do it and I want to see that level of financial partnership between our organizations on a whole long list of issues for our shared taxpayers. So thank you all for being here today.

>> Mayor Adler: Yes, councilmember pool.

>> Pool: I wanted to thank the county judge and the commissioners for coming today. I think it is significant and signal that you are here asking us to partner with you and to be more visible and active partners. I understand that staff had been working together pretty amicably on these issues and I think that is really great. I would really, really like to see both of our panels,

[11:10:05 AM]

both of our -- the leadership at Travis county and the city of Austin get together and work through this. I think that there is a solution to the -- to the issue in front of us that would benefit both Travis county and all of its residents and the city of Austin and all of the residents who are just in the city as well as Travis county encompassing also the city. So I look forward to trying to carve a path to engage in conversations with you. I think we have a lot of discussion ahead of us today and others on the dais will probably want to talk with you here as well, but I just wanted to let you know how deeply grateful I am that you put aside the specific important work that you are doing in Travis county this morning to come down here and spend time to talk to us and directly deliver the message that would urge us to work in concert and

[11:11:07 AM]

partnership with Travis county. So thank you so much for being here today.

>> Thank you.

>> Pool: And I just wanted to say one last thing, I almost forgot, county judge, you emphasized and Mr. Mr. Travillion and commissioner Shea, the visitor task force, a key recommendation they brought to the table was early defeasance on the existing debt on the Austin convention center. I think the 2021 date is what was mentioned. Yesterday I had meetings with staff and I asked them to bring information what is the interest rate we are paying on old bond, what might be an interest rate if bonds were taken out today because I know the financial markets are significantly different than they were back then. What's the delta between those two. How much would we save revenue-wise for the city of Austin to defease those bonds early. I hope to get that schedule with that accurate information really soon

[11:12:07 AM]

because I think that is a key influencing and decision-maker -- a decision point for our dais here in our deliberations. And I regret that we do not have the financial analysis and the reviews that we had so specifically called for back in May. It makes sense to me because that's a really short time span and we've been working on budget and a host of other massive issues both on this dais and in our staff that our staff are working on, but we need to get the information so that the due diligence that is required by this panel here on this dais and the supportive work that you do at Travis County can be based in some pretty specific and accurate -- accurate information that can also be proved and audited. So thank you.

>> Thank you.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: I just wanted to thank each of you all for

[11:13:09 AM]

being here and I take the point really seriously about the various misses and various times where while I've been on council where we haven't been able to get the level of collaboration and cooperation done that we want to get done. There have been some instances where it has happened and the ground breaking at Travis flats I thought was a great example of that. I think we all noted that and talked about that over tacos. And so I think regardless of some of these headline issues of the convention center or the expo center or a courthouse or whatever it is, there is, I think, part of what our conversation in the hallway yesterday brought up for me and this conversation now is there's so many issues outside of those big headline issues where we have so much opportunity to work things out and to work together, and so I think your point is really well taken that we need to do that. I think you have a council here, I know you have a council here and a commissioners court that wants to tackle those in

[11:14:09 AM]

equities. I think that's within all of our politics. And honestly, I mean while I hope that a convention center expansion addresses, spins off money for equities, obviously a convention center at the end of the day is not the big thing to tackle that's tackling racial and social injustice in our community. At the end of the day there's so much else that we need to do and so regardless of these particular issues, I want to just express at least my and I think it's shared commitment to picking projects and things to do in particular with the eastern crescent and health in equities and lack of economic mobility that we can really get done. And so I think it's fair for us to debate and discuss and figure out this issue, but I think part of what this exposes is that there are so much other things that we should be doing together that we can be doing together, and commissioner Travillion's precinct and

[11:15:09 AM]

issues you raised overlap so much with mine, some of the issues raised overlap with other councilmembers' districts and we should be taking those head on and that's a wake-up call to us to better be identifying the place we need to work together and picking the things to work together, so thanks for raising that.

>> Mayor Adler: Okay. Thank you very much and thank you for being here.

>> Moving forward --

>> Mayor Adler: Hold on just one moment.

>> If I may, I'll keep it brief because I'm basically going to echo what my colleagues have already represented. Something I would like to add to the dialogue is I'm fully cognizant of what our needs are especially as pertains to the eastern crescent and looking forward to addressing the needs of the present and being mindful and pragmatic about our future. And I just want to remind everybody, my colleagues here and at the county that I really am so grateful to be one of the representatives who gets to be a part of this new 10-1

[11:16:11 AM]

system, and the fact that we have an entire office who gets to dedicate themselves to the needs of district 1, to the needs of the eastern crescent, I just want to make certain that we never miss any opportunities to involve a team whose singular dedication is to this area in the conversations. So just moving forward, I really look forward to our careful and deliberate collaboration around the needs of district 1, around the needs of the eastern crescent, around the needs of addressing systemic in equity. I cannot wait to see what we produce. And so again, I would just like to say I think most of my colleagues have already said this, you know, we really, really look forward to the opportunity for future collaboration. Thank you very much for coming out this afternoon. Or this morning rather.

>> And as a next step, I'm looking forward to our planned third meeting. Mr. Cronk and I will be meeting with county and city staff to explore all

[11:17:11 AM]

options, but beyond our continued discussion, we really are looking for an enforceable commitment from the city of Austin with regard to the defeasement of the H.O.T. Tax under the local government code. That's what we're looking for.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you. Colleagues, we're now going to move back to the consent agenda. We have some speakers that have signed up to speak on the consent agenda and I'll call them now. Yes, councilmember kitchen.

>> Kitchen: I forgot to mention that item 71, I think we had potentially worked out language with councilmember tovo and so we may be able to keep it on consent. I'll pass out that language to see if I understood correctly from her.

>> Mayor Adler: I have shown 71 as being pulled.

>> Tovo: What are we talking about?

>> Kitchen: This is the drinking water --

>> Tovo: 71. Gotcha.

>> Mayor Adler: But I will

[11:18:11 AM]

pull that now.

>> Kitchen: We may not need to pull it if we can just accept the language we discussed before. I'm just giving you heads up. You can proceed with what --

>> Mayor Adler: Let's pull it for right now and why don't you hand out the language and if we can do it quickly, we will. Let's talk to the people who want to speak on the consent agenda. Is Karen Hayden here? Why don't you come on up. Gus Peña is on deck. You have three minutes.

>> Is the microphone on?

>> Mayor Adler: Yes, it is.

>> Good morning, mayor and councilmembers. I'm here to speak on item number 5, the wind project. Very happy to see this moving forward. The electric utility commission endorsed the project when we voted on it recently, and I think it's a really great project that will help achieve our climate goals. There's one thing that I would like to bring to your attention in regard, though,

[11:19:12 AM]

I think it would be good to ask Austin energy in their negotiations to try to get a radar system at this site that would monitor migrating birds. And that's a thing that has been done by several other wind companies in order to protect when there is a massive migration, that they might take a moment and

shut down possibly just briefly early in the morning, sunrise or possibly sunset, up to two or three times a year depending on migrations. This is important because right now a lot of the birds across the country are under stress. We're about to lose some species due to habitat loss and also climate stresses. So this would protect both Austin energy in this project from things that could go wrong and it could also make it to where the wind industry does better because being proactive is a

[11:20:12 AM]

whole lot better than finding out there was a problem. Some of the maps that I've looked at do show the site to be part of the central flyway, Austin energy has some maps, I understand, that don't. I think that this should be looked at carefully and included. So I hope you will support the project and ask for that portion. Thank you very much.

>> Mayor Adler: Thank you. We'll have Austin energy take a look at that, and just to note that with this purchase, I think that gets us up to over 60% of our generation portfolio being in renewable energy when this is up and running in the winter and that's a real significant achievement I think for the city.

>> Alter: Mayor? I know you said we'll have Austin energy look at it. Would Austin energy be comfortable if we approved the contract with direction to explore appropriate adjustments for migration

[11:21:13 AM]

patterns? Is that something that we need to debate or is that something you would be comfortable with? Someone from Austin energy. Otherwise we'll pull it, I guess.

>> Mayor Adler: Hold on.

>> Good morning, city councilmembers. Erika, I'm vice president of energy and market operations for Austin energy. Could you repeat the ask or the request?

>> Alter: My understanding of what she is requesting is in the contract as the contract is signed that there be steps that are taken for appropriate adjustments for migratory birds during specific migration periods. And I'm asking if you would be comfortable with us approving the contract with direction to, you know, try

[11:22:13 AM]

to achieve appropriate adjustments for migration without us telling you what those adjustments are, but as part of your contract discussions that you will try to address that issue with the contract.

>> So we're happy to explore what the requirements are needed to protect the flyway. We, you know, the project has already gone through environmental assessments and so we are looking at those environmental studies to be able to make those -- to address those issues. Adding language to explore that is fine by us.

>> Alter: Okay. So if we could add that to explore appropriate adjustments for migration or the flyways, whatever the appropriate language is. From my understanding, it's just very brief periods because there's a particular short period within which those patterns take place so it's not on a common everyday day business.

[11:23:14 AM]

>> We'll determine if those are -- if it's appropriate.

>> Alter: Thank you.

>> Mayor Adler: So with that additional look at it as direction, that's the change that's going to be made to number 5. We'll add that direction and ask you to take a look at that, please.

>> Yes. Thank you.

>> Mayor Adler: On item 68, boards and commission, councilmember Renteria asks that Ricardo brag be added as his nominee to the hispanic quality of life commission. Without objection, we will add that. That's added. Mr. Peña.

>> Thank you very much, mayor. Sometimes I am glad I didn't win the election for mayor, so, you know, drink your vitamins. Mayor and councilmembers, Gus Peña, proud native east Austinite from east fifth street. Mayor and councilmembers, I have a problem with the,

[11:24:15 AM]

quote unquote, net zero that is used for homeless veterans. We were given the honor and privilege to -- and this is item number -- well, anyway, I can't remember what it is, but anyway, we met with Ben Carson, secretary of hud, for about five minutes, he had to leave, then his chief of staff met with us also regarding issues with hud and hud funding that's been allocated for homeless veterans. And he was very shocked that the city of Austin using normal homeless veterans in Austin, Texas just because there are programs to get people or veterans into housing. That's not -- you know, so let's not kid ourselves. You are slapping us veterans in the face. I counted 2500 as of yesterday homeless veterans. I told them where the enclaves are over there near the V.A. Clinic and also up

[11:25:16 AM]

there in northeast Austin. There's a lot of more enclaves that you have not counted. So please be advised I take strong umbrage about that statement. Number 42 is having to do with homeless or funding for homeless youth. We strongly support that. We're forgetting about our youth out there and they are the most vulnerable with our children also. I want to thank Dave Evans at the austin-travis county mental health and retardation, called integral care now, regarding the homeless issue also, and what happened three weeks ago at 7th and Colorado, I was going to my bank, we had a lady, there was four U.T. Police officers and they did a darn good job of bringing down the situation. And then it escalated and we called sergeant hunt with the -- the homeless unit and

[11:26:18 AM]

the host, and he came in there and he talked with this young lady and brought her down to the situation that was appropriate. She calmly went into their vehicle and she was transported to a facility. And I want to thank him, sergeant hunt. I can't remember the young man who was the caseworker. But this is the type of people, we need more money for hosts, the host program. It is very, very successful to keep people into institutions if they need help, mental health issues. I just want to keep -- I'm going to wrap it up, but I said I know sergeant hunt when he was a parks police, when they had parks police, and he did a very good job. She was yelling, he was patient, calm and so were the U.T. Police officers. So kudos to them.

[Buzzer sounding] Keep up the good work. Keep up the good work and have a good day.

>> Mayor Adler: Thank you. We have -- I think it's

[11:27:21 AM]

James Templeton on item number 35. Let me see. I might have the last name wrong. James temperatureton. Is James Templeton here? No? Okay. What about on item number 149?

>> Alter: I would like to comment on that.

>> Mayor Adler: Sorry?

>> Tovo: I would like to make a comment before we vote.

>> Mayor Adler: Tina. I have Effie wa oclue. Come on down.

>> Hi, mayor.

>> Mayor Adler: Hi.

[11:28:23 AM]

Turn on the microphone for you.

>> I just thank you to be here because I want to talk about guns.

>> Mayor Adler: Okay.

>> What happened in El Paso, I'm not happy with it. You know, my country, my family was killed before I came here and I no guns go into wrong hands. And I just want to thank you to do everything to take a gun away from people like that. Because these people don't deserve to die. And I'm here to see, to thank them. I will sing in French.

[Singing]

[11:30:47 AM]

Amen.

>> Mayor Adler: Thank you very much.

[Applause] Colleagues, that brings us back up to the dais. The pulled items at this point are 15, 17, 24, 25, 26, 27, number 30, 32, 33, 71, 75, 77, 78, 81, 144, and 148. Also -- yeah, those are the items. Further comments? Councilmember pool.

>> Pool: Thanks, mayor. I just wanted to make a comment on item 68. That was the one that has a couple of waivers on there. The one that's a waiver for the filing deadline for the financial information statement, I just wanted to note for the commissioners who hadn't yet -- there a couple of them noted on here that we're providing waivers for, the importance of our financial reporting rules. And I just want to urge

[11:31:49 AM]

anybody who is slow in submitting especially the financial reporting how key that is to our governmental -- our open government transparency and accountability policies and I bring it up because I've done so much work in those really, really difficult topics. I urge if you are on here as being late in filing your financial statements to beat the new deadline. I think it's September 6th, so maybe y'all can get it done before then. And thank you. And mayor, I would like to abstain in that piece of the waiver.

>> Mayor Adler: Record will so note. Councilmember alter.

>> Alter: Thank you. I wanted to speak to item 149, which is a resolution that I brought that calls on our state and federal authorities to take all necessary steps to end gun violence. I want to thank my colleagues and co-sponsors, mayor Adler and councilmembers tovo, pool and Ellis, as well as

[11:32:51 AM]

supporters for March for our lives, mom demand action for gun sense and others who joined to so quickly pull this resolution together after the events of this weekend. I've been in office since January of 2017, and I'll have to be honest, I've lost count of the number of times that I've had to mourn and grieve and extend condolences to other communities. Las Vegas, Sutherland springs, parkland, Santa fe, tree of life, Virginia Beach. Today we put forward this resolution as one small way of honoring the 34 people who died over the past week in El Paso, in Dayton, and in Gilroy. We need meaningful, common sense change to our laws and we need it now. That's why this resolution on behalf of what I hope and assume will be a unanimous city council demands that

[11:33:52 AM]

the United States senate return from their break immediately to pass gun violence prevention laws that a majority of Americans have been asking for for far too long. We are also with this resolution calling on governor Abbott to convene a special session and direct our state legislators to pass recommendations in his own school and firearm safety plan. I remind you that he already did the round table route and we need action. That plan was commissioned after the Santa fe high school shooting last year, but we have yet to move on its findings. As elected officials, it is our responsibility to keep our children and our community safe. Our council has taken almost every step we can imagine to curb this issue. And we will not give up. Next agenda I will have another resolution for things that we can do and explore here at the city level. But we have to shout out loud that because of the restrictions at the state and federal level, we need

[11:34:52 AM]

those leaders to take up the responsibility here and act, to do responsible things like make sure we have background checks on all gun sales, make sure that we have extreme risk protective orders. For the public and for other officials who might be watching, I ask that you join us in our chorus. We are 11 voices. We are trying to raise our voices and raise the profile of this issue. If every single person in this room, every person watching went out and got ten other people to write their senators, to write the governor, and then they got ten, we would be as powerful as the NRA and we really do need to act. No more people need to die. We need our leaders to act and they need to know that we're watching and that we're holding them accountable. Thank you.

>> Mayor Adler: Is Jose

[11:35:53 AM]

Cantero here? Okay. Late signing up to speak so not pulling the item, item number 70, which is the economic development. And 72, the economic development entity. Is Susan spatero here? Do you want to speak on this? Is Al Braden here? You will be on deck. Go ahead.

>> My general concern on many of these issues, and I signed up on many today are public policy issues. And for a person who understands a cafer and how it's laid out and the information it gives to people, I think the more government activities that you pull out of kind of the core government, the less transparent and the more confusing it is for constituents. And I don't think that's a good idea. So you've got these quasi governments out there. And the other problem with that is that they don't have to fully comply with open records requests. And I think that's a big disadvantage because the public wants to know these

[11:36:55 AM]

things. So I in a general sort of sense don't think this is in the best interest of the people who live here. It provides complexity. The other thing is for us to act like economic development is a crisis in this community. It's hard to understand. Councilmember Casar, you were saying we have a lot of issues to deal with and I agree with that and those are the things that should be focused on bringing more people into Austin when there is inadequate infrastructure. When we are driving out and gentrifying our general population. You know, it seems like lack of transparency, not focusing on really the issues that impact the people who live here are a mistake, for what that's worth.

>> Mayor Adler: Thank you. Yes.

>> Tovo: Thank you for raising those concerns so I have an opportunity to respond to them as the sponsor of the two items

[11:37:55 AM]

that deal with governmental entities and the creation of them, the economic development corporation, the local government corporation items. I want to assure you that there is absolutely no intent to have them operate any differently than, say, the sobberring center lovely government corporation operates which this they are subject to open meetings, just in the same way that our city council would be. And I would be happy to share more information with you about either of those resolutions. They are not to promote economic development generally. They have some very specific areas of focus. The local

government corporation as it's been described is going to be focused on fundraising for services and housing to end homelessness, and the economic development corporation, I think the staff are going to have a conversation about how to organize those, but the economic development corporation among other things will look to the cultural trust to providing the function of the cultural trust in the way that

[11:38:56 AM]

councilmember kitchen's resolution has led on early as well as affordable housing. And some other identified needs that relate to the south central waterfront overlay. Thank you for those considerations and happy to share additional information with you.

>> Mayor Adler: Thank you. Also speaking on this same item. You have three minutes, sir.

>> Good morning, mayor Adler, city manager cronk. I'm Al Braden from district 10, I work with Sierra club and others on climate issues. I want to thank my councilmember alter for bringing forth resolution 78 this morning that declares a climate emergency and for the great support she got from other councilmembers tovo, Casar, kitchen, Leslie pool and also from commissioner Shea who was at the press conference this

[11:39:57 AM]

morning. We had a meeting of citizens Tuesday night talking about climate and the generation plan, and we were very supportive of this resolution calling this, naming this a climate emergency. Because I've called it climate change, I thought calling it a climate crisis, emergency elevates it beyond that. Many people meeting, citizens, said that's really not enough. We grappled with what other words we could use, but I think it's so important to say right now this is an emergency, it needs to be dealt with in everything we do in this city and we have a chance in Austin to make a real difference. So thank you for this resolution.

>> Mayor Adler: Thank you.

>> And I look forward to using it abuse it's so important when we work on energy, we work on water, we work on transportation, we work on how we treat immigrants, homelessness, all these issues have a bearing on the climate emergency, and by focusing

[11:40:58 AM]

on that autos a priority, I think you give us permission to work on this. I remember a resolution ten years ago where Mike Martinez, then a councilmember, said this resolution is just a piece of paper, but it gives

you permission to go out and make us do it. That's what we believe this is and we're going to make every effort to make it important. Thank you.

>> Mayor Adler: Thank you. And I think that testimony was directed towards 78 as opposed to 72.

>> Alter: And 78 we're still going to be taking up because there are speakers.

>> Mayor Adler: Correct. Okay. Does anybody else have any other comments on the consent agenda? Yes, councilmember Casar.

>> Casar: Briefly on 149, I appreciate councilmember alter's leadership bringing that resolution forward as an emergency and after the events of recent days and all the co-sponsors workings on it, I wanted to pipe up a little about it too.

[11:41:58 AM]

It's been stirring and painful for me and for so many people. I think the content of the resolution is important to call out state and federal leaders not only for their own inaction but their laws that block our ability to act locally on banning and regulating weapons of death that any sane country would not promote and protect people having and that have been used to kill so many people. I think it's also really important, though, to name that the attacks in El Paso was somebody -- was a terrorist who drove to El Paso to kill brown people. And that Charleston was a terrorist attack in a church to go and kill black people. That the attack at a Pittsburgh synagogue was to go and kill jewish people and particularly jewish people who are working hard to protect and defend immigrants. As their faith tradition and their experience in this country has called so many of them to do. And so it is so important

[11:42:58 AM]

for us to continue to demand action on guns and then also I don't think it even needs to be said anymore in a resolution, said by all of us who also recognize it was both guns and hate and racist hate that is also so protected and held up by some of our own leaders in this state and across the country that also need to be condemned and that we also need to act urgently around. My own great grandmother moved from Mexico to El Paso to escape violence. It's a core part of what makes that city amazing is its acceptance of other people and I am just so proud of what people in El Paso and Texas have been able to do to push back and fight back against what's happened there.

>> Mayor Adler: All right. Councilmember kitchen.

>> Kitchen: I'll be brief. I just want to echo what my colleagues have said with

[11:44:00 AM]

regard to -- with regard to gun violence. I want to thank councilmember alter for bringing this forward so that we can all up is port it. I also -- all support it. I also want to say I think it's incumbent upon cities to work together across Texas and the nation on what we can do at a city level. We've seen inaction at a state and federal level, and although we're limited at the city level, we need to explore every last thing we can do to take action. And so councilmember alter, I was glad to hear you are thinking in terms of bringing additional items and I would love to work with you on that. Thank you.

>> Mayor Adler: Consent items 1

>> Mayor Adler: Pulled items 15, 17, 25, 26, 27, 30, 32, 33, 71, 75, 77, 78, 81, 144, and 148. Is there a motion to approve the

[11:45:00 AM]

consistent agenda? Let me get the motion in. Councilmember alter makes the motion, seconded by councilmember Renteria. Councilmember tovo.

>> Tovo: I just want to make a quick comment and thank the city manager for bringing forward 141 and 142. We've had an opportunity to discuss these before but these are really critical elements, and I appreciate the manager bringing forward these in such a timely fashion. These are the initiatives to provide one-time funding to the Salvation Army for two different efforts, one to provide case management for their downtown shelter, which will allow that shelter to function in a housing-focused manner. That, of course, is always the goal for the Salvation Army's shelter work, as well as for the city's, but that additional assistance for case management will really help live out that vision. And then the other piece of funding is for the family center out at Tannehill, the brand new shelter that is going to house

[11:46:01 AM]

families in our community who are experiencing homelessness. The Salvation Army has done a great job and have been supported by the wrathgabers, as well as other private donors, they do not yet have operating funds to use that shelter at 100% capacity. Probably everybody in this room knows what a critical issue it is that many of our neighbors, thousands of our neighbors are experiencing homelessness, and if we can help the Salvation Army get a little bit closer to their goal of raising their maintenance and operations fund, they'll be able to utilize that at 100% capacity. But I want to be very clear that the city's piece of that is really a challenge to the community. The Salvation Army is going to need more support this year and in future years to operate that facility at 100% capacity. So I appreciate my colleagues' support of this item and the manager's understanding of how important it is to move this forward as quickly as possible. Once the rathgarer center is able

[11:47:03 AM]

to increase hire maintenance and operations budget, they'll be able to move those families and children out of our downtown location and use those beds for individual men and women who are experiencing homelessness. So it is a huge win for the community, in my opinion, and again, I think that hopefully we'll hear some other good news in the coming weeks about that, but it really is a challenge to the community to step up and be a partner with the city and with others who have helped fund that important need.

>> Alter: Mayor?

>> Mayor Adler: Okay. Thank you.

>> Alter: Mine is just on --

>> Mayor Adler: Questions on this? Councilmember alter.

>> Alter: Councilmember tovo, I appreciate you raising that challenge to the community and I just wanted to ask if you could be very clear on who people should contact and how they can make donations that will help the Salvation Army close the gap on the operating funding.

>> Tovo: So those will be accepted directly through the Salvation Army -- thank you for asking that. It's my -- I haven't -- it's my

[11:48:04 AM]

understanding they have adjusted their website so that there is a very clear path to helping fund that particular need out at the raathgaber center.

>> Mayor Adler: Okay. Moved and seconded. Councilmember pool.

>> Pool: I just want to do ask staff to continue to add to the comprehensive list that we already have started on all of the efforts that we have undertaken here at the city since we made homelessness one of our -- a top priority for our work. I was talking with some -- a neighborhood association last night, and it would have been -- it would be really great to have this concise list to hand out to them so everybody can see all of the work that's been going on over the last three years, both from when we identified this as a target for priority attention and where we are now, especially in this last year with the housing bonds that we get last November and then the roll-out of the

[11:49:05 AM]

housing focused shelter that councilmember kitchen led on, and the efforts at the rathgaber, the changes at the arch, and all of that, everything that we're doing, we really need to communicate that pretty concisely and comprehensively to our residents. So thank you for that. And if there's a place on the website that could be like a dashboard, that would be really super. Thanks.

>> Mayor Adler: Councilmember tovo?

>> Tovo: I do see -- I do see some representatives from the Salvation Army here. I don't know if they wanted to add to that information in response to councilmember alter's question or if my response was adequate.

>> Mayor Adler: I'd say you should take the moment here to tell people. How should they contribute?

>> My name is Kelly Perkins.

[11:50:05 AM]

I'm the development director for the Salvation Army. We are truly grateful to the city, so thank you. If you do -- the community would like to support, you can visit our website at [Salvation Army austin.org](http://SalvationArmyaustin.org) where we will have a banner for the rathgaber, or contact me personally at the Salvation Army. It's on the website. My email address is very long. We're happy to work any way we can to make sure the rathgaber is funded and we appreciate the council and the community.

>> Mayor Adler: The council agenda has been moved and seconded. Any further discussion? Please raise your hand. Opposed? It's unanimous on the dais. Let's see if we can handle things that may be and quickly, just comments or quick agreement to an amendment. One of those items I think would be item number 144, I don't know if staff is here to speak to the

[11:51:09 AM]

anticipated schedule for this work, as well as for the timing on the alley. So if staff -- if they're in the back -- are here, could come down and speak, that would be helpful. Did you have some amendment language that had been accepted on any of the other items? Okay. While staff is coming down. Item number 144. I pulled this. Councilmember tovo, I appreciate your bringing the ifc to move forward with some of the area improvements there. There are certainly things we have talked to the community about doing for an extended period of time. I'd like to know what your belief would be, generally, with respect to scheduling on these items. Then also, in that same area, we had told the community we were going to move forward with some changes to the alley that were being made, and I think last November we had told people that

[11:52:11 AM]

it was imminently about to happen and there have been several times we told the community it was going to happen within 40 days or two months. When will we see the work done in the alley?

>> All right. Thank you, mayor and council. Good morning, Richard Mendoza, public works director. Yes, just as a reminder, the alley that we're referring to is located off of red river between east 7th and 8th streets. It borders on the west with red river and of course waller creek on the east. We are actually in a position now to begin work within the next three weeks. I do want to share a little bit of background information on how we got to where we are. It's been a challenging brokerage on a number of fronts. Of course the scope of the work that we will be entailing is to first remove all the biohazards from the alley, so we will clean and remove debris from the alley. We will need to improve the alley

[11:53:11 AM]

surface, so that's going to involve regrading and repaving with new asphalt on that alley. And then we will secure the alley by means of iron fencing, while also allowing for life safety egress from the adjoining tenants. Mayor, we have experienced delays, mayor and council, on this project, and they've been primarily due to added design considerations that we needed to address for -- to unforeseen conditions, and also additional fire life safety ingress and egress for the adjoining tenants. We've also had to identify an alternate fabricator for the fencing and gate material, since the originally fabricator we had had gone out of business. I am pleased to report at this moment that we do have an approved building permit on the design for the project and that will allow us to start that work within the next three calendar

[11:54:12 AM]

weeks. Our next steps right now are to firm up the line item bid prices from the contractor on the most recent approved design, and we will also obtain a right-of-way permit. We've already discussed with our transportation department to support us in this effort so we can start the repairs to the alley surface. So within the next three weeks, you will see the biohazard cleanup of that alley. You will see construction fencing go up that will secure the work zone, and the construction site for that alley, and we also anticipate that the construction timeline will be approximately 12 weeks. This will allow the lead time for the new iron gate and iron fencing fabricator to prepare and deliver those materials.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: Councilmember tovo?

>> Tovo: I have thought that there was already a right-of-way

[11:55:14 AM]

permit that had been issued on this item.

>> The right-of-way permit was for the fencing itself. When our engineers went out there and surveyed the ground, the materials, in order for the alley and the egress gating to operate correctly, we determined that we needed to do additional regrading of that alley and repaving that we had not anticipated, so the right-of-way permit, which we ought to be able to secure within the next week to ten days, is going to encapsulate that additional scope of work, councilmember.

>> Tovo: And so I guess I just thank you. As the mayor alluded to and as I'll just underscore, I regard that gate and fence installation as an extremely high priority in terms of public health and safety, and it has been now for

[11:56:14 AM]

several years identified as an element that really needed -- and I appreciate the public works, you know, got out there, I think, at one point and did some repaving because there was water pooling and it was creating some public health issues, but I hope that it's providing access to the creek and enhancing some conditions around there that are not promoting, conducive to public safety, so I hope that our city staff can really work together to make sure that you get every permit as quickly as possible so that this can really be addressed with all speed. It's very hard to explain why it took -- why it's taken as long as it has. Thank you for that additional context. I hope it's on sort of a fast track to finish. So thank you. And likewise with the other projects identified in here, you know, the trash receptacles and other things, I know we've spent -- I think our economic development department had identified these as potential improvements several years ago,

[11:57:14 AM]

and I applaud them and I think they are great ideas, and I'm very excited about seeing them move forward. These are also, I think, really high priority items, and so, city manager, I look forward to seeing these really undertaken. I think part of the slowdown has been figuring out who's going to to -- going to maintain some of these. We really need to get these done. This will be our third action at council to see these projects move forward so I'm looking forward to really being able to see those projects underway.

>> Yes, ma'am.

>> Tovo: Thank you.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: I'll be belief. Brief. I just wanted to support councilmember tovo's request to move quickly and just reiterate that these kinds of projects that are focused on public health and safety need to go to the top of the stack and we need to find

[11:58:15 AM]

ways to expedite, you know, permitting other kinds of concerns. And if you need -- if you need something from the council to do that, please ask us. But from my perspective, I think that we've made that clear, that that's necessary.

>> Mayor Adler: Thank you. Okay. Any other comments on this one? Then let's take a vote. Those in favor of this item, number 144, please raise your hand. Those opposed? It's unanimous on the dais. Anything else we can take care of in a minute? Literally? Councilmember tovo?

>> Tovo: I have a super quick question for councilmember Flannigan about 81. And then also I'm prepared to accept councilmember kitchen's amendment with one comment on water fountains.

>> Mayor Adler: Okay. Let's see if we can handle those.

>> Tovo: My question, councilmember Flannigan, at the bottom of -- your item 81, bottom page 5 of 6, it talks about possibilities for public/private

[11:59:16 AM]

partnerships to include remedies 20 help achieve the goal of the housing blueprint, could you help me understand what that means, look for opportunities to --

>> Flannigan: Yes. As the staff is will ever thinking about those opportunities on affordable housing, for example, thinking about the project so that we're not missing opportunities to place affordable housing right on our major investment, it's really just trying to make sure all the pieces are working together. And I know that staff is doing that in large part already, but I wanted to make sure we were very clear as a council that we wanted to see that type of coordination.

>> Tovo: Got it. If you make a motorcycles I'll motion, I'll support it.

>> Mayor Adler: Motion made, seconded by councilmember tovo. In favor, please raise your hand. Opposed? It passes, unanimous on the dais. You want to make a motion on 75?

>> Kitchen: 71.

>> Mayor Adler: 71.

>> Tovo: I'd like to move approval of that and accept

[12:00:17 PM]

councilmember kitchen's amendment.

>> Mayor Adler: Okay. There's been a motion to approve 71, including the kitchen amendment. Is there a second to that? Councilmember kitchen seconds that. Councilmember tovo.

>> Tovo: I will simply -- I did want to appreciate, in particular, Steve O. Who spoke about this recently and has sent communications, has visited with me in my office and has been an advocate for drinking fountains. He adds his voice to others. I think clem is someone else who had spoken to us about it. This is something that has been supported by various individuals throughout our community, from cyclists to those who -- from those who support more walkability and and I think will be a great assess. With regard to the amendment, I'm supportive and have incorporated into my motion, though as I look at the map, I think the highest area of need continues to be that area of geographic location that I identified, we do have lots of water fountains in -- along

[12:01:21 PM]

zilker park and others, they are no longer accessible, so that is in need. So I assume staff will look at the areas of highest need and have those be the top funded items.

>> Mayor Adler: So that it's clear to people that are watching this, the amendment specifies that among the at least ten locations is -- there was greater detail, lady bird lake, Barton springs drive along lady bird drive for consideration, including parkland along lake, and Lamar billion-dollar has the phrase added including zilker park area to the west. Councilmember kitchen?

>> Kitchen: Just a quick statement. Yes, that amendment is not intended to say the additional area is not a priority, it is simply intended to include that area as part of the analysis that the staff does to determine the priority. That area does have a lot of drinking fountains at the moment. Not that many are Ada accessible. But the intent is to -- is for

[12:02:22 PM]

the staff to do their priority analysis and not to suggest this area is a priority.

>> Mayor Adler: Sounds good. Let's take a vote. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. All right. We are going to move now into citizen communication. After we're done with citizen communication, we're going to go into executive concession to take up items 103, 106, and 148. But let's again with citizen communication. I'm going to move the second speaker, koo-hyun

Kim -- the third speaker signed up, koo-hyun Kim, into the number two position. Is Katie deolloz here? Come on up. You have three minutes. And koo-hyun Kim is on deck. Sir. Go ahead.

>> Mayor, councilmembers, my name

[12:03:24 PM]

is Katie deolloz and I am the founder of rehumanize mobility. I currently reside in district 3 while traveling and working throughout the city. When I last spoke at a council meeting, I shared a story of my interactions with this little girl. As I rode alongside her, I disclaimed isn't it great that you get to ride your bike with your dad in downtown Austin! Little did I know that only few blocks later as she and her father road past me, I would be lying on the ground encouraging her to keep riding her bike. Don't be afraid. One day it will be safe. I said that under the taillights of an SUV that backed into me. Since then, my 15-year-old son was struck riding his bike to ACC. My husband was struck and seriously injured by a woman as he attempted to make his daily

[12:04:24 PM]

bike commute to work. Over 20 people have been killed due to preventable traffic violence since I last spoke to you. This spring I participated in the red cup project, a global initiative to honor the work of respected bike advocate David salavas who was killed on his bike commute home. The crunch of each cup as it was crushed, the water swig out of it onto the roadway, served as a visceral reminder that precious human lives are being destroyed due to preventable traffic violence. I signed up to speak at this meeting three weeks ago because I want each you have to know the face, the voice, and the story of the person who posted this tweet. I want to believe you. It is challenging to do so, though, when my walkway is

[12:05:28 PM]

repeatedly blocked, when ride hail operators continue to block bike lanes or when my 311 request is marked closed but absolutely nothing has been done to improve human safety. I want to believe you. But when I see headlines like this, knowing ten people are killed every day on Texas roads, for outpacing the number of lives lost to gun violence, when we know car emissions contribute massively to climate change, yet you allocate \$500 million to highway expansion, Austin's transportation department and public works have staff who know how to help solve these issues, yet you continue to not provide the resources they need to do their jobs well and to achieve vision zero. I don't believe you, but I want to. You have the opportunity to choose to be bold --

[12:06:30 PM]

[buzzer sounding]

-- You have the opportunity to choose to act to make Austin safe for that little girl. You have the opportunity to rehumanize mobility. Don't miss it.

[Applause]

>> Mayor Adler: Koo-hyun Kim councilmember kitchen?

>> Kitchen: I really want to thank the previous speaker for all the work that she's doing on mobility and championing vision zero, and I just want to speak to -- I'm looking forward to at least some improvements that we will have with the corridor plan from the mobility bond. I've been very excited in conversations with our staff, for example, that we -- that they have found a way to create a separated bike lane along south Lamar, for example. Thank you for your jokes, and I look forward to

[12:07:30 PM]

continuing working with you, and I really -- I'm sorry about the problems your family has been experiencing.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah, I also wanted to weigh in and say that along shoal creek boulevard, which is an important cross-town, north-south route for people on bicycles who are looking at improving the facilities there for people who are walking, pushing strollers, riding bikes, and hopefully also will be able to have citywide, if not just district 7 wide, reduction in vehicle speeds. I'm looking for a 5-mile-an-hour reduction. I've talked with A.P.D. Many times over the past years on how we can effect that. But vision zero is an important element of my advocacy for this city and specifically in any district, and we're working hard to improve the conditions, where I can.

>> Mayor Adler: Mr. Kim. The tex speakers I'm going

[12:08:32 PM]

to call are torres, Robbins, grams, and McAfee. Go ahead, Mr. Kim, you have three minutes. Mr. Kim, it would be best if you speak this way. That way, the microphone can pick you up and people watching TV can hear you.

>> Two days, very beautiful, very beautiful, sometimes almost empty, but today it's crowded. I greatly appreciate the Austin mayor and city council to make the Austin city the best city of the whole world. So

many people come to Austin city, thanks to you, and also today especially, police officers, they help me, they protect me very well. I really appreciate them. Today is most beautiful day,

[12:09:34 PM]

most wonderful day. New York times reported saying that president Donald Trump favorable points has been increased, guess how many? One, two, three -- ten points. Ten points has been increased since 2016. This is the best day for president Donald Trump and the best day for me. I am representing president Donald Trump for reelection in 2020.

[Applause] He should be -- he should be certainly reelected. I'm standing on the corner almost everywhere, flag, waving flag for president Donald Trump. So far more than hundred people took a picture of me and the flag of Donald

[12:10:35 PM]

Trump, the sign. How wonderful. Even today, when I came down here, a bus -- in a bus, a gentleman said, oh, you are here! He shake my hand. He very happy. And another person say same, that every day, how wonderful it is! It's my great honor to represent president Donald Trump. He is the best president ever in America. And also, he is the best president ever of the whole world, world peace and freedom. God prepared Donald Trump as U.S. President, 2016 and 2020 as well. I really appreciate you. Thank you very much. I really thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Audrina torres. Paul Robbins. Dylan grams and Melanie McAfee. You each have three minutes.

[12:11:37 PM]

>> Good evening. My name is Audrina torres. I live in part of the northeast Austin community, Travis county, also district 1. And my concern is the complaints that we have in our community with the landfill, the Austin city landfill. And the problem is that it's become unpleasant to be around the landfill. Everybody complains about it but it doesn't seem to have any result. And the community as a whole is becoming not a community. We're actually becoming quite angry and separated. We're not even spending time in our yards, things of that sort, things that you would do in your home because of the smell and everything else that's going with that. And the concern we have is really like the -- the

complaints not adding up and no one doing anything about it, but also what can happen if -- with the pollution and things of that sort. So we're concerned about illness and what will it do

[12:12:37 PM]

to our home value, and the hazard wastes, we're wondering -- or concerned, excuse me, if the hazardous waste could potentially get into the creeks. It's already on our yard and it's sometimes in the home. And we're in fear of what that can lead to down the road. Illnesses, cancer. We want -- we want a clear solution as to how we need to take this and how we need to handle it. We're already frustrated. It's been a while and we need a solution. We need answers. And I ask that the city staff reject the landfill criteria matrix, which should -- excuse me -- which should include the number of complaints which have already been 226 this year. And we don't want to have

[12:13:38 PM]

any more materials from any other contract, and to take action that actively opposes the expansion of the landfill. Thank you.

>> Mayor Adler: Mr. Robbins, you have three minutes.

>> Council. Austin is known throughout the country for its commitment to the environment. Among our most acknowledged achievements is a network of nature preserves and wildlife sanctuaries. However, not as widely known is our industrial waste preserve that sits on waste management's land. Now, I use this description poetically, but what would you call it? A ten-acre area in this site has stored industrial waste for about 50 years. This waste site was closed

[12:14:38 PM]

in 1972, yet we have allowed it to fester. For a city that boasts of its commitment to the environment, tolerating this waste preserve borders on heretical. Here's a slide -- here's an aerial view of the industrial waste site in 1972, between 19,000 and 80,000 tons of toxic waste, including at least 21,000 barrels, are believed to be buried at this preserve, in addition to acids and solvents, the chemicals include grease tap fluids and contaminated waste oil. Now, here are three of the most toxic ones found on or near the site. Sulfuric acid is a carcinogen, mental and reproductive toxin, respiratory irritant, acute

[12:15:39 PM]

poison, and an internal organ toxin, this is an irritant, developmental toxin, acute poison and internal organ toxin, and benzene, additive in gasoline is a car carcinogen. It's an acute internal organ intoxicant. Because of this industrial waste there may be financial liability to the city if Austin continues to contract with this landfill. In 1999, the engineering firm of Carter and burjiss suggested that users of this site could be liable because of the environmental risk of the industrial wastes and recommended remediation of the site.

[12:16:40 PM]

I seriously challenge why Austin continues to do business with a company that allows this industrial waste preserve to exist. It is almost as if they are treating the chemicals in the waste preserve as an endangered species.

[Buzzer sounding]

>> Mayor Adler: Thank you. Mr. Grams.

>> Yes, good afternoon. My name is Dylan grams and I'm from district 1, and I'm here to demonstrate the lack of accountability by waste management in the Austin community landfill. In this first slide here, it's an image of the landfill, the monitoring wells and their placement. The monitoring wells were placed here to measure the chemical levels and hazardous level of the landfill. This next slide is a cross-section of the monitoring wells, running west to east. The vertical lines that you see here are where the wells

[12:17:42 PM]

are dug. In this tan section here, this is the area of the landfill that's best described as a clay soil, mixed with paper, cardboard, wood, plastic, glass, metal, fiberglass, cloth, and miscellaneous debris. Right below that in the red area of the landfill, it's described as soil with yellow or black coloration and chemical odor. A very viscus dark red brown fluid, brown to red material, crystals that exhibited a chemical odor and oily brown fluid with hydrocarbon odor. It's really toxic stuff there. This is the same cross-section, west to east, showing water levels. You can see it completely covers the area with the toxic area. This next image is a view of a topographical map of that cross-section going west to east. You'll notice the line of compliance highlighted in yellow.

[12:18:42 PM]

Waste management has intentionally drawn the line around this industrial waste unit to avoid accountability. Instead, placing that burden of proof on Travis county. The question is, why would waste management draw the line of compliance here? The bird's-eye view shows the groundwater contours in white and the flows in blue. Let's allow this video to load here. This video further demonstrates the water flow. You can see that waste management intentionally drew the lines of compliance and placed the wells in areas to avoid the wells and to avoid accurate testing. The bottom line is, this site is one of the most environmentally hazardous places in Austin, and doing business with waste management makes the city complicit in their environmental acts of pollution. We are asking you to not do business with the facility and close this place down and clean it up.

[12:19:45 PM]

Thank you.

[Applause]

>> Mayor Adler: Melanie McAfee, you have three minutes.

>> I'm here today to tell you what waste management wants to do in Austin, Texas. I began an events venue in 1981 before waste management had their permit. Our management is America's first certified special events venue, hosting over 3,000 weddings, I've been able to coexist with the landfill because I was much luckier than many of my neighbors who endured the many odor problems over the years. However, now is a turning point. Waste management came to me last January, telling me they want to expand their footprint. Let me share three maps with you.

[12:20:46 PM]

Map number 1 shows how the city has basically wrapped around the problem landfill area. The area is the armpit of Austin. I would not think city hall would want a landfill that is, for all practical purposes, within our city limits and in the middle of district 1. Map number 2 shows the density of people within a two square mile radius of this landfill. Over 16,000 people and over 5,000 households. That number is growing. Is this where you want a landfill? Map number 3 is a satellite photo of our larger, upper east side community. The circle easies where east village is being proposed, a 425-acre mixed use community, conveniently located on Parmer lane across the street from Samsung. Moving towards downtown, the brown rectangle below is 960 acres of landfill

[12:21:47 PM]

property. Do you want to increase that brown footprint? There are two critical actions for council to take. Number one, you need to support past councils and commissioners with a vote affirming past resolutions to not send waste to waste management. This council needs to be clear on their position on a potential expansion. Be proactive, not reactive. Two, the landfill criteria matrix should be scrapped because none of that was top priority. Instead, the city should examine the history of the landfill, the location of the landfill, and penalize this landfill for doing nothing to divert the waste. I would be happy to serve on any citizen advisory group regarding this. There's been zero waste sense February of 2011. My life of fighting this landfill for over 30 years has shaped my business plan

[12:22:49 PM]

and my soul, for who I am as a person. Barr is a zero waste facility because I have experienced the pain of our throw-away society.

[Buzzer sounding] The good news, it's not as hard as you think to be zero waste. I've done it. Austin can do it too. Thank you.

>> Mayor Adler: Thank you V ery much.

[Applause]

>> Mayor Adler: Next speaker is Karole Fedrick. Karole Fedrick here? No? What about Cleo petrcek? On deck will be Tracy Shannon. Thank you. You have three minutes.

>> Hello. I'm Cleo petrcek from district 5. Transparency is a fundamental reason for the south Austin community angst surrounding the recent

[12:23:51 PM]

council actions. Without the outrage of a significant group of citizens, it is clear that the council felt no obligation to engage in real dialogue with the community. Window dressing would be the appropriate description of many of the supposed efforts to connect with community on the part of councilmember kitchen, specifically. While other members such as Casar and tovo, seem to have made at least modest effort recently to connect with their districts, councilmember kitchen avoids any forum in which she would have to engage in serious dialogue addressing the real issues experienced by many south Austin residents saltillo of the recent explosion of homeless camping along the 290 corridor. Councilmember kitchen prefers to make media comments and attend meetings in other districts and with audiences that will not be negatively impacted by recent council decisions. She's willing to attend forums with impacted citizens, she would need answers to questions such as these. The proposed shelter is

[12:24:51 PM]

stated to be roughly 100 persons and is pitched as a way to help families get off the street. That's wonderful. However, it does nothing to address the much greater number of individuals that are not willing to comply with shelter requirements and that are the chief reason for all the problems facing residents. Why is council taking primary action that does not address the problems faced by residents, businesses, and schools? Most important, children. City talking points constantly try to convince residents that the shelter won't be like arch. On a recent TV interview, the mayor lamented that people should not be camping by arch but apparently the city is powerless to alter the status quo at arch. Why should citizens trust anything from the city when at every turn, poor judgment has been the norm? There is zero evidence that the city at any level has the ability to manage anything while keeping the best interest of families and businesses in first

[12:25:52 PM]

place. Council has taken active measures to approve from the police any tools needed to disburse individuals from areas around street crossings, schools, et cetera. Only after outrage has council defined reasonable restrictions on camping, et cetera. Previously the only creativity was to ensure camping didn't occur at city hall, for instance. Admirable. Why is it okay to have individuals engaged in sex acts and literaturing drug apparently near elementary schools, predominantly hispanic, all three of them, and street crossings and what exactly did council expect would occur without active police intervention? Refer to poor judgment above. Recently, mayor Adler in an exasperated turn, lamented that he was tired of spilling millions, shuffling people around.

[Buzzer sounding] His comments was that the only solution is to find places for these people. Wonderful idea. Please explain how spending 8 million plus unbounded

[12:26:53 PM]

operating expense to house up to 100 people makes any sense.

>> Mayor Adler: Thank you. You can go ahead and finish your thought.

>> I'll talk to you in a little bit.

>> Mayor Adler: Okay. Thank you. Of. Next speaker --

>> Kitchen: Mr. Mayor, I think this might be an appropriate time so that the public can understand with some level of accuracy the public forums that have been scheduled. Would you like to mention those or would you like me to?

>> Mayor Adler: The ones without an open question and answer --

>> Mayor Adler: Hey, you've had a chance to speak. You've had a chance to speak. I think there are three forums that I'm aware of. There's one, I think, on the 21st of August.

>> How about the one --

>> Mayor Adler: Hey, hey, please, you've had a chance to speak. You're not going to get recognized again to speak. There are people that have an opportunity to speak after you. There are three forums I think that have been set, one is August 21st, I think the daa is doing; there's one on August 29th

[12:27:56 PM]

that -- and there's a thousand-person space, it's going to be at the lbj library, lbj school, and I think there's one in south Austin that you've scheduled as well. I don't know the date of that.

>> Kitchen: That one's on September 3rd. That information has been sent out and will continue to be sent out. There will be opportunities for people to ask questions and engage at each one of these meetings.

>> Mayor Adler: Okay. The next speaker is Tracy Shannon. And after Tracy Shannon, John Miller is the speaker after that.

>> I'm Tracy Shannon with

[indiscernible] Houston. It is my organization that's conducted a great deal of research on dry clean story hour, also exposed sex offenders in Houston chapter dry queen story hour, as well as porn tires and prostitutes for hire. I'm here to talk about your program and what we found

[12:28:56 PM]

within it. By the way, please place dry clean story hour on the regular agenda for the community. The L.A. Promotes this for inclusion and diversities and what is really taking place is really child grooming. This is an ideological crusade posing as a story time. In your drag queen story hour, we found that the drag queen, on social media, is -- well, he's very immersed in erotica and kink and follows several adult oriented websites for male escorts and gay porn. Also the organizer of this event, the founder and CEO of Austin international drag festival, where this picture that's going viral originated from should we soon expect to have a picture like this originate from Austin public libraries? Now then, what we found with

[12:29:57 PM]

the social media, we found pictures that were depicting children being abused, adult, actually, depicting child abuse. That's not a funny thing to depict. Also, erotica and kink. The drag queen is a leather man and also enjoys pickup play. He enjoys pickup play right there in the open on social media is his love for pick up play. Has anyone looked into the event and its organizers? Are they appropriate organizers, appropriate people to be planning these events? So then we looked at the librarians involved in this. If we're promoting inclusivity and births at diversity at the library, is it appropriate for people to be posting derogatory statements about white people, Christians, and trump supporters, even

[12:30:58 PM]

using words such as Nazis to refer to them and call them racist? I don't think so. I don't think you can fly the banner of inclusion and make comments like that. So, what does an expert in predatory behavior that we work with in our organization say about drag queen story hour? Having studied over 4,000 incarcerated sex offenders --

[buzzer sounding]

-- He says that predators love it.

>> Mayor Adler: Thank you very much.

>> And I come bearing gifts. Is there a city secretary to give --

>> Mayor Adler: You can give it to the clerk over here.

[Applause] Is John Miller here?

[Cheers and applause]

>> Mayor Adler: Mr. Miller, you have three minutes.

>> Thank you. I identify as a 35-year-old black male. You understand how absurd that is just by looking at me. You can see that I'm clearly a white male without a 5 o'clock shadow. Children under the age of seven do not have any idea of gender.

[12:32:00 PM]

They are not gender fluid. They just do not understand yet that gender is not merely clothing, hair, and accessories. Introducing them to men who are dressed as women and who say they really are is confusing them, and we don't know yet what harm this may do to children. Is this an experiment the city should be having? I have a transgender parent. I never needed a drag queen or a special book to help me understand this issue. In fact, I would have been increasingly frustrated as a youth to have someone making light of this issue which has been particularly heavy for me and my family. When I was a small

child, someone wanted to put me and my siblings on the transpride float during the pride parade, I would have been next to a scantily clad woman carrying a whip. City leaders need to stand up and

[12:33:00 PM]

protect innocent children now. Children are likely to live up to what you believe of them. Lady Bird Johnson, former first lady of the United States. When we give children drag queens as role models, always setting the bar too low, are there not better role models? We have astronauts, police, firefighters, counselor, actors, artists, more from the LGBTQ community that can serve as role models. While adult sexuality is not appropriate for children, we have no role models. In current legislative session, a man gave his testimony against house bill 244, a bill pertaining to non-discrimination ordinance. James stated that he came out as gay and he was quickly embraced by the LGBTQ community.

[12:34:03 PM]

We cannot let this fate fall on any youth in our city. We must protect children's innocence. Most taxpayers would rather see their time and energy and money of this city devoted to priorities, not supporting a program which encourages children to come cross dressed to the library to meet some who maybe sex offenders. The city should adopt language governing children's programs at the library, restricting adult entertainers and content reflective of adult sexuality or sexual orientation. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Boo!

>> Mayor Adler: Council! Council! Hey, hey, hey, please, let me bring this back here real fast so that we can -- so that we can move forward. Councilmember Flannigan? Did you want to say something?

>> Flannigan: Yes. Thank you, mayor. You can sit down. You know, this city is an amazing place. It's an amazing place for every

[12:35:05 PM]

community. It's an amazing place --

>> [Discussion off mic]

>> Flannigan: Austin is better than this. Our community welcomes the entire city. Everyone who lives here has a right to their identity, to their beliefs, to their perspective. But this is -- this is not Leander,

and this is not a place where someone from Houston feels it's appropriate to come into Austin and tell us how to run our city. Now, it's pride week. This isn't the first time folks spouting hate have come and spoken to this chamber, but normally I just ignore it, I let it go on, and I let them yell and

[12:36:07 PM]

scream when it's their -- when they speak, I don't interrupt.

>> Mayor Adler: Hey, hey, hey.

>> Flannigan: When they speak, I don't interrupt. So what's the real story here? I'll tell you the real story. The real story is that people who want to lie and spread misinformation about my community are trying to leverage the work of this city in order to score some pointless political points? It's ridiculous. And I'm not going to stand for it. I am not going to stand for it. My community doesn't stand for it. My district doesn't stand for it.

[Cheers and applause] That's how the city operates. And I will say this. I want to thank the members of the LGBTQ community and allies who showed up today to make this point during pride week. We are going to celebrate this weekend. We are going to celebrate a diverse community with our friends and allies, and to those --

>> [Off mic]

>> Flannigan: And to those who have come here to spread their

[12:37:08 PM]

hate, I only have two words. Sachet away.

>> Mayor Adler: Councilmember Flannigan, I look forward to being able to March with you on Saturday. The city council will now go into closed session to take up three items, pursuant to section 551.071 of the government code, we'll discuss matters related to 10, November 2019 election, 106, flores versus city of Austin, item 148, the capital improvement plan for expansion of the convention center facility. Without objection, here at 12:37, we will go into executive session.

[Executive session]

[3:55:04 PM]

>> Mayor Adler: All right. We have a quorum. While we were in closed session we discussed legal matters related to several items. The time is 3:55. Let's whip through the consent zoning agenda.

>> Mayor and council, I'm Jerry rusthoven with the planning and zoning department. Items 111 is discussion. Item 112 is also a discussion. Related item 113 is discussion. Item 114, which is case c-14--2019-007, this case is a postponed request to September 19th by the applicant. Item 115 is discussion. Item 116, which is npa T.W.A. 2016-0014, has a

[3:56:09 PM]

postponed equipment to October. Item 111, also has a postponement request by the staff to October 3rd, 2019. Item 118, has a postponement to September 18th. Item 119 has a postponement to August the 22nd. Item 120, case c-14--2019-0029 has a postponement request to August 22nd. Item 121, case npa 2017-21.01 has an indefinite postponement request by the staff. Item 122 is case c-14--2019-0054. This case is offered for consent on all three readings. Item 123, case c-14-2019-0041, this case is offered for consent on all three readings.

[3:57:10 PM]

Item 124, case npa 2018-0021.01, this is a postponement request by the applicant to October 3rd. Item 125, case c-14-2018-08080 is a postponement request by the applicant to October 3rd, 2019. Item 126, case c-14-2019-0071, this case is ready for consent approval on all three readings. Item 127, case c-14-2019-0069, this is ready for consent approval on all three readings. Item number 128, this is ready for consent approval on all three readings. Item number 29, this case is ready for consent approval on all three readings. Item number 130, this case is ready for consent approval on all three readings. Item 131, case c-14-2019- c-14-2019-0068, I believe councilmember Flannigan is requesting a postponement of this case to August 22nd.

[3:58:12 PM]

Item 132, case c-14-2019-0066, this is an indefinite postponement request by the staff. Item 133, case npa-2018-00164, this case is ready for consent approval on all three readings. Item 134, c-14--2019-0031, this case is ready for consent approval on all three readings. Item 135, case c-14-2019-0010, this case is ready for consent approval on all three readings. Item 136, this is really for consent on all three readings. Item 137, this is a postponement request by the staff to August 22nd. 138, also a postponement request by the staff to August 22nd. And finally, item 139, case c-14-2017-0022, this case is ready for consent approval on all three readings with the additional of funeral services as a prohibited use.

>> Mayor

[3:59:15 PM]

>> Mayor Adler: Okay. Are all the postponements acceptable to the parties or are any of the postponements contested?

>> Not that I'm aware of, no.

>> Mayor Adler: Okay. So the consent agenda goes from 137 to 139 and the only items I have being pulled are 107 to 111, 112, 113, and 115.

>> Mayor, I've just been informed by the applicants, items 112 and 113, they're requesting postponement to September 19th? September 19th? To September 19th.

>> Mayor Adler: To September 19th?

>> That's items 112 and 113.

>> Mayor Adler: 112 and 113?

>> Uh-huh.

>> Casar: Mayor, I think we should discuss that because that is not initiated by the applicant, that's initiated by us.

>> Okay. So you'd like to discuss the postponement then?

>> Casar: I don't want to postpone that, that's not an applicant initiated case, that's a city-initiated case.

>> That's correct. The city is the applicant on the case.

[4:00:15 PM]

It's the property owner that requested the postponement.

>> Mayor Adler: Okay. So pulled are 107, 111, 112, 113, and 115. Is that correct?

>> Casar: Is Mr. 123 pulled, Mr. Rusthoven?

>> That's not been pulled.

>> Casar: I'd pull that one.

>> Mayor Adler: 123 has been pulled.

>> 139, I'd also like to clarify that's the staff recommendation for approval.

>> I wanted to pull 122 and 134.

>> Mayor Adler: 122 and 134. Okay. So I'm showing being pulled 107 to 111, 112, 113, 115, 122, 123, and 134, anything else?

>> Kitchen: Mayor, a tiny bit slower? I can't catch that.

>> Mayor Adler: Sure. Pulled items, the consent agenda is 107 to 139. Being pulled are 107 to 111.

[4:01:18 PM]

>> Kitchen: Okay.

>> Mayor Adler: 112 and 113. 115. 122, 123 and 134. Okay?

>> Kitchen: Okay.

>> Mayor Adler: Is there a motion to approve the consent agenda? Councilmember pool makes that motion, is there a second to that motion? Councilmember Renteria seconds it. Discussion on the consent agenda? Councilmember kitchen.

>> Kitchen: One quick question, and I apologize, I wasn't here. 118, was that postponed?

>> 118 --

>> Mayor Adler: Yes, till September 19th.

>> Kitchen: Got it. And, mayor, I think we have one person who wants to speak on 130.

>> Mayor Adler: Okay.

>> Kitchen: No, not 130, I'm sorry, 126.

[4:02:20 PM]

>> Alter: And 115 was pulled.

>> Mayor Adler: 115 was pulled. That's correct. So is ray Collins here?

>> Flannigan: Mayor?

>> Mayor Adler: Yes. Mr. Flannigan?

>> Flannigan: So on all 130, I'm fine leaving on it consent, but we realize there's a city restrictive covenant that limits the operating hours, which is old, and I'm not sure that -- it's not done in the context of this case, it's an old situation. I don't know that we would want to limit the hours of a medical office. We're not having that debate. But I do think it's an interesting conversation, larger than one case, to say where might these old public restrictive covenants be that maybe don't comply with our new

direction, which isn't going to get captured in the rewrite. It's just a thought, but I'm fine not touching this one for now.

>> Mayor Adler: Okay. Mr. Collin, you want to come up and talk to us?

[4:03:24 PM]

Which number is this?

>> 126.

>> Mayor Adler: Thank you. You have three minutes, Mr. Collins.

>> May I have my first slide, please? My name is ray -- no, that's not the first slide, that's the second slide. There you go. My name is ray Collins. Today I'm speaking to you as the chair of the south manchaca neighborhood plan contact team. This zoning change at 5508 rosehill circle is within the parameters of the south manchaca neighborhood plan so I'm here today to speak only of a discussion amongst the contact team officers. Here you see the drainage infrastructure from the city's property profile map. The intersection is rosehill cycle and west Asby lane. This is the Williamson creek watershed and all the water will flow northwest into Williamson creek. Note the two black dots on the lot at 5508 rosehill

[4:04:25 PM]

circle. What those black dots represent as shown in this photo, the concrete ramp drains the lot, entering a concrete drainage ditch which follows to Williamson creek. You can see a light flow after a couple inches of rain. Here you see the -- sorry. I left out a slide. Of all the things. Anyway, the next slide was a flood flow map that I missed somehow that shows the damming effect of the rail line which you can't see here, either. But the atlas 14 flood maps increase this floodplain there greatly. Next I call your attention to the lcr rain gauge how would in blue, center left on the map, located at emerald forest drive and Williamson creek. This is what happened when the -- that range gauge

[4:05:26 PM]

recorded 12.9 inches of rain in 24 hours. The bridge railings were under water during the night. This was a 500-year flood, but now Kevin shump has told us that 13 inches of rain in 24 hours is going to be a 100-year flood, according to the historical atlas 14 study data. Slide off, please. Knowing the next flood resulting from a 13-inch rain is going to be worse due to increased impervious cover, we're asking that the draft atlas 14 drainage regulations be applied to this property. The contact team officers are aware

of the media reports stating David Marquez of dsd draining engineering is encouraging developers to use the draft atlas 14 guidelines, and that is our wish as well. Thank you.

>> Kitchen: Mr. Mayor, may I make a quick comment?

>> Mayor Adler: Yes.

>> Kitchen: Okay. Thank you for the testimony. It's my understanding also

[4:06:27 PM]

that the staff will be working towards -- in this area, using drainage kinds of mechanisms to protect against a flood of the level of an atlas 14. So I just wanted to reaffirm that that's my understanding, that staff will be working towards that.

>> Mayor Adler: Okay. Anyone else here to speak on the consent agenda?

>> Mayor, if we just identify it's also been closed to public hearing.

>> Mayor Adler: Yes, closing public hearings on the the one one we're taking a vote on. Anyone else here signed up for public comment? Yes, go ahead.

>> Alter: I want to just clarify what's happening with 124-125.

>> Mayor Adler: 124 and 25?

>> Alter: I think it's a postponement. I just --

>> Mayor Adler: Both were postponed till October 3rd.

>> Alter: Okay. Thank you.

>> Casar: Mayor?

>> Yes.

>> Casar: I think we're

[4:07:28 PM]

postponing 114. Is that right?

>> Mayor Adler: 114 is being postponed till September 19th.

>> September 19th.

>> Casar: So my understanding from the last time we had a public hearing on 114 is there was a commitment from the applicant not to file plans, move forward under existing zoning until we had a hearing. My understanding is that that is still the commitment but I just wanted to get a thumbs up or just a yes, fast yes.

>> Yes. Yes, we committee to that at this time as well. We just need some time to work on some restrictive covenants.

>> Mayor Adler: Thank you. All right. Let's take a vote on the consent agenda. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with -- it's unanimous on the dais.

[Laughter] All right. So let's go now for some of the pulled items. Let's called --

>> Over here. If we could, on item 115, you know, the meeting is getting long and it may not be able to get addressed, but the folks from river

[4:08:29 PM]

place have driven a very long distance to get here so if there are folks who need to leave before dinner, I'd appreciate if we could let them speak even though we might actually finish the case later in the meeting.

>> Mayor Adler: Okay. We'll accommodate those folks who have traveled far away. We're going to begin with 107-111, to get launched into that. Yes, councilmember kitchen?

>> Kitchen: Likewise, councilmember Flannigan pulled 122 so I think it's a minor item so if we could take that earlier, that would help constituents also.

>> Mayor Adler: Sounds good. You want to lay out 107 and 111?

>> Alter: I just want to do realso have folks who are here to speak on the climate emergency as well.

>> Mayor Adler: Okay. I wish we could call everybody to speak first.

[Laughter] We could do that all at once. We could just say everyone stand up and you all have three minutes.

[Laughter] Probably wouldn't work that way, though. Jerry, go ahead.

[4:09:30 PM]

>> Mayor, I'm Jerry rusthoven, planning and zoning, items 107 to 111 are cases c14-2014-0026, 24140027, 2018 on on 0 on 29, and 0010 rct, and 2009 parentheses, rca. This cases, mayor, in 2013 the Austin city council approved the east Riverside corridor plan. The purpose of the plan was in anticipation of Riverside becoming a high capacity transit corridor. Prior to election on that matter, the attention was

to adjust the land uses to encourage the development of east Riverside as a high capacity transit corridor. This property is a 97-acre property, roughly located on the northeast corner of east Riverside drive and pleasant valley, not including the

[4:10:31 PM]

commercial strip center, the former Albertson's at the corner. The property is currently developed entirely as a multifamily residential use. The east Riverside corridor plan laid out a regulatory framework that had lowering levels of intensity with highest levels of intensity near Riverside and pleasant valley, a traffic stop location, and intensity fell as you got further away from that location. The applicant in this case is requesting that the -- the subdistrict map in the east Riverside corridor be changed, the height map in the east Riverside corridor be changed, and the hub map in the east Riverside be changed for the entire property to highest intensities allowed. There's a density program that does require affordable housing. The staff recommendation on this is to approve the applicant's request, but within the area that's covered by the blue circle up there, which is the half-mile radius from the intersection of pleasant

[4:11:31 PM]

valley and Riverside, the reason for the staff recommendation is the well accepted planning principle I think Mrs. Lied in the asmp of a half mile watershed -- sorry -- walkshed from a major transit location, and that higher levels of intensity are appropriate within that half mile location, but possibly not beyond it. So we are recommending the applicant's request up to the half mile line. It would not actually be a curve as shown in this map. I just showed the distance from the radius so we would straighten it out. So our recommendation is the same as the applicant's request up to the blue line with that blue line straightened out. So with that, I'm available for any questions.

>> Mayor Adler: Okay. Let's go ahead and ask the applicant to come up.

-- We'll give the applicant five minutes, then start calling the speakers that have signed up.

>> I think I have two people that signed up, donating time.

[4:12:33 PM]

>> Mayor Adler: Okay. Then we'll give you nine minutes. Is Midland checksel here? Mark Farrell? Nine minutes.

>> Thank you, mayor, mayor pro tem, council. Michael Whelan on behalf of the applicant. Everything I say will be coming back to these two key points. First, the unique opportunities we have to put imagine

Austin into a large number of goals into action, second, the possible futures in this site that you can help shape. In terms of planning, I think it is important for us to have a sense of the property within the larger context of the area and the city's goals. The property is removed from the surrounding single-family neighborhoods. It's in an imagine Austin center, it's along two imagine Austin corridors, it's on the transit priority networks it's designated for bus, rapid transit light, and for dedicated transit lanes, add a mobility hub on the bike priority network and along our urban trails

[4:13:34 PM]

network. This site is at the intersection of a large number of our city goals and presents a unique opportunity to put our values into action in terms of things like housing, mobility, the environment, and a lot more. First I wanted to take a moment to discuss what exists on the site today. Unlike a lot of other areas with generational history in Austin, this property was developed relatively recently. Here's an aerial from 1995 when the properties were still ball fields. They were built between 1995 and 2002. This was prior to the university neighborhood overlay which has added over 10,000 new bedrooms in west campus since 2005. Unfortunately, these complexes were not about it to last. And even though my clients have been investing in upgrades since they bought the properties, the structures are deteriorating. So what do we want them to become? Today the existing zoning would allow -- would ensure

[4:14:35 PM]

a suburban style low cost development with mobile units. In contrast we would like to provide the type of walkable, mix'd use transit projects envisioned in imagine Austin and in our other city plans. The city has many different goals related to things like housing, mobility, and the environment. On housing alone, we have goals for total new units, new affordable units, and general direction to increase tenant reactions and right to return. This proposal would add 4700 new units. But more than that, it would offer significant and meaningful affordability. To put this in context, the city has tended to average 250-250 unitser year through its different density bonus programs. This proposal would add between 400 and 565 income-restricted at 60% mean family income units, depending on the height that the city ends up approving. That would make it not only one of the largest affordable housing commitments in the city and not only one of the largest

[4:15:36 PM]

in the urban core, but as far as we can tell, it would be the largest affordable housing commitment in a private development in the urban core to date. Another important area, both for the city and for us, is tenant protections, and we're proposing to go above and beyond what the city would otherwise require

for things like notification, relocation assistance, right to return, moving expenses, and security deposits. We've met with neighborhood housing, I know the directors here, and gone over our relocation package. It would be available to everyone, everyone, required to relocate as part of the construction. Because this will be done in phases over 10-28 years, we will be able to locate people on site throughout the entire process, making sure they have the opportunity to stay in the area and then providing a right to return as the new units become available. As with housing, the city has many different mobility-related goals, often concerned with helping shift people to different modes such as walking, biking, or transit. Our proposal would do something innovative on that

[4:16:37 PM]

front. We would be providing normal improvements in rough proportionality and prying robust plans with transit path subsidies and managed parking. All told, we would be spending over \$70 million on mobility, which to give you a sense of what that number actually means, this is a comparison of all the 2016 mobility bond dollars in different corridors. To get a sense of what this money would do or where it would be spent, I want to highlight just a couple of quick examples. For instance, we will be providing 12 new acres of complete streets that are connected, walkable, and bikable with wide sidewalks and street trees for shade, as well as the -- a privately funded circulator bus that I just mentioned. Parks. Again, the city has many different goals related to parkland, access, environmental quality, and sustainability. And we believe we meet many of them. In terms of parkland access, we would be required to dedicate 14 acres of

[4:17:38 PM]

credited parkland. It'll end up being more than 20 acres because much of it is in the floodplain. To put that in context, it's a about larger than the average size of a neighborhood park in Austin today. Anythings to parkland, the overall financial commitment to parks will be close to \$7 million. Our proposal would also add key connectivity between two mainly park assets, Guerrero to the north and Mabel Davis to the south. Club creek is a tier 1 trail that the city has been working on completing these two assets, but the existing alignment, which is shown here, puts the trail users onto elmont and Wickersham for a portion of it. We propose both providing the land to complete the preferred trail alignment, as you can see here, as well as funding, 1.5 million of improvements to make this a reality. The plan would provide key environmental benefits as well. Upon full redevelopment, we will be removing up to nine acres of impervious cover from the floodplain and

[4:18:39 PM]

critical water quality zone, helping improve water quality and country club creek west, which currently has a water quality problem score of 56 out of 100. On that topic, the current structures were built under outdated environmental codes and because of that, only two of the sites have water quality facilities today and obviously we will be bringing the entire site up to modern standards with water quality facilities on each tract. In order to do this we are seeking to rezone all five tracts to corridor mixed use zoning. That provides a range of uses as well as participate in the affordable housing density program in order to achieve up to 160 feet of height. We would also be removing some outdated restrictive covenants. Staff has agreed with us on most sites but recommended no change on one and a half tracts, which would leave those properties at residential only, 40 feet, and no possibility of affordable housing. The rationale is this provides density within a half mile of east Riverside and city council adopted the

[4:19:40 PM]

regulating plan in 2013. I would strongly agree with this rationale and just point out that this entire project is in -- actually in the imagine Austin center and along not one but two imagine Austin corridors and on two asmp transit priority network streets. And while it is true that it has been six years since council adopted the east Riverside corridor plan, a lot has happened in those six years. We've had the strategic housing blueprint, the asmp, and we're in the million dollars of the new land development code rewrite, along with the Austin community climate plan. So we need to meet the challenges the city is facing today. And we should do -- and we should implement today's policies. But the main concern we have with staff recommendation is what it would do to the project. Because they recommended this on the tracts that we are going to be proposing the most housing, it would basically cut the number of units in half and reduce affordability by several -- several hundred units. It would with virtually ensure that when these two tracts redevelop, that they will do so as a more

[4:20:40 PM]

suburban style project with no affordable units. So with that, I would just close by saying that this property is in a unique position. If we do nothing, these tracts will redevelop but they won't implement the city's vision or provide the key benefits out of outlined here. In order to do that, we need the cmu zoning that allows for robust mix of uses with the ability to participate meaningfully in the affordable housing density bonus program and I would also end by thanking the contact team and other stakeholders who provided a lot of feedback. There have been meaningful changes as a result of that feedback, and I know the contact people members have signed up in support and have also submitted a letter so thank you all for your time.

>> Mayor Adler: All right. Is Alex mete here? Come on down. Is Linda Guerrero here?

[4:21:40 PM]

No? What about Rachel loving? No? You'll be next. Go ahead, sir. You'll have three minutes.

>> Thank you, Mr. Mayor, members of the council. It's been a while since I've seen some of y'all, so I'm Alex Meade, representing myself. And I live on this property. It's not my permanent address, but I've been here as a U.T. Student for two years, about to start year three. I checked the support irbox at the kiosk on Monday, I'm all for solving Austin's housing crisis. But we have to respect current residents and folks who would move in if this project didn't happen. You all know we don't have enough housing in Austin. It's worse for U.T. Students. For me Riverside was the only economical option. If students can afford 4700 Riverside, it'll increase our housing supply and give more people a place to live. But we can't ignore the people who live here

[4:22:43 PM]

already. I've heard very little about the applicant's plans to help us before tonight, and I was pleased to hear the applicant commit to a comprehensive relocation package. But I still want to stress the importance of relocation assistance for every tenant. Planning commission told us that we might or might not get relocation assistance for maybe only long-term tenants or maybe all tenants. So if, like, 80% of us, you haven't been here for three years, your future under the plan was uncertain. My neighbors and I are working and studying and we need places to live that we can afford. That means relocation assistance for every tenant. I know that the applicant committed to providing relocation assistance, but I still hope that if you can legally require relocation assistance for all tenants, that you would. There are also plenty of people who would live in ballpark town lake, if it weren't for being torn down. Apart from dorms, U.T. Students have three choices. West campus is loud and

[4:23:44 PM]

expensive. North campus is quiet and expensive. So a lot of my future classmates will come to Riverside. But during the construction there will be even less housing here. We need to make sure all these folks have housing, even during the construction. Please prioritize that. Finally, as a student, I have to point out, a lot of my classmates and neighbors can't be here because they're out of town. I mean, it's summer. And this is when the applicant brings this to council? I know it's not your fault, but this timing is ridiculous. We can't have a real conversation about student housing when students are out of town. It's a travesty. It cannot happen again. Please pass an ordinance to make sure it doesn't. I know it can't be tonight. But I hope it's soon. I thought for months about what I would say here. I hesitated to support my apartment being torn down, and I know this will displace people. But I can't oppose this project because Austin needs more housing. Still, we have to protect tenants.

[4:24:44 PM]

And we have to include students. Please do.

>> Mayor Adler: Thank you.

>> Alter: Mayor, I want to -- I wanted to thank you for coming and testifying and I agree that we need student housing, and I hope that you and your fellow students will talk to U.T. And ask U.T. To do its part in providing student housing and be sure to ask them when the last time was that they've built student housing. If we're going to get more student housing in our city, U.T. Needs to make it a priority and partner with the city to provide that housing, and I think that students have a very important role and very compelling, in advocating with U.T. To do that.

>> Thank you, councilmember, and I also -- I agree, everyone should be involved in providing student housing, whether it's U.T., whether it's the city, but I don't think that the approach to student housing should be confined to just looking at on-camps housing or just stuff in of the university is directly involved. Dorms aren't the best for

[4:25:45 PM]

everyone. West campus isn't the best solution for everyone. So I think he have to have attention in terms of both the city and the university to where to put housing for students. But thank you for your comments.

>> Mayor Adler: Thank you. Is Larry -- come on down. On deck, is Larry Sunderland? You'll be up next. Introduce yourself, please. You have three minutes.

>> My name is Rachel loving. I'm a student and I also live on this want pro. And I'm not so much in support of it because I am concerned about -- I'll be displaced, and where am I going to go when I have to move out of this apartment? Austin has a lack of affordably priced housing as it is, and you're about to tear down some of the only priced affordable housing that's left in town. And that's super-concerning. Where are we going to go? The domain was kind of the same style of development, and it's very unaffordable to live there. West campus is not

[4:26:45 PM]

affordable. I think Alex said it right, we have to worry about the students and the fact that this came to council over the summertime when we're not here to defend our homes is -- it's not okay. I'm going to go sit down now.

>> Mayor Adler: Thank you very much. Am is Litton here? You'll be up next, sir.

>> I donated my time.

>> Mayor Adler: I'm sorry?

>> I donated my time.

>> Mayor Adler: To who? Oh, Mr. Whelan. Got it.

>> Mayor and councilmembers my name is Larry Sunderland, I'm an a resident, founder of friends of Riverside neighborhood association. I'm not here to represent either organization, I'm speaking for myself and only for myself. I support this project. I think it is a bold, visionary, and I appreciate that there are property owners that value this

[4:27:47 PM]

neighborhood as I do and are willing to stand tall and offer up a project that sets a new standard for our area. I can think of no other project that I have seen come across that offers as much in the way of community benefits and things that we all care about and that can actually be realized in our neighborhood. As an advocate for our neighborhood, I have to say that I'm disheartened by the completely unimaginative and inaccurate framing of this project from those outside of our neighborhood, those that try to bring an adversarial confrontational, do not provide the feelings of the residents. It is not east Austin, not Montopolis, not Travis Heights. We are not victims and we don't need saving. Within the boundaries of the four neighborhood associations, we have over 40 apartment complexes, yet we have no public spaces where we can gather, no library, no pocket parks, no

[4:28:48 PM]

swimming pools, no splash pads no, wreck centers no, plazas, no orchards, or gardens or nothing that humanizes the place. It's interesting how quickly both residents and property owners self-displace. The environment of east Riverside is a failed late 20th century suburban experiment in how to warehouse people and cars, strip malls, acres of parked cars. It is housing never designed to endure. It was never designed for the comfort and complexity of human beings. We cannot be satisfied to slowly scrape and replace existing multifamily housing by overlaying onto the existing matrix. I started a neighborhood association with the intent of increasing communication and building trust amongst all property owners; residents, business owners, folks who work in the area, students, ultimately to create an atmosphere where we can self-initiate a

[4:29:49 PM]

conversation. Somewhere -- initiate a conversation and consider how to meet our needs together in what will certainly be a challenging future. Trying to build relationships and initiate conversations in a neighborhood with such a high turnover rate is like trying to sell magazine subscriptions to people fleeing a burning building. But I know no other way than one conversation, one cup of coffee at a time. In reality, I'm not here to ask this council for anything. What I'm here to do is stand next to and support the efforts of good actors in my neighborhood and to say to them and anyone else interested in this neighborhood, to come together --

[buzzer sounding]

-- And meet with us over a cup of coffee and have a chat. Thank you.

>> Mayor Adler: Thank you. Is Malcolm Yates here? I think those are all the speakers that I had signed up. Did anyone else sign up for this that wishes to speak? Okay. That brings us then to the applicant, if the applicant wants to close.

[4:30:52 PM]

You have three minutes.

>> Michael Whelan on behalf of the applicant. I wanted to specifically respond to the students that spoke and point out a couple of facts. One, the relocation will be for everyone, and the right to return will be for everyone. There will be a lease addendum that will be attached to all of the -- all of the leases as well. And I also wanted to point out, in terms of turnover rate, I don't know how long the speaker who says that she lives there has been there, but the statistically, it's very unlikely that she's been there more than three years. Overall, the turnover rate, it's a little bit higher than I've been telling you, I told you more than 60%. We dug in and we now see that it's well over 70% in one year and over 90% when you get out to two years in terms of the turnover rate at the site.

[4:31:53 PM]

So one thing that I think is important is, we're going to be sure people know about the development as it's going to happen and when it's going to happen, we're going to have additional notice, but more important, we're going to have an ability, because it's 10 to 20 years, to allow people to relocate on site, basically within the 97 acres over that extended period of time. So I just wanted to emphasize on the record that the relocation is for everyone. The right to return is for everyone. And there's going to be a long phasing to allow for a good opportunity for people to relocate on site. That's it.

>> Mayor Adler: Okay. Thank you. That gets us back up to the dais.

>> Casar: I have one question for Mr. Whelan.

>> Mayor Adler: Mr. Casar.

>> Casar: Mr. Whelan, me and my staff have gotten a chance to ask you virtually all of our questions but there's one I had forgotten to ask, which is, on the affordable housing that you're proposing, there's no ask for city dollars or city

[4:32:54 PM]

bond money involved in that.

>> No, no ask for that and it's 60% mfi per the regulating plan.

>> Casar: Okay.

>> Mayor Adler: Okay. Discussion? Yes, councilmember kitchen.

>> Kitchen: Another quick question for Mr. Whelan. So I too have had the chance to talk with you about housing issues, and my understanding is that you all are working to do what you can to be of assistance with our needs for affordable housing units. Could you speak for that for a minute?

>> Yes. So one thing that we've investigated and I thought was a good thing to investigate was working with echo and I've spoken to bree Williams, I've sent her -- I've indicated to her we're prepared to enter into an mou which is what she does -- echo does, excuse me, echo does with apartments throughout the city, and I state this on the record, the mou will be at 80% mfi.

>> Kitchen: Okay.

>> For five years, for ten units. They'll do the clearinghouse and the only thing we've got

[4:33:55 PM]

to finalize is the matrix for screening. But she indicated that that would be very, very helpful. So that's what we're going to be doing.

>> Kitchen: So this is additional -- additional options for the community for apartment -- apartments that are available to homeless individuals.

>> That is correct.

>> Kitchen: Thank you.

>> Mayor Adler: Further discussion? Councilmember pool.

>> Pool: Mayor, I had some direction that I wanted to offer about -- in a couple of instances on this application. Would you let me know when would be the most appropriate to offer the direction?

>> Mayor Adler: Okay. Do you have that written down?

>> Pool: I've got it ready to go and my staff will send it by email to the city clerk if necessary, but --

>> Mayor Adler: Why don't you do that.

>> Pool: Great. My staff is listening now, if they'll go ahead and email it over to the city

[4:34:57 PM]

clerk or bring down copies of it and I'll pass it out and everybody will have it to look at.

>> Mayor Adler: Sounds good. When that comes down, grab us and we'll do that. Councilmember alter.

>> Alter: I have some questions, I think they're for Mr. Whelan, but if Mr. Rusthoven can correct anything that might be inaccurate. I just wanted to make sure that I was understanding certain parts of it with respect to parkland and residential. So what, if any, enforceable obligation will be codified in these cases to ensure the city receives the value of the estimated parkland investments?

>> So, good question. It goes back to how do we know that there's going to be a residential component.

>> Alter: That was my next question.

>> We'll take care of both of them at once, because the parkland requirement is not triggered by office or commercial, it's triggered by hotel and residential. And we know that -- it goes

[4:35:58 PM]

back to the tia and the reduced parking and the shared parking obligations that are embedded in the tdm, and meg merit is here, she's a national expert, she prepared our plan, her team did, and what happens is the reduced parking triggers trip reduction. The trip reduction creates a need for a shared model of parking because you can't have everybody there in the A.M. And everybody there in the P.M., it has to be a shared model. And ultimately, that shared model requires triggers, if you will, a robust mix of units. Do we know what that mix is going to be? We estimate 4700 units of residential. So the answer to the question is, we know, because we're in the parkland urban core, that only 15% of the site is required to be dedicated as actual parkland, which is 14 acres of credited parkland, that that number is going to be easily exceeded, which means there's going to be a lot of dollars in addition to the parkland, and because much

[4:36:59 PM]

of what Malcolm would have said and is so important is getting impervious cover in critical water quality zone and floodplain land is cleared and used as parkland, in Guerrero park you're going to end up with

20 acres of parkland because you only get, as you know, 50% credit for that land in the critical water quality zone. So is there anything absolutely that requires residential, like as a first development? No. Will it absolutely be necessary because of the tia and the tdm plan? Yes. And I'm happy if you want to hear independently from meg merit with Nelson I-guard to of her walk through that in more specificity.

>> Alter: So I'm understanding that the argument that you're making is that because of the approach with the parking being shared in order to have shared between the retail -- commercial, I'm assuming, and the residential, you have to --

>> It's two things --

>> Alter: You have to have both of them there to be able to make that work?

>> Shared parking and

[4:38:00 PM]

reduced parking. It is -- it's greatly reduced from where it's -- in terms of where it's located, outside of the urban core. Three miles from downtown.

>> Alter: Doesn't the density bonus, though, require residential to be achieved? I mean, are we agreeing to -- are we agreeing to the increased height regardless of what the use is or is there a requirement of residential to get that height?

>> Same thing, there's not a requirement -- well, there's not -- under cmu zoning, there's not a requirement that there be a particular amount of residential, particular amount of commercial or particular amount of office. Ultimately, to get to the benchmarks that have to be achieved, you have to have a robust mix of uses. And otherwise, even at phase I, we have these phases and triggers in the tdm plan in terms of trips. You won't get past

[4:39:02 PM]

basically -- they've got them written out phase I of their benchmarks.

>> Alter: Okay. I may want her to explain it, but let me ask a couple other questions first.

>> Is this for Jerry? For Mr. Russ seven?

Rusthoven? >> Alter: No, still for you. Can you explain what benefits for water controls would be achieved through these programs?

>> For water quality?

>> Alter: Yeah.

>> As you saw, only two of the units now have water quality. I don't know if watershed is here but they can speak directly to the pollution score of 56 out of a hundred that this particular creek has. We'll be adding the entire site will come to current water quality for all five tracts on redevelopment. And you'll be removing and reducing stormwater flow because of the reduction in impervious cover, especially along the creeks. And, furthermore, repair will have to occur as part

[4:40:02 PM]

of the site plan. When you bring in each site plan that is touching the creek, you're going to have improvements.

>> Alter: That's this been examined by staff involved with project connect, whether our needs in that area can be realized through this project?

>> Yes. Capmetro is static. They've been involved in the meetings related to let tia, and we know that because part of our obligation is a \$1.6 million obligation to fund bus rapid transit light so pleasant valley, and in addition to that, there are -- I think it's either eight or ten bus stops that we're responsible for either fixing or building as brand new, and those locations are at -- I think it's page 45 of your package. It's \$150,000, \$150,600 of bus stops that we're

[4:41:03 PM]

obligated to either build or improve.

>> Alter: Since for me it's really important to be certain that the -- there's going to be a residential component that is large for this, if your engineer could speak for maybe max five minutes to explain?

>> Yeah, yeah, yeah.

>> Alter: How that works?

>> It would be meg merit with Nelson I-guard. Standing behind me.

>> Alter: That would be great. Thank you.

>> Hi, council. My name is meg merit. I do not have the citation Cid accreditation of an engineer, let me make that clear. I'm a policy consultant. I think what he's trying to get at, for tdm to be effective, a project has to have a critical mass of participants in order for the math to be additive. And we lean on a California precedent that's developed through case studies called capcoa, which is a California environmental commission, that has

[4:42:03 PM]

gotten -- the equation is quite good and it helps us better understand what triggers a reduction in parking does to a trip count in the network. When we start talking about transportation management, any given project that uses the principles of transportation demand management is leaning on reducing parking to reduce trips. And part of the way that we're able to reduce trips is ensuring that that happens through a mix of uses and what we've proposed in the plan known as a transportation management association, that's like a management framework that oversees that this happens for all tenants, residential, office, restaurants, et cetera. It's sort of a co-op, if you will, of how you all work together to reduce automobile trips and enable mode shift. There's language in the tdm plan that talks about the physical design of the site to ensure that it is very --

[4:43:06 PM]

the ground level infrastructure is tdm-friendly. But what happens is, is that in order to reduce parking in Austin, Texas, you've got to be really efficient. So you have really no choice but to do shared parking. Right? And shared parking is one of the -- it's sort of like a feedback loop. Shared parking works best when you have a mix of uses, residential. Additionally, when you have mix of uses like residential, office, et cetera, on site, that, within and of itself, is quelling trips. So in order to meet the trip count that's required of the projects and the benchmarks and the enforcement that's laid out in the tdm plan, it's a feedback mechanism. Put differently, it's in the project sponsor's best interest to do residential because, in order to achieve the trip counts, they'll be relying on it. If that makes sense.

>> Thank you.

>> Casar: I have one follow-up question to that.

[4:44:08 PM]

>> Mayor Adler: Okay.

>> Casar: Thank you for coming. Ma'am?

>> Mayor Adler: Hold on. Meg?

>> Casar: I'm sorry. There's a lot of us here.

>> Yeah. No worries.

>> Casar: That's a reason there would need to be a mix of uses, but does that logic apply to why there wouldn't be, say, 60 feet of residential and 60 feet of office? I mean, does that logic speak to why there would be 120 --

>> There's not enough research to get that specific, especially in Texas. So we're relying on California law that set precedent in California, then took data from all that, and then applied it to how density works on a given site. Right? We don't have that in Texas so we're leaning on their precedent. However, what we do have is understanding anecdotally and quantitatively about the way tdm works best and it does work best when you have a critical mass of participants that are on-site for different reasons. So if you can look at it from, like, origin

[4:45:08 PM]

destination standpoint, the reason for one person's origin, why I'm starting my trip on site because I may live there, and the destination, I might be coming to the site for a mix of purposes, it does kind of work on a principle that more is more. Now, it's not a straight curve, but in general, getting more people with different activities on site helps the aggregate number of the tdm plan.

>> Casar: Okay. Thank you.

>> But it isn't an exact science and we're hoping one day in Texas we'll have some good numbers on that.

>> Mayor Adler: Okay. Further discussion? Councilmember alter.

>> Alter: I don't know if this is a question for you, Ms. Merit, but for Mr. Whelan, I think I might have asked the question incorrectly before. What I wanted to confirm is that you cannot access the density bonus without doing the residential. Correct? Or would you just be able to to do it outright?

[4:46:10 PM]

>> Okay, I'm -- so --

>> Alter: So there's a question of this even with a corridor that would allow for density bonus, but you don't get that bonus without doing a certain amount of residential?

>> You can do an office that's greater than 60 feet and you'd have to pay a fee-in-lieu. So one thing that's interesting to me at least is that there are other sites on the east Riverside corridor regulating plan that have an opportunity to tap into the density bonus, either for residential or office, and have not done so, probably because the market has now caught up. It wasn't calibrated initially, I don't think, in a way to encourage the use of the density bonus for either fee-in-lieu, which then goes to the housing trustee fund, or if you're doing residential, for on-site residential.

>> Alter: Okay.

>> It's similar to the other sites that your familiar with, like tods where if you're doing office you'd pay a fee-in-lieu but if you're doing housing, you'd have on-site affordable housing.

[4:47:10 PM]

>> Alter: So the tdm is the only way -- the incentives that are created by the tdm and the trip counts is the only way to ensure that residential gets built, given zoning.

>> It's interesting, you called them -- I call them punishment, but reduced parking, reduced trips that is going to force that level of mixture.

>> Alter: Okay. And the parkland, though, is also a function of that residential, or is there a piece of the parkland that you are required to do -- it also satisfies your parkland, but by the way this is written, you also have to do that.

>> Yes, that would be what's triggering the parkland is the residential --

>> Alter: Only the residential, it's not written into the ordinance otherwise?

>> No. No, we're not seeking any variances from the regulating plan or the code through this zoning, we're -- these benefits are all related to outside of the code, if you will. So we're fully complying with the regulating plan.

>> Alter: Okay. Thank you.

[4:48:15 PM]

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: Michael, if we go with staff recommendation on the half mile, how would that affect your project?

>> Well, it would cut by half the number of affordable, long-term affordable units. The current zoning for the site, that block and a half at the -- near Guerrero park, is zoned solely for residential. You can do civic and religious and educational as well but it's primarily residential so I think you would find yourself forced to do a very high-end suburban style product, which is not at all what these clients would want to do, and I think would be completely counterintuitive to what you want to do based on all the plans that have passed since 2015, and especially capmetro. That level of density would be about what you see there now, which is sf-3 density New York City the type of density that is transit-sustainable. And I know for the folks that are on capmetro, you

[4:49:16 PM]

know how important this particular location is for our community in terms of not just the brt light but the designated transit and the major hub that will ultimately go at pleasant valley and east Riverside.

>> Renteria: Okay. Thank you. Thank you. And I'm really, really excited about the idea that the -- you know, the homeless campsites there underneath that bridge there is really contributing a lot to the pollution that we're seeing being done to our rivers there in that watershed. And for those that don't realize that years back we had a major flood that washed out two of the bridges there in Guerrero park, and we really need to -- we're rebuilding those but we need to make sure that we're able to control and have some water retention funds on that land, and impervious cover there with the parking lot, it wasn't built for that kind of development years ago, so I'm going to take

[4:50:17 PM]

the -- your recommendation on zoning, all of it, you know, so that we can max out our affordable housing.

>> Thank you.

>> Casar: Mayor?

>> Councilmembers, I apologize, Scott Grantham with parks & recreation. I wanted to correction one thing before we moved on. The applicant misspoke on one item regarding parkland dedication, that parkland dedication would be required for any density bonus, whether it was residential or another use.

>> Casar: I had to do question for Mr. Whelan, unless somebody else has something.

>> Pool: You go ahead and when you're done, I can do the direction that I've got.

>> Casar: I have a question for Mr. Whelan and a question for Mr. Rusthoven afterwards.

>> I apologize, councilmember alter, there was that secret regulating

[4:51:18 PM]

plan that -- thank you, Mr. Grantham, I had forgotten about that provision. My bad.

>> Casar: When we spoke earlier, you spoke about how this project is over 10 or 20 years, that there would be at least one tract, probably 250 units or so, that you all would not even consider touching over the first five years because of the time of the build-out. Is that still the case since the last time we spoke?

>> That is still the case. I would be prepared to commit to that.

>> Casar: So how would that commitment work?

>> Well, we would -- you know, this case is ready on all three readings. I have signed restrictive covenants for everything, including the lease addendum, and we would simply, before ten days passes, before the ordinance becomes final, I would have a restrictive covenant signed and handed to staff binding the property to maintain at least 250 units for five years.

>> Casar: Okay. My next round of questions are for Mr. Rusthoven. Thank you for that. I think --

>> Mayor Adler: Councilmember Tovo, did you have a question?

>> Tovo: Yeah, I have a couple for Mr. Whelan in now is an appropriate time.

[4:52:19 PM]

>> Sure.

>> For me or Mr. Rusthoven?

>> Tovo: You.

>> Okay.

>> Tovo: So I wanted to ask a couple questions. I think I heard you say that it would, without now -- if we went with the staff recommendation, you would be looking at sf-3 density?

>> Yes. That's correct. 40 feet, 75 to 1 F.A.R.

>> Tovo: It's my understanding you would be looking at 40 feet of height.

>> Yes, 40 feet of height. You're going to do a surface project there. It's .75 to 1 F.A.R.

>> Tovo: Can you tell me how your codifying the affordable housing component?

>> How am I -- basically the same way I just described with the tdm plan. The tdm and the traffic and the shared parking requirements are going to force a robust mix of units, of uses, including houses. You're going to have to have the over 4,000 units to get

[4:53:20 PM]

to the parking level, the reduced parking level and shared parking numbers that are required by --

>> Tovo: I'm sorry, it was the affordable housing. How are you codifying the affordable housing -- I should have said the affordable housing commitment. How are you codifying that? Is that part of the -- some of the restrictive covenants you're looking at?

>> It is not in the restrictive covenants. Because we have to do -- in order to achieve the build-out that we're talking about, you are going to exceed 60 feet, and, therefore, tap into the affordable housing --

>> Tovo: Density bonus?

>> Yeah. You can't go both 60 feet without tapping into the on-site affordable housing requirements. So it's codified.

>> Tovo: I got you. Thanks for the clarification. I did want to talk to you about the unit mix. What is your contemplated unit mix for the residential?

>> We don't have a specific mix yet. I mean, this project, because the time frame is so long and the fact that the regulating plan, which I think is a good innovation, I don't know -- I know you're talking about a lot of changes, but it does -- the bonus is based on square

[4:54:21 PM]

footage, not percent of units, which means they'll be able to respond to the market in terms of what makes the most sense at the time this gets built, which again will be many years from now in terms of full build-out at least, and certainly won't see any sort of construction for the next two to three years, anyway.

>> Tovo: So there aren't any commitments that you're willing to make at this point about the unit mix and how that might respond to some of our identified community priorities with regard to having multi-bedroom --

>> Well, I think one thing, you know, might be worth further study, of course, but the -- well, the answer to your question is no, and I also think that you will end up with a mix, certainly, since that seems to be a preference in the market, and that mix will then be available for affordable housing as well. Right? On site. With but no particular commitments on how many

[4:55:21 PM]

number of bedrooms at any particular place.

>> Tovo: And at this point, is the intent to create all rental? Or will there be some ownership opportunities at the affordable -- within the affordable and market units?

>> At this point, I think I've said this before here, at this point, because of state law related to liability associated with condos, it's better to do multifamily so when you're selling or your exposure in terms of liability is much different. That's why it's so much more expensive to build condominiums in Texas than it is to build multifamily. There's a ten-year tale in terms of liability that the contractors and architects and engineers are exposed to, along with the builder, the actual owner who built it, and that's just something you don't control, unfortunately it's state law that controls it, which is why you don't see as many condos as you do apartments.

[4:56:22 PM]

>> Tovo: Thanks.

>> Mayor Adler: Discussion on the dais? Councilmember pool.

>> Pool: Is everybody done with questioning?

>> Casar: I have questions.

>> Mayor Adler: Okay. Webb Casar.

>> Casar: Mr. Rusthoven, correct me if I'm wrong, of course Mr. Whelan can do the same, here, though, for this site there's a request to go from 40 feet to 60 feet as part of the base zone, so there's no affordability requirements in this regulating plan baked in from that 40-foot to 60-foot increase in height.

>> If we change the base, correct.

>> Casar: So if some buildings are about the at 60 feet we would get no affordable housing but there would be an increase in height compared to the current entitlement.

>> Tractor, yes.

>> Casar: And there is nothing that guarantees us any number of affordable units as this is written.

>> Correct. That's one thing I'd like to clarify, thank you, the zoning category requested by

[4:57:22 PM]

Mr. Whelan allows for retail, you know, restaurant, residential, office, commercial, any location on the site. When he stated that the staff recommendation would take the most amount of affordable units off the table, that is only because of his statement that they intend to put the residential at the north end of the property and the commercial and office at the south end of the property. The zoning would not require that. The zoning would allow, you know, the uses anywhere on the property. So --

>> Casar: And I hear that they perfectly -- it perfectly well intend to do tall residential and get to that number of affordable units but this zoning runs with the land so if it was sold, as has happened with some of our zoning cases, somebody else that is an office developer could do a couple of 60-foot residential, some 60-foot office, take advantage of that extra 20 feet and we would not get affordable income restricted housing --

>> Within that 20 feet, yes.

>> Mayor Adler: Further discussion?

[4:58:28 PM]

Councilmember Natasha Harper.

>> Harper-madison: I'm a little -- I'm sorry, I didn't hear what you said. It was the very tail end of what you said.

>> I just said within that 20 feet.

>> Harper-madison: Got you. Thank you.

>> Mayor Adler: Councilmember R Garza. Mayor pro tem.

>> Garza: I'm just trying to understand the trade-off that's happening here. Because right now you know the biggest concern is housing, affordable -- for us and our priorities, housing, amputation, and placement issues. And, you know, I understand that kind of a question for you and just maybe a discussion topic, from what I understand from the applicant is, even if we didn't allow this rezoning to happen, what could happen is what is -- is happening throughout our city where you have market rate, affordable -- older apartments that are market rate affordable, but then they come in and paint the door a bright yellow and, you know, put some different

[4:59:29 PM]

countertops and raise the rent significantly, which essentially is displacement of the market rate affordable. That's one scenario that could happen, if this isn't approved. If we didn't approve this that could possibly mean it could say market rate affordable for four or five more years while that transition happened there, or if this was approved to point that councilmember Casar was making, is it could be a scenario where there is no affordable housing. It's only required -- subsidized affordable housing is only required if they go the 60 feet.

>> That's correct, above that, yes. Up to 160 feet would be allowed under the applicant's request.

>> Garza: And in this zoning request we have no guarantees of that if they're going to go the full 60 feet, is that right?

>> Yes.

[5:00:29 PM]

The city cannot require that at this time.

>> Garza: Okay.

>> Casar: And we're giving them from 40 to 60 that they could go without an affordability requirement.

>> And that's needed in order to get to the 160.

>> Casar: Then they could go to the 160.

>> Mayor Adler: Okay. Further discussion on this? Is there a motion? Councilmember Renteria, do you want to make a motion?

>> Renteria: Yeah. I move that we pass these five items on third reading and allowing the applicant to go to the height they have there on the northside past a half mile.

>> Mayor Adler: The PC recommendation?

>> Yes.

>> Mayor Adler: Planning commission to close the public hearing.

>> If I can clarify, mayor, that would be all three readings for items 107 to 107, 109 to 11 don't need

[5:01:30 PM]

that.

>> Mayor Adler: Is there a second to that motion? Do we have a second to the motion? Councilmember Flannigan, thank you. Do you want to address it first? No? Councilmember -- go ahead. Pool.

>> Pool: So I have some direction to staff on the case that I would like to offer related to protecting Roy Guerrero park. So you have that and we can have it up on the overhead for those following along at home. So the first direction will eliminate the need for a chapter 26 procedure on Roy G Guerrero park. And that says the city manager is directed to remove language regarding the possibility of a chapter 26 process from the transportation memo dated August 1, referencing the zoning entitlements as planning commission recommends. Again, as planning commission recommends. Item number 6 under the list of review findings with the chapter 26 process language should be removed and

[5:02:30 PM]

transportation staff should locate the two-way multi-use trail and sidewalks within Roy G Guerrero park adjacent to the applicant's northernmost tract identified as tract 1 in this zoning case, which is c-14-2018-0028. This direction, this first direction is supported by applicant. Where did Mr. Weigh less whellan go? You were there in the first row and now back a couple of rows. So I'm hearing a lot from the parks advocates about a chapter 26 occurring in Roy Guerrero park. And so my staff and I worked on this language with our transportation department to see if we could eliminate the possibility, but we also

wanted to make sure that only infrastructure needs that knit well within a large park is included and that we don't change the use of the park like the multi-use trails and the

[5:03:30 PM]

sidewalks, that we would allow those. So transportation department let me know that they are amenable these changes. I've talked about these with Mr. Whellan, the applicant representative. And to this end I also have a letter from Linda Guerrero. It's her father that the park is named for, and I've asked that her letter be included to the official record that supports this direction. And I have that direction laid out for you.

>> Mayor Adler: Let me ask a question. Staff, is applicant okay with this direction?

>> Michael Whellan, the Austin transportation department and parks, which you have represented, has talked about it.

>> Staff is okay with it as well.

>> Staff does believe that it would be possible to relook at this roadway and possibly we would not use the chapter 26, but I'd like to be clear, chapter 26 is a process that the applicant is entitled under state law

[5:04:30 PM]

to apply for a chapter 26 hearing. So I don't think we can through this ordinance stop them from applying for chapter 26, but I can tell you the staff shares the same desire to not go through the chapter 26 process. If there's a way to make this work with the traffic, without having to do the chapter 26, we won't be here.

>> Pool: And to be clear, this is direction from me from the dais that's not being included in the ordinance for those very reasons. Does that work?

>> Yes.

>> Pool: And then I have second one. And again, our parks advocates and east Riverside oltoft combined contact team, affectionately known as each rock, would like to see the city vacate the easement that leaves the park open to the possibility of having a road paved through it. Again, we worked with our transportation staff and they let us know that -- let us know that a vacation through that easement through the park would be support and eliminate the possibility of a road being paved through it at some future date. This does not affect

[5:05:30 PM]

specifically Mr. Whellan or his client. So this is specific to the city of Austin and the direction that I'm offering to the city of Austin is as

follows: The city manager is directed to have the Austin transportation department and the parks and recreation department work together to initiate a vacation of the easement that extends across Roy G Guerrero park east of Wickersham lane.

>> Staff is work that, with the understanding that that is a separate process and will go its own way.

>> Pool: Yes. Thanks so much.

>> Mayor Adler: Anything else before we take a vote? Yes, councilmember tovo.

>> Tovo: I'd like the additional direct that they work with the department to try to achieve 100% storm water capture which helps address the concerns also that roc raised about storm water discharge to country club creek.

[5:06:44 PM]

>> Casar: Mature, I urge that you only -- mayor, I urge that you only vote on first reading and I'll talk about the affordability issues and gentrification issues and why I can't vote for the case today. And I'm going to try to say this as thoughtfully and not trying to hurt anybody's feelings as I can. But let's talk about time first and the first reading issue. Make comparisons to the grove not for all the pros and cons of the grove, not to talk about anybody on the dais about the grove, but just bringing up the grove because I think it's a good example of work that we have done on a similarly large tract. The grove is 75 acres. This case is nearly 100 acres. This is 100 case. The grove had no people living on it. Here we have over 1300 units. And at the grove we spent over six months debating it at the dais. Over six months taking testimony and working on it. And again, this isn't about

[5:07:45 PM]

anybody that advocated, isn't about anything anybody on the dais. We have a new councilmember representing the area. It's not about any of that, just about as an institution and a a body we spent six months talking about an empty piece of dirt that's smaller than this one. The grove, we approved about 185,000 square feet in office. This is planned to have over 4 million square feet in office. The grove had about 1500 residential units as a max cap. This is going to be over 4500 that is being proposed. The grove we talked about it for over six months and I'm not even counting the hearings that we had before those six months on the baseline. If you include those it was way longer than six months. The idea -- I know this is uncomfortable and it's a hard case and people would like to move forward from it, but the idea of approving it in three readings smacks of inequity to me. Given the location and the issues here. We had two residents speak today just now.

[5:08:45 PM]

I thought they did a great job. Their actual place of residence could be demolished. It's not that they live nearby and have questions and issues. They actually live on-site. And so again -- and they're students -- I think at least from Mr. Meade's testimony, I forget when you're going to graduate. You're so smart I imagine you graduated years ago. They actually live there. And if we had been -- if this case had been somewhere else and we had heard from people who live nearby, my sense is that we wouldn't have done it by moving all three readings, with all due respect with anybody voting on all three readings. I just urge here that it seems off. That isn't to say that we should take six months on every case. I'm not saying we should say that. But while have the statesman site come to us soon, which is much smaller, probably one-fifth of the site, and I don't think we'll take that up in one day. I could be surprised, but I

[5:09:46 PM]

just don't buy that. So my sense is that there's just something off. Richard, it's not going to be done in a day.

[Laughter]. So my sense is it just doesn't make -- it just doesn't sit well with me. Again, I'm not trying to impugn anybody or trying to hurt anybody's feelings. It just seems obvious. Then there's the question of affordability and I think we've gone over it in the questions and I appreciate that if somebody uses a significant amount of density bonus that it brings us a lot of affordability. I think that's a good thing. I'm an advocate for affordability density bonuses. I think we're setting a lower standard than we are across the city with our code rewrite. The direction that we passed and that we supported said that on the corridors the increased height that we give we were going to all put it in a bonus. And in this case we're giving 20 feet of height on a corridor, not in a bonus.

[5:10:47 PM]

My general few on things has been that we said set a -- should set a good standard across the city and when we approve a zoning change we usually ask for something more than what we set across the city. In this case it seems that the density bonus that we're asking for as far as asky tell is less than the standard we are trying to set coming up and that we are giving 20 feet without a bonus and we're asking about rezoning the entire city and making every parcel regardless of whether it's a developer or not, no fee without a bonus. And has been laid out here today, there is not a guarantee of these affordable units. Again, I'm not saying that this particular applicant doesn't want to do that, but we have a history of parcels changing hands, so if we are going this in part because after presentation of how many affordable housing units we're going to get, between that and first reading and that we do what we can to make sure that we

[5:11:48 PM]

get what we expect regardless of who the landowner is and their intention offices we do

this: And my third and last point is just about gentrification more generally. These units are still really important and they're not that old. I know that there's not that many kids that live there, but there are a lot of kids that became americorps folks that these are the places that they could afford to live. There are a lot of students, a lot of students of color that live at this location and a lot of folks that aren't. These units have -- have value in and of themselves. But then I think even broader than that, even if these units were to turn and change over in 10 years or seven years and get a bright door, which is a serious issue in our city, I think this much, this much high

[5:12:48 PM]

end housing and this much new high end office in this location in what is either the lowest income zip code if not one of the lowest income zip codes in the city. It -- it will exacerbate and create more gentrification pressure in this area. I think we all have a sense of that. I appreciate the relocation assistance offers. And I appreciate the folks that have fought for that and pushed for that. But of course it is not just about this site but about the east Riverside corridor generally. So the last thing I'll say is I wrote something when we discussed a case up the street from this that I also couldn't support and what I wrote down is the pro housing and anti-gentrification movements in Austin do not have to be intentioned. We can reach our housing goals while opposing the removal of existing low income apartments. We have to change our land development code rules to create smaller, denser, more affordable housing options

[5:13:48 PM]

and we have to fight to protect the working class neighborhoods that we have now. And I don't think we have to pick between one and the other.

>> Mayor Adler: Any further discussion? Councilmember kitchen.

>> Kitchen: Just so I can be clear, is there something that you would like us to do between now and a second reading?

>> Casar: My feeling is at a minimum there should be affordable units guaranteed if we are to move forward with this, and I think the affordable units we should be guaranteed once there's increased entitlement beyond the existing corridor entitlements. And then beyond that given the gentrification

pressure that this can create up and down the corridor, I think it should go above and -- the things I've just described I think are a

[5:14:49 PM]

baseline standard we're trying to set on corridors across the city. So I think at least meet the minimum of what we've endorsed as the citywide policy and given this is an application and a special ask to us, we usually try to go for more than the baseline minimum. And I think that is -- to me that would be in keeping with our general practice across the city. And then I still, with all of that, still have my heartburn about the fact that we have worked for years and worked with professionals and planners that have let us know that we're going to meet our housing capacity goals without having to zone on top of existing multi-family that's better for us to spread multi-family around to other sites that don't exist, but that's not something they can solve within this case.

>> Kitchen: So what I'm understanding of what you're saying is we are getting the density bonus here, but because it's -- because of the nature of the application we should be asking for no more than the required density bonus for

[5:15:50 PM]

the housing?

>> Casar: My second piece is we generally get more than the density bonus in an existing case often times, but second, that in this case there are 20 feet being granted across the site in density bonus period.

>> Kitchen: It was my understanding that councilmember tovo's request that it was being captured in the density bonus program?

>> Casar: But there is 20 feet as a base entitlement without density bonus first.

>> Kitchen: Do you have a proposal for another way to handle this?

>> Casar: Not now because I heard this morning that it was potentially on all three readings.

>> Mayor?

>> Mayor Adler: Did you have something?

>> Casar: We can't contract zone.

>> Not contract zone. We can't -- our program, the

[5:16:52 PM]

density bonus program that they're using is set the way it is. We can't -- we have to use it the way it exists. We can't change it for this case. So if it's built the way it's built and allows that 20% to be used without the for affordable housing, so we can't require for this one project to require affordable housing in that one piece.

>> Casar: We get that and I think there's so many cases before it when there's been something like that and we ask folks to be creative, and often times there are solutions that exist.

>> Tovo: I agree with the points you've raised and I'm prepared to support your motion to hear this on first reading so that we can consider whether in our discretionary zoning ability, we can have those conversations with the applicant about that delta

[5:17:52 PM]

from what they have now to what we would be rezoning it and see if it makes sense from an affordable housing perspective. So if you want to make that motion I will second it.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Yes. I really want to hear from Michael on that suggestion if we can really work together on that. I'm STAAR -- you -- I'm sure that -- we had a project that we were working on Cesar Chavez right in the transit zone and because the demand by the neighborhood of lowering the density down more affordable units on there, they turn around and now build the same that they require of an office building in a neighborhood that we lost a lot of children. So I want to make sure that when we start referring these kind of projects that

[5:18:52 PM]

it's going to -- it's going to improve that whole area there. And that we are going to be able to work together and get the affordable units from that last 20 feet that you were -- that my colleague, Greg Greg Casar was bringing up. I would hate to lose this project and have nothing but high end built on this area here because I also saw what happened across the street here and it's -- on Riverside there. Where that manufacturing company, I forgot the name of it, came in and all those apartments didn't have to ask for any benefit. They are all 60-foot high end market housing, but we didn't get no affordable unit in it.

[5:20:05 PM]

Hopefully we can make this work and I would like to hear from Michael or the --

>> I have a question for legal. Is this in the form of a -- is this in the form after restrict or would it -- restrictive covenant or would it be part of the zoning to start the density bonus at 40 feet. It would be tracts 1, 2, three that are the three tracts that are urban residential.

>> I don't think the question is what are the details of a deal because there's not a deal being

[5:21:07 PM]

structured on the dais.

>> I understand. >>

>> Mayor Adler: I think the question is how badly prejudiced are you if we only approve this on first reading and come back in two weeks?

>> I mean, there are obviously other elements that have I know impacted people personally can be done and I can't think of a reason were impacted if it is on first read only.

>> Mayor Adler: Okay. I'm going to support the first reading request if that amendment is made either by councilmember Renteria or by councilmember Casar. On the debate itself, these are tough cases.

[5:22:08 PM]

And I recognize what you were saying about the length of time. I think it's true. That obviously the grove went that long. That was a pud and therefore away a lot of different moving pieces. This tract spent a lot of time by extension with the Riverside plan. That's why I think that's a significant difference. And the issue that you raise otherwise if there was two weeks, who knows where those conversations might go. The issue between gentrification and displacement and the interchange with those two things obviously is a really hard issue. We can protect against gentrification only to a degree because it's a wave that will be coming, but displacement we can actually impact forever. I just don't want us to lose

[5:23:08 PM]

opportunities to really address displacement by taking advantage of opportunities to plant families forever or indefinitely that otherwise, even if we delay it, we're going to lose families. But if the amendment was made to postpone zoning approval on first reading, I would support that. Further discussion on the dais? Do you want to make that change, councilmember Renteria?

>> Renteria: I'll go ahead and agree on first reading and I hope that we can bring it back as quick as possible possible. And I want to work on working and trying to get the agreement settled. You know, we talk a lot about building more housing, building more units. We know we're behind. It's even mentioned on the

[5:24:09 PM]

dais it's been an emergency to build all these units and every time -- lately we've been getting on that point, and these delays are really adding up. So when people are saying we can't afford the housing here, it's because we don't have enough housing. There's a housing shortage in Austin, and there's a reason why the prices are going up on these units. It's because you're competing with other people that are coming in, and they're paying more than 30, 40 percent of their income. And that's driving the low income people out of the inner city. If we don't build these units, as main as are given en, we're just delaying the problem and it's only going to get worse, and that's

[5:25:09 PM]

always been my feeling. I grew up here in Austin and I've sign the change that's been going on. We fought for my -- I paid \$21,000 for my house 40 years ago. Now the appraisal district is saying it's appraised at \$555,000. That's over a half a million dollars. If I wasn't 65 I would be the one moving out of this city because I couldn't afford the taxes. I'm blessed because I'm over 65 and my school property taxes is frozen, but that's one of the main reasons I'm still here. And we know it's a supply and demand issue, and I'm the one that would -- I'm trying to build as many affordable units as 20% mfi as I can. I have all these development, Rebekah baines,

[5:26:13 PM]

housing authority. In saltillo we're building affordable units. We really need to catch up. And I agree with all my colleagues here that we need more affordable housing. And gentrification, yeah, it's coming. I mean, I told people 15, 20 years ago that we needed to start building more high density apartments and buy the land while it was still cheap and affordable. And no one listened to me. They said we ain't got time to wait. Well, let me tell you, it's getting to that point where people are leaving Austin because they can't afford to live here anymore. So I hope that we really get on the ball, we can come to an agreement here and let's start building the houses that we need here in Austin.

>> Mayor Adler: Is there any objection to changing it

[5:27:13 PM]

to first reading? That change is made in the motion. Councilmember alter.

>> Alter: I think often times there is a very strong relationship between the speed of the process and the quality of development, and that these projects often improve when we dig in and deliberate carefully on projects that are of this magnitude. Every meeting that my office had with Mr. Whellan we indicated that we would only support on first reading. That relationship works in both directions. It gets better through the process, but it also goes quicker through the process the higher the quality of the development. And I think getting through in two weeks would be rather short if we can manage to make that happen as well and probably would be something that would be welcomed by the developer as well.

>> Mayor Adler: Further discussion on the dais? Is the motion to close the

[5:28:17 PM]

public hearing I think that would be in order here.

>> Renteria: There are a couple of speakers who just got here. They didn't realize -- I don't know if we want to let them speak now.

>> Mayor Adler: We could let them speak now. Who are the speakers?

>> Renteria: I think he has someone who will give him some time.

>> Mayor, would this be coming back on August 22nd? We have a lot of professionals that were here and we'll bring the entire group again, but our assumption is we would be back in two weeks to -- is

[5:29:20 PM]

what --

>> Mayor Adler: That was the question I asked, back in two weeks. Go ahead, sir. I'm sorry?

>> [Inaudible].

>> Mayor Adler: Yes, Linda, we'll let you speak in a moment or too. Go ahead, sir.

>> Thank you for allowing me to speak. Mike valesqu is here also. He's donating three minutes to me. My name is Malcolm @S. I'm the chair of the roc contact team. Guerrero park is the only park in the eroc area and we want to ensure that any new development does not impact the park and the country

club creek trail that connects the roc neighborhoods to the park. The roc contact team has voted to support this development and the increase in height through density bonus program. This support comes with the understanding that the city will protect the park from the impact of this dense development. The roc contact team

[5:30:23 PM]

requests that city council instructs city staff to implement these five conditions that will protect the park and the trail. First, the city will vacate all street right-of-way east of the proposed intersection of lakeshore and Wickersham. This slide shows how the existing right-of-way in the intersection of lakeshore and south pleasant valley road would be used to extend lakeshore east into the park. Note how the existing right-of-way extends east off the drawing. This slide shows the Travis county records for the street right-of-way into Guerrero park. The existing right-of-way extends east through the park across country club creek to connect to crossing place. There is also an extension of grove boulevard into the park to connect to lakeshore. These right-of-ways were negotiated with private landowners before the city purchased these tracts to add to Guerrero park. These park right-of-ways are not needed for new

[5:31:24 PM]

connections. Right-of-way on private property can achieve the same connectivity. This slide shows the street right-of-way to the west side of south pleasant valley road that has been used as parkland for decades, but contains street right-of-way. This right-of-way should also be vacated. Second, no storm water from the new development should be allowed to enter country club creek. Currently storm water enters country club creek through giant culverts like this one at the end of elmont drive with no detention ponds. There is currently a 12-million-dollar project to control erosions in Guerrero park. This zoning case is an opportunity to rectify the situation that created the erosion problem in Guerrero park in the first place. All storm water from the development should be transported in storm drain pipes to the Colorado river below longhorn dam. The project to create a new storm drain is a goal in the eroc plan.

[5:32:25 PM]

This is the relevant section in the eroc plan that details this storm drain project. There is a cip project, project number 6039-010, to a80 flooding in the south pleasant valley road roc area. This is the preliminary planning report for this project. The cip project to build a new storm drain in this area already exists.

[Buzzer sounds] The project only needs to be funded. The city will acquire 15 acres of credited parkland in the water quality protection zone land along country club creek south of Guerrero park. This purchase will protect Guerrero park and add parkland for the dense development that is planned in this area. The country club creek trail should be rerouted and developer expense before

[5:33:25 PM]

construction begins. This will ensure that the connectivity to the park will not be interrupted for the tens of thousands of residents that have waited decades for this trail to be completed. The city will work with the pronetory create a recreational use easement between country club creek between elmont drive and Wickersham. This easement will allow residents of the area south of Riverside to use the pedestrian underpass under Riverside drive that has existed for years, but cannot be used because of lack of access. The roc contact team requests that these five reasonable conditions to protect Guerrero park and the club creek trail for future generations be completed by city staff as part of the development of this property. Thank you for your attention.

>> Mayor Adler: Thank you. Councilmember pool.

>> Pool: Mr. Yates, thank you so much for listing those five conditions. I have given direction to

[5:34:27 PM]

staff already on at least one of them, and my zoning policy aid Louisa is right now talking to Linda about somehow being able to include the additional requirements and request that roc is making on this. Assuming that this passes on first reading, today we have a little bit more time that we can get these additional requests analyzed and I would be happy if staff is amenable and the applicant is as well to bring them when we bring this back for second and third reading as early as August 22nd.

>> Well, the roc residents appreciate that and I'd also like to thank councilmember Renteria for allowing me to speak. Thank you very much.

>> Mayor Adler: Thank you. Ms. Guerrero.

>> Good evening, mayor and councilmembers. Thank you for letting me speak. I'm here wearing my former parks board hat and I would like to say that we do not want to encroach on any

[5:35:28 PM]

parkland. Our parkland is precious. We bought it, it's ours to keep. We don't need to give it away. I get frustrated when I hear all the time, money and attention going to many. We're giving UT lots of money,

but we have to protect what we have and hold on to what we have, which is very precious to the community and the neighbors. So I'm grateful that we may get rid of these and remove -- vacate all easements on this park. Each one of these easements represents a thousand cuts. This park will endure and continue to be assaulted if we allow these easements to stay and not be removed. So thank you for your consideration. Please protect and defend our parkland. Good evening.

>> Mayor Adler: Thank you. Motion is in front of us to approve the PC recommendation on first reading only, to close the public debate. Any discussion? Councilmember Casar.

>> Casar: My last comments

[5:36:29 PM]

here to explain my vote. I appreciate folks moving to first reading to try to improve the case in the ways we talked about. I'm still voting no, though, just because I don't think we need to further accelerate and validate the tear-down of existing multi-family and displace. I look up to councilmember Renteria and I appreciate his leadership and I agree with what he said and what so many folks have said that we are suffering from a shortage of housing and a shortage of affordable housing, but my view is that we can get to those goals and add -- get to about 400,000 units and housing capacity across this city without having to upzone older multi-family that is supporting people now, especially in one of the lowest income parts of town and most rapidly gentrifying parts of town.

>> Garza: Mayor, and I have similar concerns to

[5:37:30 PM]

councilmember Casar. This is not a question of do we keep some older market rate affordable housing stock or guarantee affordable housing down the road. It's do we keep existing affordable housing stock for we don't know how long or a big question mark? Because we don't know if there's going to be affordable housing on this-- with this project. So I am not in a comfortable place to vote. I was thinking of abstaining, but I'll just vote no because it's first reading and heap we can get to a -- hope we can get to a better place the next time this comes before us.

[Buzzer sounds]

[Laughter].

>> Mayor Adler: Just in time.

[Laughter]. All right. We ready to take a vote? Councilmember Flannigan.

>> Flannigan: Do we not know that there's going to be affordable housing here? I thought the density bonus is requiring affordable units?

>> Garza: But they don't have to use it. So if they don't go up to the sixth --

>> Flannigan: You're saying the options they have after the case are so build something smaller with --

[5:38:30 PM]

>> Garza: Yes.

>> Flannigan: Or build something larger with.

>> Garza: Yes.

>> Flannigan: Yeah. Very clearly -- it looks like they'll build something big, but zoning only requires us to allow so much.

>> Mayor Adler: Those in favor please raise your hand? Those opposed? Two, mayor pro tem T councilmember Garza voting no -- what did I say? Councilmember Garza. The mayor pro tem and councilmember councilmember Casar voting no. The others voting aye. All right. We're time to now do music and proclamations. And then we'll come back after -- come back after dinner. We have a lot to do. Yes.

>> Kitchen: We don't have time for just a short one?

>> Mayor Adler: It's 5:39. We're supposed to start at 5:30. If there are people here -- going to be hard, but we could let a couple of speak --

[5:39:30 PM]

>> Kitchen: We don't need anybody to speak. I think councilmember tovo and I have some agreed language that we could quickly lay out.

>> Mayor Adler: Are there people that are waiting for that then if there are no people to speak?

>> Kitchen: Yes, they're waiting. This is the conservancy.

>> Mayor Adler: Let's see if we can do number --

>> Flannigan: Mayor, I'll want to talk about that. I don't think there's time to get through it.

>> Kitchen: Okay.

>> Mayor Adler: In there's the case then we'll proceed. Sorry. It is 5:39. We're going to now take a recess to do music and proclamations and get back as quickly as we can. We're in recess.

[5:52:49 PM]

>> Check, check, one two three.

[Mic check].

[5:54:13 PM]

>> As you know, Carnegie hall does this too, you just don't usually see this part of the show. Really close to Carnegie hall is playing the Austin city council chambers.

[Laughter]. I think we're probably the only city council that I'm aware of that stops every city council meeting to make sure that we listen to a little live music. As the live music capitol that's only a fitting thing for us to do. We try to press the music -- we try to press the music into the walls. I think this meeting tonight's probably going to go another four or five hours, so in another three and a half hours we're all going to be closing our eyes and trying to remember what this music sounded like. But we -- we're real lucky to have with us tonight

[5:55:14 PM]

bringing music into the chamber the human circuit. It is a pop rock -- let's have applause for the human circuit.

[Applause]. This is a band from Austin with orchestral moves from the mystic vibes of David bowie to the intricate arrangements of arcade fire, human circuit. Spent much of 2018 and 2019 touring behind their self-released album electric city, which gained national radio charting, loads of press, prime time spots in music festivals and a growing desire to transform these inspirations into even more art. With three full albums completed, the group is ready to release their new EP "Tar nation" in the

[5:56:15 PM]

spring of 2020 with multiple new music videos. Please join me in welcoming the human circuit.

[Applause].

[♪Music♪]

[5:59:18 PM]

[Music playing]

[Cheers and applause]

>> Thanks, guys. We're the human circuit.

>> Mayor Adler: That was great.

>> Thank you. Thank you.

>> Mayor Adler: No, it's wonderful. So I've -- if people are watching on TV now or watching later, and they want to find you, do you have like a website or place for people to go?

>> Yeah, the humancircuit.net. We also have social media, first on 10-15 pages of Google, you can look us up. The human circuit.

>> Mayor Adler: What's the best place for people to go to get

[6:00:18 PM]

some of your music?

>> We have Spotify and we have the new public library. You can also do that. They have electric lady bird that's a new play list, taking a bunch of new cool bands, and we're excited to be of that too. You can also stream it there as well, pretty soon.

>> Mayor Adler: And if somebody wants to come see you, do you have any gigs coming up in the area?

>> We're doing a lot of touring right now. We'll be back probably having a show in early October here in town with some touring artists.

>> Mayor Adler: Okay. Do you know where it might be?

>> Not yet. We're still trying to execute that final arrangement.

>> Mayor Adler: I've got a proclamation.

[6:01:23 PM]

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 supports good music supported by legends, local favorites, and newcomers alike, and whereas we are pleased to showcase and support our local artists, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim August 8th of the year 2019 as the human circuit day in Austin, Texas. Thank y'all very much.

[Cheers and applause]

[6:03:27 PM]

>> Checking, 1, 2, testing 1, 2. Testing 1, 2, checking.

♪ Music playing ♪

[6:10:21 PM]

>> Mayor Adler: This one -- I sound like a Disney character. Does this -- whatever we do, it's going to sound like this. So I think what we're going to need to do is just to yell and talk, and hopefully yell and talk loudly so that the microphones can pick this up because that's the permanent record. So we just can't yell without them. So it's going to be the combination of the two. This is -- this is one of the -- one of the sadder ones that we have. And we're going to begin with Kathie tovo.

[6:11:22 PM]

>> Tovo: Thank you so much. So today we have an opportunity -- I'm councilmember Kathie tovo. I represent city council district 9. Today we're going to thank Greg Guernsey, retiring from Austin. When I heard you were going to be receiving a proclamation today, I asked if I could have just a few minutes to thank you personally. I first met Greg when I was a community member, involved in different zoning issues. I had an opportunity to see Greg in community meetings, council, and a variety of other settings, but at one point I had been in contact with a lot of planning staff, I had emailed, and it was a particular case in my neighborhood that I was representing, and I got a call from -- from director Guernsey. And I remember I had voluminous information, and I remember he started out the conversation,

[6:12:24 PM]

well, you certainly have done a lot of research on this case. And it was such a classic Greg moment, because whether he agreed with your perspective or not, he has always been -- you have always been the kind of city -- city official who just receipts the public with the utmost respect, so it's always your grace and professionalism and the way you interact with community members, with the city council, with your colleagues, that is really just so admirable. And so as you go forward, I will always remember -- and when I say no matter what the setting, I really mean it. I mean, I've seen community meetings where people were shouting and were really excited. I've seen council meetings where some of the

council members were getting kind of heated or the council -- the audience here in the chambers was getting heated,

[6:13:25 PM]

and, Greg, as you know if you've watched him, never loses his cool, never misses a beat and always acts with utmost respect and grace and professionalism. You have been -- I just wanted to thank you, from the community and now as a councilmember, I just want to extend my welcome, gratitude for your years of service and appreciation for your years of public service. The city of Austin really is a better place for your service, and thank you. Wish you the very best.

[Applause]

>> Hi. My name is Jerry rusthoven. I've worked with Greg for 25 of the 34 years he's worked at the city. By my calculation, Greg has attended at least 700 of these city council meetings. I would like to know why today you've decided it's okay to

[6:14:26 PM]

[indiscernible] At 5:30. Zoning does start at 2:00, Greg. Speaking of zoning, I think by my estimation, you've done at least 7,000 zoning cases here at the city council, and for some reason he wasn't here for the last one we just did. So he's lacking a little bit here. So of the 55 employees of the planning and zoning department, as well as the three previous incarnations that you served as director, hundreds of employees, I would just like to say thank you on behalf of all of us. You've been a great leader, a great mentor, and to many of us, a great friend, so one of us, myself, a great neighbor. I think post-important, what we learned from you is not just your grasp of the subject matter, which is frankly scary, but your tireless work ethic, which also at times is a little scary. Really Greg worked just

[6:15:27 PM]

tremendous hours. He'd show up every morning by 7:30 at the latest, work many evenings, sometimes we're here at city council till almost 4:00 in the morning. You never complained, you just did it. But most important, I think what Greg has taught us is how to conduct ourselves with honesty and integrity. Not everyone has always agreed with the staff recommendation on a case or what we were recommending in a certain plan, but my 25 years with the city of Austin, I have never, ever, heard a single person question Greg's integrity or his honesty. I think he's a real honorable guy, and I would like to thank you on behalf of every employee you've ever served with.

[Applause]

>> Mayor Adler: So before we walk down here, Greg was telling some folks over there that he was cleaning up his office this week

[6:16:29 PM]

and ran across a file from the mid-'80s. There was a file on a case that we had done together. Greg and I pretty much grew up together in this city. And I can remember taking Greg's deposition way back when.

[Laughter] Because we didn't grow up on the same side of the fence. And over the course of the years, I had an opportunity, actually, multiple times, to work with Greg on the opposite side of cases. And I will tell you that -- that I looked forward to taking Greg's deposition for two reasons. The first was that if I was trying to learn about the policy and the practice of planning, and

[6:17:31 PM]

quite frankly, if I really wanted to learn a lot of the basic law that applied, I could learn that from talking to Greg. And the other reason, it was real important for me on those cases to be able to deal with Greg, was because he always played things straight up. He was very honest, and it was very straightforward, and maddeningly so, in some of the cases. It's been just an absolute honor and pleasure over the last five years to be on the same day with you and to be able to see that that same straightforwardness and honesty and directness is something that you took to all aspects of your work. You have done so much and touched so much in this city that that

[6:18:32 PM]

makes us who we are today. It is appropriate that we are all here to say thank you. And I have a proclamation on behalf of the council. Be it known that whereas Greg Guernsey has served the residents of Austin for more than 34 years, serving in seven different city departments, and as planning director for more than 12 years, overseeing the neighborhood planning and zoning department, planning development review department, and planning and zoning departments; and whereas Mr. Guernsey has presided over such major initiatives as the downtown plan, the heritage tree ordinance, the south central waterfront plan, and numerous transit-oriented districts and corridor plans; he was deeply involved in such major projects as the domain, the circuit of the

[6:19:32 PM]

Americas, and the first generation of tech companies to come to Austin. And he oversaw council adoption of the imagine Austin comprehensive plan, the city's first comprehensive plan in more than 30 years. And whereas the sight of a red, vintage volvo wagon on 2nd street and the appearance of Mr. Guernsey Wheeling his cart into council chambers has brought joy to the faces of six mayors and dozens of councilmembers who knew that it meant it was time for zoning --

[laughter]

-- Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, on behalf of a grateful council and councils that came before us, an entire city, do hereby proclaim

[6:20:33 PM]

August 8th of the year 2019 as Greg Guernsey day in Austin, Texas.

[Applause] You have to yell.

[Applause]

>> I thank you very much. No, I wasn't here for 2:00 for zoning matters, but I'm here at 5:30 and I'm glad I'm not staying till the end of the meeting.

[Laughter] I really could not have made all these meetings and gone to all the meetings that were outside of our office without the benefit of my wife, my two children, Hannah and Jane, Jane actually texted me

[6:21:34 PM]

in the middle of the meeting, back when we had pagers and were using them, and said, dad, all you say is blah, blah, blah, blah, blah, blah, blah. I said, that's right. You'll learn some day. Maybe she didn't, but maybe she did, and that's all right. I appreciate Toby patrell for picking me to be the director, and Marc Ott for letting me proceed with imagine Austin. I'm proud of imagine Austin. And I think the city needs a new code, and I think you're in good hands in bringing that code forward, it's something desperately needed. I'm humbled by all of the comments. I'm so thankful for working with everyone through the years, not only on staff but also the public. We're a great city. We like to community at a level that's really important, face-to-face, and I think that really makes a city better. So thank you, and I won't forget

[6:22:34 PM]

any of you, and I'm not leaving Austin, but that doesn't mean I'm coming back [indiscernible]. So thank you very much.

[Applause]

>> Let's make it official. Everyone, you're welcome to join us. We have cake for Greg upstairs.

>> [Indiscernible].

[6:25:08 PM]

>> Mayor Adler: All right. If I could have everybody's attention, we're going to go ahead and continue on with the program. Today is also another important day recognizing an important milestone, important element of caring and respect, part of our city. Be it known that whereas on July 26th, 1990, the Americans with disabilities act, Ada, was signed into law, greatly expanding civil rights protections for an estimated 57 million Americans with disabilities, and forever creating a second Independence day to celebrate equality of opportunity for all Americans; and whereas this commemoration is especially meaningful for all residents with disabilities as it marks the 29th anniversary of

[6:26:09 PM]

the enactment of the Ada; and whereas we recognize that Austin residents with disabilities have a right to full participation in the social, cultural, and economic activities of our community, and that these residents help to support the community and contribute to the economy of Austin; and whereas accessibility for and inclusion of residents with disabilities is a core value for all city programs and services, the city of Austin has established a strong ongoing commitment to full implementation of the Ada, offering more opportunities and a better quality of life for everyone in our community. Therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim July 26th of the year 2019, as Americans with disabilities 29th anniversary

[6:27:09 PM]

here in Austin, Texas.

[Applause] And I want to introduce David Ondich, the Ada program administrator.

>> Thank you. I just want to say I'm proud to work for and in a city that does so much, so much to tear down barriers and create opportunities for people with disabilities. I love this city and I love what we do with our citizens and visitors with disabilities and I couldn't have said it better myself. Thank you all.

[Applause]

[6:28:10 PM]

[Indiscernible]

[Laughter]

>> Mayor Adler: Here's a proclamation. Be it known that whereas farmers markets provide a place for farmers and ranchers to earn a fair price for their labor by selling direct to consumers, for consumers to gain access to

[6:29:11 PM]

fresh, nutritious, local foods, and for communities to enjoy activated public spaces that provide links between rural and urban settings; and whereas the central Texas farmers market's metrics' reports shows that farmers markets stimulate millions of dollars for the local economy, create thousands of jobs, and preserve tens of thousands of acres of diversified farmland; and whereas farmers markets promote regenerative practices, thereby mitigating greenhouse gases, minimize the waste and pollution created by the food system when compared to other food retail; and whereas August 4th to 10th, 2019, is national farmers market week, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim and

[6:30:13 PM]

hand to Edwin Marty, who's the food policy manager of sustainable food center in fiction farmers markets, this proclamation declared August 8th of the year, 2019, as farmers market day in Austin, Texas. Marty.

[Applause]

>> Got Ya. Thank you so much. I'm delighted, the Austin, Texas policy manager to celebrate market week. It's a critical part of our market and our world. I'm excited to introduce people that make farmers market a success.

[Inaudible] With Texas farmers markets, sue Beckwith, and Alex with the sustainable food center. Wonderful folks that helped us run farmers markets for years, decades here in Austin. We decided a couple years ago we wanted to aggregate all the data of the great farmers markets that were occurring throughout our region and show the community the total impact not just economic

[6:31:15 PM]

impact but the environmental and community impacts, so we work with national partners to develop a thing called the farmers markets metric program and we're delighted today, this week, to celebrate the launch of the farmers market metric report. It aggregates data from all over our region to show this incredible impact, millions of dollars of your money stays in our local economy because you go to a farmers market and shop and support local farmers who then go back to their farms throughout the central Texas region and practice incredibly important farming techniques that preserve our farmland and regenerate all the resources we need to survive as a community. I'm delighted this week to celebrate. Please go out to your local farmers markets and support all your local farmers. And most important, please go visit the Texas center for local food website to see the farmers market metric report. It's a wonderful report. We'll be producing this annually and most important, thank you, -- thank your farmers if you like to eat.

[6:32:16 PM]

So thank you so much.

[6:33:46 PM]

>> Tovo: I'm councilmember Kathie tovo and I'd like to present the following distinguished service award to Alan holt. As many of you know, we are really blessed from the city of Austin to have very talented and distinguished staff members who really bring that expertise to workday in and day out and Austin is recognized by other entities. I fixed it. Applaud applaud often recognized by other entities for their achievements. And so today I would like to recognize Alan holt for having received the 2019 Austin public award for architects, Alan holt, really for his broad range of contributions both for the city of Austin as well as in his previous capacities working for other cities. It is -- the award cited his ongoing efforts, his continued efforts to champion the south

[6:34:46 PM]

center waterfront initiative and was also focused on really the collection of contributions that he had made both as an architect here in the city of Austin but also for his service in local, state, and national leadership and for his work in promoting community planning and urban design place-making and the development of high-quality public realm. In the words of one of the individuals who nominated

him, John nyfeller, Alan's significant contributions to the improvement of Austin's urban fabric and planning for the city's future combine to meet and exceed the high standards aia Austin set for this award. And the waller award is presented to recognize the achievement of public sector architects or officials who, by their role as architects or advocates for the advancement of profession of architecture, or through their work with the public or from which the public and/or community benefits. So Alan holt, as many of you know, has really contributed

[6:35:47 PM]

to the city of Austin and is well deserving of his honor. We present this to him for public architecture, for achievements and contributions to the community at the Austin chapter of the American institute of architects 2019 award celebration on may 9th, and it reads, Alan holt is deserving of public acclaim and recognition. This well-deserved award honored Alan for nine years as a municipal architect with the city of Austin and his service as local, state, and national aia leadership to community planning and urban design, place making and advocacy for quality public relocation package being. This certificate is presented to Alan holt in acknowledgment and appreciation thereof, on this 8th day of August, in the year 2019, and is presented on behalf of the entire city council and signed by our mayor, mayor Steve Adler. So thank you, Alan. Congratulations.

[Applause]

>> Thank you, councilmember tovo,

[6:36:49 PM]

and to the mayor and the city council and the management here. I'm so proud today, and gratified, to receive this recognition, and it really is a recognition, I think, of what I consider the crowning work of my professional career, to come to Austin to work with such talented staff, work with the community. Aia Austin, working with the university of Texas, neighborhoods, property owners, to create a vision for what we can have over the next 20 years as things in the south shore develop in a way that can set a new high model for -- for a beautiful, sustainable, equitable new district -- and the real

[6:37:51 PM]

excitement to me today is we are on the verge of actually making this a reality. I'm excited today, I'm inspired, and I look forward to working with the council, staff, and the community to make this vision come to life. Thank you very much.

[Applause]

[6:38:53 PM]

>> Renteria: I would like to invite Dr. Santiago zamora and any of his people that's here with him, if they want to come down here, y'all are welcome to come on down. I'm real honored to read this proclamation. This person has been working in east Austin since 1977. And he has done so much for east Austin. So I'm here to read this proclamation. Be it known that whereas Dr. Santiago zamora began serving the hispanic community at his location on the corner of east first and Canadian street, Cesar

[6:39:54 PM]

Chavez and Robert Martinez, Jr. Street, opening in 1977 and treating patients with no appointment and medical insurance, and whereas Dr. Zamora, in concert with the Travis county medical society and the hispanic chamber of commerce, conducted informational clinics and studies to aid the hispanic community in the abatement and reduction of diabetes; and whereas Dr. Zamora opened an elder care facility that, in addition to providing medical service, also recognized and respected the culture of residents and their heritage; and whereas Dr. Zamora -- Santiago zamora significantly -- significant leadership and financial support provided as a member, president, and board members of the greater southwest optimist club, not only guided the club through a critical time

[6:40:55 PM]

but has supported their work awarding over 30 scholarshipser peryear to deserving high school seniors with an overall contribution of over half a million dollars in scholarship; now, therefore, I, on behalf of the mayor, Steve Adler, of the city of Austin, Texas, do hereby proclaim August 8, 2019, as Dr. Santiago zamora's day. Thank you.

[Applause]

>> Thank y'all. Honorable mayor, thank you; honorable councilmember Renteria, Kathie tovo, and city manager cronk, thank you for being here. I stand before you -- my -- first of all, my name is Guadalupe

[6:41:57 PM]

zamora. I'm his brother. Santiago was my brother and my business partner in medicine. So I want to thank you on behalf of the zamora family, his daughters, Belinda, belisa, belda, and all his friends here as well. I know if Santiago were here, he would be very humbled and extremely honored and grateful for

the special gesture of kindness. Sadly, however, he is very ill and could not be with us today. When Santiago arrived in Austin in the fall of 1959 at the university of Texas, a prepharmacy student, he was a 17-year-old hispanic male, just recently graduated from the poorest school district in San Antonio, edgewood ISD, nevertheless, he began his college substitutes full of energy and ready to take on the world. During this time he met and married his wife and started his family. He served as a pharmacist for eight years in south San Antonio,

[6:42:58 PM]

but he recalled that he wanted to be a physician. So he packed up his things and took his girls and he went to medical school at the age of 34. He followed his dream and completed his internship, but he still had one thing -- one more thing calling him. He came back to Austin because when he was here at U.T., he saw the disparities of health care, and not -- people that didn't speak Spanish -- that spoke Spanish didn't have ones they could speak to. So he came to Austin to serve the community and he served east Austin for 38 years. It is, therefore, quite wonderful and fulfilling that we are here to honor him and his contributions to our community. Thank y'all, everyone. Thank you. Y'all want to come up and take pictures with the mayor? David? Y'all want to come up and take pictures with us? Thank you, mayor.

[6:45:41 PM]

>> Mayor Adler:

>> All right. I want to thank Kathie tovo, my colleague, for fixing the microphone. I was afraid I'd broke it earlier when I dropped it. Earlier today. My name is Jimmy Flannigan. I'm excited to deliver this proclamation today. This weekend is the annual pride celebration, the Austin pride celebration festival and parade. Next year will be the 30th anniversary. It will be a really exciting time next year. But it's -- it's an event that I have had personal involvement in back when I was running the lgbt chamber of commerce and running the parade for many years and the festival for a few years and many of my friends have been involved in organizing and running and it's very exciting to get to sit

[6:46:42 PM]

in this building as the first openly gay man to serve on the Austin city council with this heritage and that work, and being able to deliver this proclamation. You know, the history of pride is political. The history of pride is a riot. And while we don't necessarily riot to get our rights anymore, some of us can win elections, actually, it's still an opportunity to celebrate and remember the long, hard work we've done and long, hard work yet to come. I will read this proclamation. Be it known that whereas lgbtq pride is celebrated world wide to honor and promote lesbian, gay, transsexual and queer persons across the

globe, throughout history, communities organized marches, parades, if he feels and rallies for diversity
lgbt members bring to the world,

[6:47:44 PM]

whereas the commemorations celebrate the 50th anniversary of the stonewall on it in 1969 and
sparked the lgbt civil rights movement so all people may enjoy the dignity of equality, whereas the lgbt
community contributes tremendously to the cultural, economic, political, and social fabric of Austin, and
whereas Austin pride will be commemorating the 50 years since stonewall with its annual festival, fiesta
gardens and parades through the streets of downtown August on August 10th, 2019, therefore, I, Of JV,
city council member for mayor Steve Adler and the entire city council do hereby proclaim August 10th,
2019, as Austin pride day in Austin, Texas.

[Applause] To accept this proclamation, I'm going to bring up Clayton Gibson. Clayton is an organizer, a
queer

[6:48:45 PM]

bomb, he has his own nonprofit community foundation, trying to bring all sorts of new solutions for the
community, lgbtq and otherwise, so Clayton, why don't you go.

>> Thank you very much.

[Applause]

>> Thank you. As we've seen today, I'm so thankful that we live in a city where our city government has
the back of every one of its residents, a government that will not rest until every lesbian, gay, by sexual,
transgender, queer, questioning, intersects and asexual, et cetera, person in Austin feels and is safe,
happen, healthy, wealthy, and connected to a community that cares deeply about their lives. Thank you.

[Applause]

[6:51:51 PM]

[Executive Session]

[7:41:00 PM]

***Due to technical difficulties, action was not captured by the closed captioning system for items 91, 93,
94-97, 24-27, 98, 99, 100, 101, 92 and 89. Please refer to the official meeting minutes for a full record
of all amendments and staff direction actions on these items.***

Items 15 and 17 were discussed in executive session.

Item 91: A motion to postpone the item to August 22, 2019 and keep the public hearing open was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote.

Item 93: A motion to postpone the item to September 19, 2019 was approved on Council Member Pool's motion, Council Member Tovo's second on an 11-0 vote.

Items 94, 95, 96, 97, 24, 25, 26, and 27: A motion to close the public hearings and approve the items was approved on Council Member Flannigan's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Item 98: A motion to close the public hearing and approve the item was approved on Council Member Alter's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Item 99: A motion to postpone the item to September 19, 2019 was approved on Council Member Renteria's motion, Council Member Ellis' second on a an 11-0 vote.

Item 100: No action taken.

Item 101: A motion to close the public hearing and approve the item was approved on Council Member Pool's motion, Council Member Alter's second on an 11-0 vote.

Item 92: A motion to approve the item as amended was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote. Further direction to staff was given by Council Member Pool.

Item 89: This item was withdrawn.

[Mayor Adler recessed the meeting to go into Executive Session at 8:07 PM]

[9:43:31 PM]

>> Mayor Adler: All right. Thank you for your patience. We have spent the entire time in executive session on item 103. I wanted you to know we weren't taking a break or anything. But it is now 9:42 and we are back and we are going to continue on. I understand that there are a lot of people that would like to speak on the climate change emergency resolution. It's important. There are a lot of people who have signed up for it. Everyone who signed up for it is in favor of it, thank goodness. So I suggest at this point that we kind of take it before the end because we have contested matters that I want us to be able to spend more time on. But all that being said that if if we let two or three of them speak right now and the rest of them will waive speaking tonight, so I want to go ahead and call those three people to speak and then we can then take that off of our agenda. So which item number is this? All right. So we're going to call item

[9:44:32 PM]

number 78. I have three speakers. Karen [indiscernible]. Is Karen here? No, with respect to speakers and how this works? We have the audio in the room, but the recording cameras are not picking up the audio. So we have a camera in back that is picking up both audio and video. But what that means is nobody should be talking near that camera in the back because that camera needs to hear the people that are up here speaking. So be really careful if you're kind of talking in that back area so that microphone on that camera can pick up what's happening in the room. So Karen Hayden, do you want to come up here? Pam rigs is second. And Robert [indiscernible] Is after that.

>> Good evening, mayor and councilmembers. I'm Karen Hayden. I serve on the elected utility commission, but I'm here tonight as an

[9:45:32 PM]

individual and also on behalf of the sustainable energy and economic development coalition and speaking in favor of this strong resolution that you have developed. The euc voted 10-0 unanimously in favor of asking council to take up this resolution, and I want to thank those leaders on council who then followed through, councilmember alter and all of the co-sponsors. And your leadership is greatly appreciated. I believe it was Greg Casar and Leslie pool, Anne Ann kitchen and Kathie Kathie as co-sponsors. And all you have done for the city in addressing coup climate change. We already as a city have had to deal with floods and droughts and wildfires that

[9:46:33 PM]

are increasing. Millions of dollars have been spent and there was a lot of personal agony through some of these events and also a lot of help from the city and the county. So I think it's really wise of you to

move forward with this great resolution and to start declaring what we know to be true, that we have a climate emergency that is intensifying. To recognize that and to start community dialogue. It's good that you're asking the city manager to take this on and to help coordinate different departments and coordinate the many efforts that are underway. Hopefully all agencies throughout city government will be focused on this as a lens through which they do their work. And as they do their budgets, as they do their operations and will be considering global warming I am packets and also ways they -- impacts and also ways to make impact. We do not have long on this

[9:47:34 PM]

planet to deal with climate change in a real way and reduce our emissions. I also think that's why it's so important that you are recognizing this situation, speaking out and taking action. Recently 70 health organizations around the country, including the American medical association and the American public health association, declared climate change to be a health emergency. They're asking government and business and civil society leaders to recognize this and take action. There was a 2014 study by Katherine Hegel, a renowned climate expert that focused on Austin that said we would have annual and seasonal average temperatures increasing, extreme precipitation events and more frequent drought. We've been seeing those things already and I expect that we'll see more.

[Buzzer sounds] Thank you so much for your efforts and thank you for this opportunity to speak.

>> Mayor Adler: Thank you.

[Applause].

[9:48:35 PM]

>> Good evening, mayor and members of council. I'm Bob Hendrix from the Sierra club. Sierra club wholeheartedly supports this climate resolution. You and I already know there's a climate emergency that a recent report says that there's an average of one climate disaster per week already for thousands of grieving and displaced families, it's already too late. As global warming worsens, more disasters and more severe disasters will come. Even though Austin is not in the direct crosshairs of climate disasters like Miami, New Orleans and galveston, we have been and we will be subject to these type of disasters. This climate change resolution will help focus attention on the state of the planet. It will add to Austin's arsenal of weapons to fight

[9:49:35 PM]

our climate emergency, an arsenal recently enhanced by other resolutions. It will show other cities another way to fight. And even though Austin is not -- I'm sorry. So to recap, the Sierra club urges you to pass this resolution and comments you on your continuance to champion the fight against climate change.

>> Mayor Adler: Thank you.

[Applause]. Hi, I'm (saying name), I live in Austin. And I'm with Sierra Austin. I'm here to speak in favor of resolution 78, climate emergency. If anyone is paying attention to what has been happening to our environment for decades and decades, you can see the impact of climate change. We've seen natural disasters

[9:50:36 PM]

such as hurricane Harvey, melting of ice caps and rising sea levels, the increase of climate refugees in unliveable conditions in Latin America and across the world and so much more. The problem is our reliance on fossil fuels like coal, oil and natural gas as well as greed, profit, racism and our capitalism. This is decades too late and we're quickly running out of time. The [indiscernible] Has said we have until 2030 to reduce global carbon emissions by 45% and until 2050 to get to net zero. Waiting until 2027 to get to renewable [indiscernible] is not enough. Waiting to 2050 to get to net zero carbon emissions citywide is not enough. It is a death sentence for my generation and generations to come. If Austin wants to be a leader on the climate crisis that I'm sure it does, all of these timelines need to be drastically accelerated,

[9:51:37 PM]

[indiscernible]. We need to shut down coal and natural gas power plants such as fayette, decker and Sam hill. We need a transition for all impacted workers. We need to massively expand electrified public transit and we need to do all of this immediately. Thankfully we have the power to do this with municipally managed energy company. What is missing is the will. This resolution is a great first step, however, it is wholly insufficient and nothing but empty words without these actions. I implore you, you beg you to please act.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: Is there a motion to move this item. Councilmember alter?

>> Alter: I would like to move approval of item 78. And I would like to speak briefly to the motion.

>> Mayor Adler: Is there a second to approving this item? Councilmember pool seconds. Councilmember alter.

>> Alter: Thank you. And before I begin my remarks I just want to thank the advocates for staying so late and for being willing

[9:52:38 PM]

to cut down to three. I know you all wanted to speak. And we're going to actually take action on this resolution right away by doing a little video of all of you who want to come speak so that we can communicate while we're doing this climate emergency with a little bit of camera setup. So this resolution declares a climate emergency and calls for an immediate

[indiscernible]. There are two parts to the resolution. The first is to name the problem commensurate with the challenge. The climate crisis is an emergency and we have to treat it like one. An emergency threatens our very being. With this vote city council will join over 900 governmental entities from around the world in declaring a climate emergency. When we started working on this in July, only 700 had done so. When it passes, Austin will become the first city in the south to declare a climate

[9:53:38 PM]

emergency, building on over a decade of taking proactive action to address the climate crisis here in Austin. The second part acts on the fact that in an emergency we marshal all our resources towards solving the problem or risk being overwhelmed. We are fortunate to do so building on the leadership that our community, our councils and our staff have shown in working to create a sustainable city over decades. We do so recognizing significant commitments we already have made as a city and in concert with the work we have underway already. The second part of the resolution includes a number of action items to ensure we as a city take the necessary steps to respond to the causes and consequences of the climate emergency. We strengthen accountability and [indiscernible]. ... In more direct ways. We move to accelerate goals and enhance our strategies to achieve net zero through our community climate plan. We create new mechanisms to

[9:54:38 PM]

enlist participation from the community and we prepare for dangers like wildfire, flooding to those in immediate threat. Before concluding I want to thank my co-sponsors, councilmembers Tovo, Pool, Kitchen and Casar. The environmental utility commission, the many advocates who worked with my office to help shape this resolution. Faced with an existential threat as local officials it is our job to call the emergency as we see it, respond accordingly and call on Austinites to be part of the solution. That is what this resolution does. Thank you.

>> Mayor Adler: Okay. Any further discussion on the dais? Those in favor please raise your hand? Those opposed? It is unanimously approved.

[Applause]. Let's call up the ahfc agenda.

[9:55:45 PM]

>> Mandy de mayo,

[indiscernible]. Tonight I will walk you through them briefly. The first agenda is to approve a resolution adopting the housing assistance fund for this fiscal year --

>> Mayor Adler: Excuse me. We're going to recess the city council meeting here at 9:55 P.M. And we are going to convene the ahfc, Austin housing finance corporation

[indiscernible]. The time is 9:56. We have a quorum present.

>> Thank you very much. Mandy de mayo, Austin housing finance corporation. You have nine items on your agenda this evening. The first item is to approve a resolution adopting the housing assistance fund for this fiscal year in the amount of \$2,029,387. The remaining eight items are approving -- authorizing

[9:56:46 PM]

the negotiation, execution of loans for either rental housing development assistance or ownership housing assistance. We have eight applications for you. The first one is --

>> Mayor Adler: Briefly will you refer to them with the identifying information to see what we have on consent, and if someone needs to pull something we'll go into more detail.

>> Sure. The first one 5.5 million, foundation communities. Second one, two million dollars for dma development for [indiscernible]. Third is \$2 million for 01 did 5 for a development known as the abali. Fourth is project transition, 2.9 million, a little bit over that, for burnet -- the burnet place development. Then we have for habitat for humanity, 2,030,000 for fourth and onion, ownership

[9:57:47 PM]

housing development we have 100,000 for Blackshear neighborhood development corporation, Guadalupe neighborhood development corporation 240,000 and 240,000 for Springdale arts crossing.

>> Mayor Adler: Okay. I think councilmember pool, we want to make a comment on number 2, but not necessarily to pull it? >>

>> Pool: Okay. I was going to ask -- 2 and 5 are in district 7 and I would be happy to make the motion to adopt all of these on consent. I did want to specifically make the motion for the two that are in my district, but happy to do all of them.

>> Mayor Adler: Okay. The consent agenda is 1 through 8. Kathie tovo, did you want to pull number 6? So let's pull number 6. The consent agenda is 1 through 5, 7 and 8.

>> And 9.

>> Mayor Adler: And 9, that's right. So 1 through 9 is on

[9:58:48 PM]

consent. Number 6 has been pulled. Is there a motion to approve the consent agenda? Councilmember pool makes that motion. Is there a second to the consent agenda? Mr. Flannigan. I think we may have some speakers that have signed up on some of these items, do we?

>> We do. I think on all of them we have Gus Pena. I'm not sure if he's here. And then on item 6 we have two speakers, one of them being [indiscernible].

>> Mayor Adler: Does anyone here want to speak on items 1 through 5 or 7 through 9? We're going to pull number 6 for a second. Anyone want to speak on any of the other items? Hearing none, they have been moved and seconded. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais except councilmember alter is off. That gets us to item number 6. Councilmember pool, is there a comment you wanted to make on number 2?

>> Pool: On number 2 I was just really proud of the work that foundation

[9:59:48 PM]

communities did in my district. It really is a splendid new development. It's too late for any really extended praises, but they certainly deserve them.

>> And I will say they are in the audience for any particular questions, we do have representatives here.

>> Mayor Adler: Better ask questions now. Kathie tovo?

>> Tovo: Really quick. So the one that I pulled for a quick question was the Austin habitat for humanity project, and I remember when this was a project we did the zoning on it earlier. I was surprised to see that the majority of these units are going to be one bedroom and I am wondered if you could give me some sense of whether they're

[indiscernible] Or who is their intended --

>> These are all ownership housing units, so they will be sold in a condominium regime to folks earning at or below the two income levels. Right now are 60 percent median family and 80% median family. It's a mix of one bedrooms

[10:00:50 PM]

and some two and three bedrooms.

>> Tovo: But primarily, the large majority is one bedrooms. So especially because this is in an area of town where we very much want to encourage family sized housing and multiple bedrooms, I just express my surprise that so much of their product is going to be one bedrooms, 40 of them. 40 of the 57.

>> I will say we have been

>> I will say we have been working with them for a couple of years, this particular project, and I know that the unit mix has shifted over the last couple years as they work to maximize the number of units they can get on the site, as well as work with a number of families and individuals that have within their home buyers, their interest of home buyers.

>> We do have a representative

[10:01:56 PM]

here. Are you interested --

>> Tovo: Sure. I would be interested in hearing him address that, and with the choices whether they were

[indiscernible]. Let me just preface it by saying so much of our market housing that's coming -- market housing that's coming, one-bedrooms and two-bedrooms, are affordable housing, this bedroom mix.

>> Thank you, councilmember tovo and all of you. We have been listening to the people that are expressing interest in the property and people that are looking to move into this area, and we're also looking just at the mix overall. I mean, we offer anything from one-bedroom, two, three, four, even up to five-bedroom in

[10:02:56 PM]

different locations in the community. We have to weigh cost/benefit on this particular site. This is just the mix that makes the most sense and we have a really large number of retirees and single moms with

one child, and a large mix of people looking for this kind of product type. So we both -- we believe it's very much needed. Our housing counselor said she had over a thousand calls last year for people wanting housing, and she is almost to a thousand right now, and we haven't even gotten to new callers this year, which -- this is advertising, just people saying, I need a place to live. We think it's very needed. It's not the only product we're going to offer, we're going to try to build more, but we think this is something very needed, and it fits this particular project really well.

>> Tovo: Okay.

[10:03:56 PM]

Thank you. Well, I hope that -- one thing I would ask of our housing department is that as this product [indiscernible], if you would return to us and give us some sense of the households occupying it so we can get a sense of the kinds of occupants. Thank you.

>> Mayor, I've been very excited to see this project. I appreciate it. I don't know if you guys can get a little closer to knowing what the prices are going to be. I remember a conversation with y'all, the numbers y'all were thinking [indiscernible]

>> I almost hate to say them out loud. If we were pricing them today, I mean, you know, it would probably top out at about 175,000, at

[10:05:01 PM]

most, for downtown. That just doesn't exist, for working families, that's just amazing, so we want to make sure that they remain affordable, we want to make that happen.

>> Casar: Thank you. [Inaudible] I want to thank you, the potential for \$175,000 basically is really special.

>> Thank you.

>> Renteria: I move to approve.

>> Mayor Adler: Move to approve item number 6. Is there a second to that? Any discussion? Those in favor, raise your hand. Those opposed? Unanimous on the dais. That's all of our items so we're going to adjourn the ahfc meeting

[10:06:05 PM]

at 10:06. And at 10:06, we'll reconvene the city council. Affordable housing, just like that. Thank you to the community. Let's continue on and let's take a look at 15 and 17, Anne Morgan has something for us to take a look at. What about item number 30?

>> I think we can do that.

>> Mayor Adler: Let's do that.

>> Should I make a motion?

>> Mayor Adler: Yes. Make a motion.

>> Kitchen: Okay.

>> Mayor Adler: Item 30 has no speakers. [Inaudible] Has speakers?

>> Even though they're not

[10:07:06 PM]

speaking, they're sticking around in case we have questions. So although they have not signed up to speak, they're here in case we need to ask them questions.

>> I think people from the conservancy are doing their job and my constituents are here, they've been waiting all day long. We've done this on cases many, many times. I'd really like to not make them wait a long time when we've got stuff we can do just as a council.

>> Mayor Adler: All right. Let's do 30, then we're going to do the ones [indiscernible]. Let's do number 30.

>> Kitchen: Okay. I pulled item 30 with the amendments that I laid out and councilmember tovo has passed out amendments also. I move approval of councilmember tovo's amendments and the amendments I passed out.

>> Mayor Adler: Is there a second to item 30?

[10:08:09 PM]

Councilmember Ellis seconds this.

>> Do you want me to speak to --

>> Mayor Adler: Why don't you speak to the amendments.

>> Kitchen: Okay. Let [indiscernible] Speak first. My amendments are --

>> Tovo: I distributed mine this morning. I need to make a couple adjustments based on my conversations with staff. Just briefly, I will say I made some changes, some proposed changes to the fees, since I created my resident fees for children and seniors which didn't exist before, I raised the adult fee and let me say this was not an attempt to produce exactly the same amount of revenue, it was an attempt to create more phased-in approach. Some of the amendments I've had a chance to look at with the conservancy and staff to kind of check in with the audit and

[10:09:10 PM]

finance committee in six months.

[Inaudible] In six months they are check in with audit and finance. That will give an opportunity for us to evaluate some of the changes that were made, so if this is problematic in any way, that will give a chance for adjustments. But multiple times, again, this seems to be a compromise between the need for the expressed interest in increasing fees, but also trying to reduce the burden on our city residents

[Indiscernible] For those reasons. I've adjusted that language, too. The other changes, the other additions are pretty straightforward. It does pick up the point that we talked about, that we talked about a couple times, about making sure that there's a plan in place to allow people who are

[10:10:14 PM]

income-eligible to access it.

[Inaudible] The other day we talked. I think we had a community member last night who suggested that we set a similar approach for

[Indiscernible] So that might be a nice way to integrate that as well. When we're sorting out the program, [Indiscernible] Where there's entry fees, what kinds of documentation would allow us to get -- with the version I handed out this morning, I repeated some things accidentally. Sorry about that.

[10:11:14 PM]

So you can scratch out the last and second to last bullets. They were repeated. But the occupancy tax, it's my understanding they're preparing an application to the botanical gardens so I'm really excited, that that will be an important part of becoming eligible for occupancy tax. And so my interest in including that provision is that we look to that, either for preservation funds or through potentially the ability to fund the visitor information center, that would be options for fundraising, for other sources of funds. I'll be happy to answer any questions, then I have again a

[10:12:16 PM]

change to a couple different things on a sheet I handed out this morning. And that is replacing the

[indiscernible] Entry fees are waived. It would replace something that was the response to some of the staff's suggestions, and it would

say instead this: The manager shall waive the per-day entry fee for all [indiscernible] To the zilker gardens, for the staff to provide [indiscernible] It also -- I'll make one additional amendment, and then with regard to -- there's one other one -- okay. Then there's one additional one that would provide more

[10:13:17 PM]

flexibility than they currently have, reads as follows, the manager has the authority to waive [indiscernible] User agreements for financial needs, including, but not limited to, scholarship recipients, title 1 schools, and programs. I think that should read and participants in pard programs.

>> Kitchen: Okay. I'll explain mine quickly, the three changes to what councilmember tovo passed out. The first one provides some additional flexibility to staff. It says the parks department shall analyze the impact of the entry fee waivers, with the goal of ensuring affordability for Austin residents, as well as revenues and develop alternative

[10:14:20 PM]

[indiscernible]. That allows the parks department -- what councilmember tovo does is set out requirements waiving per-day entry fees. This simply allows for an analysis of the impact of that and to develop alternative approaches necessary to achieve the same affordability purpose. Second change is simply that councilmember tovo has language about the zilker botanical garden master plan being approved. I've added language that says, and coordinated with the zilker park master plan, including regarding opportunities to reduce parking needs, support of increased transit options, and other alternative strategies that may be realized. So, basically, that just recognizes that the zilker botanical garden master plan will be coordinated with the zilker park master plan, particularly in relation to traffic and parking issues.

[10:15:21 PM]

The final thing just changes councilmember tovo's language regarding presentation to the audit and finance committee to make it clear that that is -- the conservancy must make a presentation to the council audit and finance committee in six months, so as councilmember tovo referenced, in six months, and then just share those presentations with the council. So I believe that's all.

>> Tovo: And just to clarify that I appreciate councilmember kitchen's adjustment to the audit. I'm completely fine with that. But I do want to point out that it does still have that language. And some of the language I said earlier, I'm going to ask our park staff who helped with this

[10:16:21 PM]

piece of the language just to be sure I'm interpreting it correctly, where we got into flexibility for the manager to waive fees for the director, identify user groups for financial needs, that last clause I think -- I want to be sure I'm interpreting it correctly.

--Title 1 schools. Right now it says participants in pard programs. Will that work? I'll adjust my language to that. I really appreciate all of the great input and collaboration both for the botanical gardens conservancy as far as the parks department staff. I appreciate it. I'm excited about work to come and find this collaboration and the some of the new relationship elements, and I appreciate the feedback I've gotten that I think will help provide some

[10:17:21 PM]

additional -- some additional accessibility to the garden

[indiscernible] In terms of our willingness and our ability to raise fees, so I think we're in a good place.

>> Mayor Adler: Okay. I was going to call up the conservancy [indiscernible] You want to speak to this?

>> Kitchen: I think councilmember Ellis wants -- she's been part of this.

>> Ellis: I'm happy if you want to do your part first. But I did want to extend a thank you for your work on the park. Go ahead.

>> I would like to thank council and the mayor for your support. I'm Jeff [indiscernible], the executive director for the conservancy, and I just wanted to say a thank you to councilmember tovo for some of her suggestions on ways to address affordability. That has always been our goal, to make sure that we're not pricing

[10:18:24 PM]

ourselves out of being affordable for a large part of the public. We want to always be accessible. We worked hard bringing title 1 school children into the garden the last few years, and then we want to continue to bring families in, and so I thank you for some of those suggestions. I think they're great ideas as far as ways to get people in the garden. I would like to address the

[indiscernible]. I would like council to consider the fee schedule that we worked with the parks department on proposing. I think it's a good proposal. I think the prices are not too high when we're looking at it in comparison of what we are proposing currently, because we don't have a fee, when you look at Barton springs pool, if you

[10:19:30 PM]

compare others around Austin, it's less than half of what the

[indiscernible] Is, half of what the wild flower center is, I think it's a very affordable option. And like I said, we very much want to, you know, look at ways to weigh the entry fees for those.

>> Mayor Adler: Okay. Thank you. Councilmember Ellis, you want to --

>> Ellis: I just wanted to say some thoughts on the matter. I'm exciting for the city. I want to make sure all

[indiscernible] Are able to enjoy the botanical gardens and park. I appreciate councilmembers working on this conservancy issue and working on the details before they make a final decision, but I know [indiscernible] Is important. We talk about it in terms of funding but we don't always talk about it in terms of access. I want to be very careful as we are evaluating the master plan,

[10:20:33 PM]

that everybody has had an opportunity to come, if everybody has access to transit. I know [indiscernible] Has been operating at zilker park, we're going to address it. Cost is part of it, transportation is the other aspect. We are going to have to get a little more creative in our parks funding, especially with budget caps, to make sure that we're able to approve this park. It needs Ada accessibility improvements, and I think that's something that shows our values as a city, that we want to make this park the best that it can be. So thanks for all y'all's work.

>> Mayor Adler: Okay.

>> Do we need to vote

[indiscernible] -- >>

>> Mayor Adler: Seconded did I seconded by councilmember Ellis. Those in favor, please raise your

[10:21:34 PM]

hand. Opposed? Abstaining?

[Indiscernible]

>> I have a lot of concerns with this. Some of it sounds fine. Some of it, I think it's difficult, especially knowing the conservancy is trying to do, the hard work they've put in with staff to figure out a hard situation. I can't support this with all of these changes included. But I think we have to really think about as we move forward with these types of partnerships, we need to be setting them up for success. And by adding a lot of council approvals, without really saying what we want to seek, we don't define what we want the master plan to include, we just say come

[10:22:36 PM]

back to us. And that's going to add time and delay to the master planning process, and certainly cost. Certainly oversight is fine,

[indiscernible], that's fine too, but I just think we have to be really thoughtful about how we're setting things up for success and not -- and not doing, I think, which is the instinct, which we want to come back

[indiscernible], at this point, I'm not quite sure what the value of conservancy managing is.

[Inaudible]

>> Mayor Adler: Councilmember tovo.

>> Tovo: There may be other issues but I just want to say it's my understanding that

[indiscernible] Of that sort would probably come back, just

[10:23:37 PM]

articulating it to be sure it came back, again think of another master plan that would -- that hasn't come back to council for approval. So I don't really think that that's a change as much as --

>> Flannigan: I think that's fair and to overcome my frustration with master plans in general, we tell the community to go off and do a master plan but we don't tell them what we're looking for, I think that's bad. We didn't actually say what we wanted and it turns into

[indiscernible]

>> Mayor Adler: Really quickly, you spoke to the fees

[10:24:38 PM]

[indiscernible]. There's the fee changes that councilmember tovo is proposing. She's created some fees that are higher and some fees that are lower.

>> Tovo: Yes.

>> Mayor Adler: Do you see that as being --

>> I think it will have a significant impact and also with that fee schedule, we would need to look to the conservancy board. We've got several months, you know, what this would mean revenue-wise. I would point out the fee being one dollar for children, that would be a loss for the conservancy to operate because right now it's a dollar a child coming in, and it's a cash-only system. Now, in what's proposed in this agreement is for the conservancy to manage the games. The city will get that dollar back because that's what they're currently receiving. And then we will have -- we will

[10:25:39 PM]

have credit card fees, and also we are taking on cost of staff, so that actually, for every child that comes in, is a loss. So -- and I don't know how the numbers -- the math will work out on the other because it is true that raising the non-resident fee, that brings a little more money there, but that's about a quarter of the attendance at the garden so I don't really know what that's going to do with the numbers.

>> Mayor Adler: On here, the free day, Sunday --

>> We discussed that, and I think with some of the revised language that councilmember tovo had, just to have some flexibility on this --

>> Mayor Adler: [Indiscernible]

>> With what councilmember kitchen has proposed, I think.

>> Mayor Adler: What about part 3, provisions that are in there [indiscernible]

>> There's nothing really

[10:26:42 PM]

objectionable in part 3. I can be supportive of all that, and particularly supportive of portions that talk about affordability and some of the options for ways --

>> Mayor Adler: Are you okay with the changes that were proposed by councilmember kitchen?

>> Yes.

>> Mayor Adler: So you're okay with all of the amendments proposed, save and except the fees.

>> Correct.

>> Tovo: I guess if we're going to talk about the fees, I'd like to drill down on that a bit more. So there are -- again in looking at the pro Formas we had an opportunity to discuss, it is at least in the information that came to us, relatively general, it's not -- well -- when is the fee to this most concerning to you?

[10:27:42 PM]

We have, in our adult

[indiscernible], we're raising some and lowering -- there are none lowered, lowered from where they are currently. I left the child rate for residents where it is. We currently don't make any distinction between -- and you have not proposed to make any distinction between -- as I recall, between children who are residents and children who are non-residents.

>> No.

>> Tovo: And so that is -- that's, I think, an important distinction. It looked to me about 25% of the people who come through the gate are non-residents. And so currently, we have been tracking residents and non-residents, but not -- but only -- we're not clear on how many of those -- how many of the children are non-residents and residents, and I don't know if it would break down the same way or not. But I think it's actually more in

[10:28:44 PM]

line with the fact as we should be doing, have a resident fee and non-resident fee apply at the adult level, at the student level, at the senior level. And, you know, we haven't had this conversation in a while, but the rationale there is if you're a resident, you're paying for -- you're helping support this park, if you're a vendor, there would be utility fees, some of which comes to the general revenue, if you're a property owner, you help support these venues through your property tax. If you're a non-resident, you haven't supported it. So I think it's appropriate to have fees for all those categories so I think that's actually just a structural improvement and consistent with kind of the direction we've been trying to go with our city assets. So I had left the child resident fee the same but I have tripled it for non-residents. I have left the senior resident rate the same. I think seniors, many have fixed

[10:29:48 PM]

income. I think to make it as accessible as possible as a city asset, I have left that the same. I have given a slight discount for non-resident seniors over the adults. I think the proposal was -- your proposal for adults was --

>> For adult residents, \$6 and for out of town, 8.

>> Tovo: So I've proposed seniors would get -- non-residents would get a bit of a discount, 7, but adults would go up to 9. So I think we would -- instead of going -- I have doubled the adult rate, instead of tripling it, and I actually think that mine is more nuanced and more in line with what as a city we've been trying to do, which is make sure we have differential rates for residents, and I think doubling the adult fee is a better

[10:30:48 PM]

approach. In six months they'll be coming to audit and finance. They will have an opportunity to report to us what their day revenues look like, and I think that's kind of an appropriate first step. We've gotten emails saying, you're tripling fees, I think doubling them in certain categories and increasing them for some of our non-residents is a very good first step, and in six months we can take a look at it. I think it's also important to say, you know, especially when some of those entry fees are going to provide staffing for rehabilitation, I think it is -- I think it's incumbent on us to take a more nuanced approach.

>> Mayor Adler: Councilmember kitchen.

>> Tovo: I'm sorry, I was trying to [indiscernible], I asked a question whether there's one fee that you really had concerns about.

>> I think, you know, just what

[10:31:48 PM]

we based our projections on, and we've been working for quite some time on, were these fees, and I don't know how that impacts us, with the changes that you're proposing. I will say that I think the \$4 -- \$4 for resident, that's less than parking at zilker park and we don't charge parking at the garden. I don't think 6 is -- I realize it's the fee, but the current fee is very, very low. I know you get people come in and ask why is it so expensive, particularly out of town people because they've never seen a garden charge so long little.

>> Tovo: Right. I saw those on yelp, but just to put things in context, I think if you go to Barton springs during the week, I'm not sure that you pay for parking. I need to double-check for that. You didn't used to pay for pay for parking.

[10:32:49 PM]

If you go to the science center, you don't pay dismission admission at all. The science center is one, not charging admission at all. So I appreciate very much the ongoing conversation. It didn't look to me, especially since you've not been tracking residents and non-residents at all those levels, it's not clear to me, at least in any of our backup, what the date receipts were based on, whether you are assuming an additional 25 -- that the rates are going to continue the same as long as -- we have some projections, but there's really not specific attendance numbers by category or by resident and non-resident, to which -- I'm not sure how exact these were intended --

>> They were based on the data that the parks department has. They do keep track of not every specific, but there's not a

[10:33:51 PM]

separate resident/non-resident senior rate at the moment, but I think they projected out based on knowing, you know, what percentage were seniors, what percentage were most likely out of town; that was just based on estimates. But other than that, they went off of the actual data they had.

>> Tovo: I started this morning but ran out of time to do the actual projection because some of my numbers were increased and some were decreased but I didn't have an opportunity to finish my calculations to see where my projections were based on the attendance from the last five years. Have you had an opportunity to do that? To see where this -- where this scale would --

>> I'd have to calculate -- not to calculate based on the proposed changes. Right now, that would require me to sit down with our board of directors also. We have voted to approve based on the proposed schedule, so we

[10:34:53 PM]

would need to discuss that, you know, whether we would be able to accept moving forward a changed fee schedule.

>> Tovo: But we're not even sure whether there would be a change, based on -- from your estimates here.

>> I mean, based on my initial assessment in looking at it, there would be. I mean, you know, but just roughly kind of ballparking some things, but I haven't been able to sit down and do complete math on -- because I don't have access to all of the numbers that were used, you know, here in council.

>> Mayor Adler: Okay. Nan.

>> Kitchen: I want to say something, I have a question for our parts department. So, I am concerned about the change to the fee schedule because I think we're asking -- we're making the change without having any real data about the

[10:35:54 PM]

impact of it. But I don't think it's -- I don't think it's -- I would not expect the conservancy to be able to do the analysis since this morning when it was passed out, to understand what the impact of this is, so I understand what you're saying. So I would like to ask our staff if they have -- again, I don't know if you've had an opportunity to think about the impact of these fees, but do you have any opinion at this point, of this proposed change?

>> [Indiscernible] With the parks department.

[Indiscernible] However, these changes come on top of the offers of 8 free days, so we'd also have an impact to the other revenue

[10:36:55 PM]

that will be collected.

>> Kitchen: Okay. Let me just say this. I am -- I thought this would be relatively straightforward, and it's just going to be a report within six months. But I do have to confess that I am uncomfortable with changing fees at the last minute like this. I think that the underlying concern is access for affordability, and I think that councilmember tovo has suggested a number of things as ways to address affordability. So I personally would be okay with keeping the original fee schedule and accepting the changes that councilmember tovo has made with regard to, you know, trying out the free days, flexibility to try other ways, the flexibility to waive for

[10:37:56 PM]

certain groups, because all those options seem to me to be getting at our underlying concern, which is just to make people -- make sure that we're not creating a barrier to entry and that access is affordable. I think that's much more important than the fees at this point.

>> Mayor Adler: We're going to vote on everything examine he want the fee schedule, then we're going to vote on the fee schedule.

>> Tovo: Okay. Just to be clear, I mean, there's a difference, I think, between being income eligible to get in free and being able to have a fee increase. What do our seniors currently pay?

>> The rate, I believe, is a dollar per senior.

>> Tovo: And what will they pay if your proposed rate fee goes through?

>> They would move up right now to 6.

>> Tovo: So that's a pretty steep increase. For seniors it's going to be six times what it currently is,

[10:38:57 PM]

except for the free days and except if they follow --

>> We also have a membership program for people that like to visit the park frequently, that does knock down the cost. You get unlimited access to the garden. I'll check --

>> Tovo: Can I just comment, though, on the "Last minute." When this came up in June, I expressed my concerns about the fees. When we talked about it earlier this week, I expressed my concerns about the fees. I indicated I would be Makin a change. 12 and a half hours ago, I distributed the fee schedule that was proposed. This isn't really a last-minute addition. Had I not had other things to do, I probably could have done the calculations in the last 12 hours. I certainly could do them, you know, in the next hour if we want to take this up again. We are increasing -- it looks to me from the information we've been presented that the fees

[10:39:58 PM]

are -- this is primarily funding the staffing of the extended conservancy, which is right now volunteer staff. I appreciate that you need staff. It looks to me like the staffing costs are going up considerably, and according to the pro Forma, the staffing is going up to 360,000. I have grave concerns about increasing the fees to the extent that was proposed to provide staffing at that level for the conservancy. I appreciate that they need staff, but I would suggest we have a more gradual approach.

>> Can you give me a sense of, when you visit the garden, are many of them coming frequently? Are many people coming infrequently? Is there -- I'm objective on some level, but I want to understand

[10:40:59 PM]

that is -- changing the fee from 3 to 6, is that a \$3 impact or is it a \$30 impact, because they're going ten times?

>> You get a range of people. I mean, you know, we don't -- right now, the parks department is not keeping data on how many people are repeating. I'm there every day and I see -- I know there are some who come often. For people who come often. That's where -- like to purchase an individual membership, this would be \$50 a year. That also gives access to the wild flower center and over 300 other gardens around the country, entry admission. So that's an option for some who come frequently. For most botanical gardens, for families particularly that like to attend, it makes sense because in most gardens, visiting twice usually pays for the cost of the membership, and then beyond that, they're not paying anything additional. So --

>> I'm just -- again, I don't

[10:42:00 PM]

have enough information to know if this fee schedule is going to work. And at the same time, I'm really interested in the focus on expenses. We certainly increased costs on seniors in other ways with much less discussion, so I'd love to know about that kind of operation but I think when we're dling with this, the way you set this situation up for success, you give them the ability to go forward, you let them succeed or fail. Governments can't succeed or fail, they only exist. You let them do that, check in and make adjustments as you go. That's kind of how you set up for success. So that's just how --

>> Mayor Adler: So we're going to vote on one, then vote on the

[10:43:00 PM]

other one. Let's take a vote. First everything other than the fee schedule, all the amendments from councilmember tovo and councilmember kitchen, all the ones except the fee schedule. Those in favor, please raise your hand? Those opposed?

[Indiscernible] Voting no,

[indiscernible] Voting aye, councilmember Renteria off the dais. We'll take up the schedule on the fee schedule.

>> Tovo: Yeah. I don't know on the fee schedule, I would suggest -- I hate to do this but I think we should take them up one by one. I still think even if you disagree with my more phased-in approach, the adult resident fee, I still think you should have different rates for out of city residents and in-city residents, whether they're seniors, adults, or children.

[10:44:02 PM]

>> Mayor Adler: We can take up each one. You have me convinced with respect to --

>> Tovo: [Indiscernible]

>> Mayor Adler: There needs to be a difference between resident and non-resident. My problem is [indiscernible] --

>> Tovo: I don't think it does. We haven't been trying to have numbers.

>> Mayor Adler: In a situation like this, on the dais, I just feel, I don't know, the capacity, the structure, we have a staff that comes back to us with a recommendation, so I would err on the side of doing what it was -- when it comes to audit and finance in six months, they can come back to us and talk to us about whether we should go from a dollar to two dollars,

[indiscernible] When they come back to us, I would want to see a difference in resident and

[10:45:03 PM]

non-resident [indiscernible]. Using all of our services in the city probably do that more and more. I just don't feel the capacity to be able to do that, but in that case, I want to rely on staff.

>> Tovo: But we're being asked to approve the fees. That's our job, to approve the fee structure. And we wouldn't pass -- I'm not sure that we would be at a place right now where we have residential fees and non-residential fees, had it not been a committee that pushed for these fees. I appreciate the staff, they do great work. The requirement to do two different sets of fees originated from this body. I mean, this is our job, to set policy, and that is what I'm doing. And I think it's well within our ability, our ability and our

[10:46:07 PM]

critical -- whatever it was you said, critical assessment.

>> Mayor Adler: But I want when they come back to us in six months with the fee schedule, that reflected the difference in residents and non-residents.

>> The schedule does reflect difference between resident and non-resident, it's not between adults and seniors, is that --

>> Tovo: And children.

>> Children, resident or non-

>> Tovo: That's right. Just the question, I think that's -- I think there are a couple of fees that are going to be controversial and I hope the others are not, in the adult range. I'm going to propose for non-resident children, we add \$1 to whatever we decide for the day, and non-resident seniors,

[10:47:14 PM]

they end up \$1 less than the adult non-resident fee, what I have -- have here. Senior non-residents to get 7, that's \$1 less than where they would be in the proposal. Children are \$1 more than what we bring in for children here today. I'm sorry. Let's do it backwards.

[Laughter] I think it makes more sense to decide the controversial ones first. So I'm going to move that we -- that we set the adult entry fee for residents at \$4 and the child fee for residents at \$1, and the senior resident fee at \$1.

>> Mayor Adler: Good. Let's take a vote. This would have the adult entry fee at \$4 and child resident fee

[10:48:19 PM]

at \$1. Did you have one more?

>> Tovo: Senior resident fee, \$1. Senior and resident wouldn't change from current. Adult would double.

>> Mayor Adler: Those in favor of the 4-1-1, adult, child, senior, all residents, please raise your hand. Tovo, pool, and [indiscernible]. Those opposed, please raise your hand.

>> Tovo: So then if somebody makes a motion --

>> Mayor Adler: [Indiscernible]

>> Tovo: So somebody could make -- somebody could make a motion for the staff proposal for those three categories and then I'll make my last motion, depending on what's --

>> Mayor Adler: All right. Motions for the staff proposal, take a vote?

>> Yeah, I just want a quick request to see if this was even an option, but I'm in favor with

[10:49:23 PM]

what's been analyzed, published in books, work, could you track the data separately so we know all different age groups, all different -- residency, and six months when we're coming back, we can look at it at that point and really have a lot of data to know what's working and what might not be working.

Because I realize you need to succeed, but we're going to tell you exactly what to charge and ask questions when the numbers don't pan out.

>> And we will be tracking -- first of all, we'll track zip codes so we'll know -- there will be one zip code for each person that's purchasing. You know, they may purchase multiple tickets, but by zip code, and then we will -- the software system that we'll have will track, you know, all the different initial levels. I mean, we will even be tracking those that are not paid, you know, anyone that's waived, so it will track every single thing separately so we will have all of

[10:50:24 PM]

that data.

>> I think that will be really helpful. [Inaudible] With this pricing information and then trying to go change it.

>> I would say we need to be open as far as changes in the fee schedule to perhaps just a dollar discount for seniors, in town and out of town, you know, the proposed fee schedule raising the child rate for out of town by \$1, I think that would still work for us.

>> Tovo: That was my next one here, next mentioned.

>> Kitchen: So we don't have the numbers for what the current

[indiscernible] --

>> Senior, you're saying, the

[10:51:24 PM]

schedule presented, the seniors would be a dollar less than we were.

>> Adult -- adult resident and non-resident, and if we added a dollar to children for out of town --

>> So three changes to the schedule, seniors go down a dollar and out of town --

>> Children go up a dollar.

>> Out of town children go up one dollar.

>> Kitchen: So we have the totals?

>> That would be -- so in-town children would be 3. Out of town children would be 4. Resident adult would be 6. Out of town would be 8. And then there would be a dollar off of both of those for senior. So it would be 5 and 7.

>> Kitchen: So adult entry fee non-resident 8, adult entry fee

[10:52:24 PM]

resident, 6. Child non-resident entry, 4, child resident entry, 3; senior resident 7 -- 5, then the non-resident, 7. So --

>> Mayor Adler: Okay. Keep track of the [indiscernible] Track those numbers. Is there a motion to approve what we just proposed? Councilmember Casar. Ellis makes the motion. Kitchens seconds it. Discussion?

>> I just need clarification for the 2019 schedule, so in September [indiscernible] Is that correct?

[10:53:27 PM]

>> Come back and have to vote

[indiscernible] --

>> Mayor Adler: Let's take a vote. Those in favor of that fee schedule just proposed, please raise your hand. Those opposed? Flannigan, pool and

[indiscernible] Voting no, others voting aye, that passes. Let's vote on the whole thing as amended. In favor, please raise your hand. Those opposed?

[Indiscernible] Votes no, so with all of the amendments -- correct, with all of the amendments, to change the fee schedule, how do you vote? All eyes with three nos.

[Inaudible] -- All ayes with

[10:54:35 PM]

three nos. 115, let's call 115.

>> Case c14-2018-0124, property title 25, property consists of a 42.064-acre tract, the existing zoning is vr, the original request is for sf-1 zoning. Staff recommends that the

[indiscernible] Forst co zoning, 21,000 square feet,

[indiscernible] The reason for the staff recommendation was because [indiscernible] Identified, we want to see

[10:55:37 PM]

increased density, existing pattern of [indiscernible] The existing development pattern has larger [indiscernible] Than the staff has recommended.

[Inaudible] There's a request to sf-6. [Inaudible]

>> Mayor Adler: Okay.

>> I'm curious to know on this density question how much affordable housing is in that.

>> There is no provision for affordable housing. There was [indiscernible], the applicant said the boundaries

[10:56:39 PM]

[indiscernible] It was originally 42%.

[Indiscernible]

>> I think it's only the first reading today because there's no ordinance --

>> Right. [Inaudible]

>> Mayor Adler: You want to address it?

>> Yes. So as Jerry said, this case has been before the council, this is the third go-round, and there's been a lot of conversations, folks on milky way and the neighborhood area, and the applicant is trying to figure out what is the right level of density and housing to build in areas that are outside of imagine Austin centers. And that's -- it's a really challenge for us to consider.

[10:57:40 PM]

When we went through the land development code rewrite direction, we were pretty specific about wanting to see housing that had opportunities -- I think you had a whole conversation about that. This is definitely an opportunity area, for a number of reasons. But there are also other considerations in this property related to a wildfire risk. It is a complicated situation that is, to my recollection, not like anything we've seen come before the council.

-- We don't normally see cases at the end of the street with no opportunity -- that's a rare situation within our city limits, much less rare in the etj. Even -- even today, more information about what they can and cannot do. I think the folks from the

[10:58:41 PM]

community in the area will speak, they're here from the fire marshal, hopefully, to provide context on that piece of it, and then we can talk about how

[indiscernible] If that's okay.

>> Mayor Adler: Okay.

>> Mayor,

>> Mayor Adler: Is Mr. Cortez here?

>> Hear.

>> Mayor Adler: You have seven minutes.

>> Thank you very much. Good evening, mayor, councilmembers, thank you for the opportunity to present tonight. My name is Jeff Howard, representing the applicant. To add a little bit more to Jerry's presentation, Mr. Rusthoven's presentation -- I think I have a powerpoint that's coming up. The property is 42 acres. The zoning has been amended to 32.4 acres. It's at the end of Mae drive

[10:59:42 PM]

in river place subdivision. It is in river place, to orient anyone who may not be aware of [indiscernible]. Intersects river place boulevard and that's the entrance to the river place subdivision. This is one of the - and maybe the last undeveloped parcels. It had been owned by Ms. Verna Bradley for many, many years as part of an 82-acre tract. And Ms. Bradley who is elderly, has had to sell the property and so this is the last remaining pieces of property. There was a zoning case filed in 2015 and withdrawn in 2016 or 2017. And that case involved the entire 82 acres shown in green, the [indiscernible] Tract and the residential tract. And that zoning case involved gr-mu for the

[11:00:44 PM]

northern piece and sf-2 for the southern piece. It was complicated, it required participation and coordination with Austin Christian fellowship, those two tracts are shown. And it was -- at that time it was too difficult to make happen in a way that satisfied everybody. So we simplified the case. We simplified the case and made the case just about the lower 42 acres. The upper 40 acres is owned by the autism trust at this time. This map shows that this property is in a limited purpose jurisdiction. It's not currently in the full purpose jurisdiction. Here's the zoning. What I wanted to point out on this map is you can see in the dark brown, which is mf, pink, which is no, there's sf-5, sf-6, this zoning is a zoning that is compatible in the area. You also have sf-2 there to

[11:01:44 PM]

the south. The original request was for sf-1-co. We thought that was a good compromise. We thought that would be something that the community would support. We put a co on there with some minimum lot size limitations and we didn't just pick that out of nowhere. There was testimony when the original case came forward from the you neighborhood that they felt about 45 homes, give or take, would be acceptable. They did say that there was some additional considerations. Those additional considerations were things like joining the hoa, taking our utilities to the north, things like that. Things we're willing to do and still willing to do, but the neighborhood did not want to honor that statement. So as we came to come to council there was a lot of discussion about the policy directives regarding the code rewrite and there was a lot of discussion about all housing types for all people in all places. There was discussion about

[11:02:44 PM]

high opportunity areas, there was discussion about what should the minimum zoning be in the city of Austin. Is sf-1 really an appropriate zoning in the city of Austin? So we got some feedback that, you know, sf-1 with really large lots, 20,000 square foot lots, was not really consistent with some of the zoning principles. But our zoning request didn't allow us to do anything else so we had to amend our zoning case in order to give council a broader range of options. So we amended our zoning case to say sf-6 to give you the full set of options. You can zone is sf 6, sf 3, sf 1, but we wanted to make sure you had that opportunity. Now, my client likes the sf-6 because my client likes to build homes that are closer to the median price. And 20,000 square foot lots is not the type of product that we would be able to live with. They would be million-dollar homes next to multi-million-dollar homes. So as we see the pressures

[11:03:45 PM]

that are happening in other parts of the city of Austin, whether it be east Austin or central Austin where you see higher density in the middle of neighborhoods, this is an opportunity in a high opportunity zone to provide infill housing that is the all types of housing and be at a more attainable price. Here the densities you can see. You can see the land use densities call for -- except on milky way. It will [indiscernible]. And so we feel like the zoning, we would hope, would be consistent with your zoning and land use principles and things like land use regulations deal with environmental

[11:04:46 PM]

regulations. Let fire codes deal with fire issues. With respect to fire, we have indicated a willingness to abide by the proposed international wild land urban interface code, and that is not been adopted by the city and it's much more stringent and we believe it will make things safer in this community and will certainly address the wildfire impacts. We have a fire consultant here to answer any questions about that should you have them. The property does have an access easement across the autism tract that would get us to connect to the fire lanes and driveways that are on the church property to get us both [indiscernible] And to river place boulevard. Traffic, we have an 1800 trip limitation as a function of the street. There's about 430 so trips

[11:05:48 PM]

existing on milky way so that leaves about 1362 trips. We would be limited by that trip calculation so this road that can't handle annual sf 6 type development. And so with that you could and still be under the 1800 trip parameter get quite a bit of density on this property. And we don't expect with the environmental regulations and the other regulations to get to that kind of number of units, but we could with an sf 6 get substantially --

[buzzer sounds] And I'll just conclude, mayor, by pointing out this is not in a remote location. It's near an activity center. It's near retail services, school services, and so we hope that you will approve sf 6 here today. With that I'll be happy to answer any questions that you might have.

>> Mayor Adler: Thank you. All right. We have some people that

[11:06:48 PM]

have signed up to speak on this. Brian showers? Time donated by George Cavanaugh. What about Diana Cavanaugh? You have seven minutes.

>> Thank you, mayor, thank you, everybody for staying so late tonight and staying diligent. I know it's long and tiring. My name is Brian showers. I am a resident of river place and I live on milky way drive. You will hear from a few of us tonight. We've tried to consolidate and stay concise. We are here representing a large group or percentage of Austin's overall population. We are milky way street which is the sole access to this property. We are the preserve subdivision, which encompasses that street. We are the river place hoa and representing 2222

[11:07:48 PM]

[indiscernible]. We are asking you not to do nothing and not rezone this. We're different from other cases here. We're asking you to rezone this, but we're asking you to rezone it consistent and appropriate

with the surrounding area. And that zoning would be sf-1-co with 30,000 square foot lot minimums and a maximum of 25 homes. We'll talk a lot about the different reasons that we think that that is appropriate. Before that I want to help orient to river place. I thank Mr. Howard for starting that. But I don't think we see this picture very often and it took a lot of zooming out in order to get both Austin city center and river place on a map together. Mr. Howard said a statement that the property is flat, but it doesn't take much to look at a map like this and not only see distance where we're talking about, but all of the green space is not green because we don't want housing there or we zoned is that way. It's because that's the bccp. That is the environmental area we're trying to protect

[11:08:50 PM]

and that is Austin hill country. We are not in Austin center central. We are not talking east of 35 or west of 35 or on the lake. We are talking in the hill country and it's our responsibility to protect that. We believe that doing the zoning in sf 6 or anything above what we're recommending today is both inconsistent with how Austin Zones. It is unsafe when it comes to fire and emergencies, and it's irresponsible when it comes to our environment, and we've heard a lot of great things about that today as well. River place, the first point I want to make is this is a challenging area. If we were here today, we probably wouldn't approve river place. We are over 1100 homes with a single access point, main access point out the front. And there's really no changing that with the bccp to our immediate east. That said, the other aspects of river place we think are phenomenal. We have a tremendous diversity in terms of

[11:09:50 PM]

people, demographics, incomes who live in river place. As Mr. Howard pointed out, we have all the zonings you can imagine. Everything from go and mixed use to garden homes to single-family of all ranges. But one thing is true is that that zoning is planned and density moves from more dense to less dense as you get deeper into the neighborhood, as you get further from access and as you get closer to our environmentally sensitive areas. It does not go the other direction. , Which is what the applicant is asking for. The area in yellow is our subdivision the preserve and all the area in red are the protected wild land. I want you to particularly note the applicant's property relative to those environmental areas we have set aside and it is our responsibility to

[indiscernible]. The preserve, our subdivision here, the blue line here is milkway drive. It's a half mile drive long

[11:10:54 PM]

cul-de-sac. It is required in our neighborhood

[indiscernible]. There are two ridges here and the only way to get in and out is on the very long cul-de-sac. This was about 18 years ago but one of the most environmentally sensitive areas of river place bordering bccp. Wildfire risk is high and as a result low density was key to zoning. This area is 103 acres, which was zoned sf-1-co with a minimum of 30,000 square foot lots and 49 homes maximum across that. Specifically in order to protect those environmental areas and because access is so low. So as I look at our recommendation I will walk you through some numbers here and I know it's late, but the dark areas here are the buildable portions of the land. Mr. Howard or somebody earlier said that most of the milky way area isn't

[11:11:57 PM]

developable. That is simply not correct. All of this area largely speaking that is subdivided into lots is very buildable. And comparable to the buildable portion

[indiscernible]. So as I said, this is the way that we are zoned. Our minimum is 30,000 square foot lots, but in actuality all of those lots are over

[indiscernible]. Staff has recognized this and tried to find a compromise and recognized something similar saying we should have sf-1 co and

[indiscernible]. Neighborhood somewhere in between the two. We're not saying keep it exactly like us. We're saying a little more dense, but stay within the guidelines of what we're trying to do in the city of Austin. And the request from the applicant is far, far out in left field relative to anything else. In our zap hearing Mr. Howard said we should look at long canyon, the neighborhood next door, as a prime example of how we should be developing.

[11:12:57 PM]

So I did look at that and long canyon is very similar to their property and it's all acre size lots. In fact, if you look around the bccp everything bordering that is at least acre size lots. The applicant's development would be the only one that is much more dense than that. Furthermore, they would put over 150 homes on a single access point in the event of an emergency, which is far and above anything else that we have in this area. And staff has recommended multiple -- many, many times staff has recognized this and so so. So in February of 2017 staff recommended 30,000 square foot lots. Zap concur and the neighborhood recommended. In April of this year staff did the same thing, sf-1-co, recognized that as the right zoning for this area.

[Indiscernible]. And then again staff has been consistent. So everyone except the developer here has been

[11:13:57 PM]

extremely consistent that sf-1-co is what is appropriate here. The only person who doesn't agree with that is also the only person who has

[indiscernible] That would change based on that zoning.

[Buzzer sounds] Thank you very much. I urge you to be consistent on the zoning and help protect us [indiscernible].

>> Mayor Adler: Thank you. Is [indiscernible] Here? You have time donated by mark yager and mark Wofford.

>> Go ahead.

>> Mayor Adler: Where is David [indiscernible]? Is David here?

>> David had to leave and his wife -- [indiscernible]

>> Mayor Adler: Why don't you give the clerk your name. Go ahead, you have seven minutes.

>> My name is Brenda langeford, also a resident of river place and milky way drive.

[11:14:58 PM]

I would like to point out the things that are different in this case than zoning in inner city of Austin. We need to really focus on the topography and where this is locate and what it's surrounded by. River place sits solely up on a high ridge. We have one point of access out to 2222 that currently already services 1146 homes. Milestone is asking us to increase that by 12 to 14%. Yet they're not going to give us any additional connectivity to get out of the this area. If you look at this next slide, this is from the Austin fire department's own website where they use river place as the prime example of a high risk area. The yellow triangle there is the milestone development, but they're wanting to add in the middle of all of that green space and the preserve land connected to. So how does milestone

[11:16:00 PM]

propose to address this 12 percent increase to a risky situation? Well, they're talking about this emergency access they have across the autism trust. Well, that's one. But if you look at the other two, the acf, which is the church, and Leander ISD, there are two more landowners before you can actually ever get to saltillo del Rio, which is a separate public street that goes out to 2222. They have not secured any easements to make actual public access viable. And if you look at this emergency road on here, it travels across the autism trust and then it dumps out right at river place elementary. And I don't really think this is where we want to send people in an emergency, towards our most vulnerable neighbors,

and then dump out at the elementary, two places where they're also trying to execute their own evacuation efforts. Additionally if you look at this path and you go to the left, where does that take

[11:17:01 PM]

you? Right back to river place boulevard? That's not adding any benefit whatsoever. This overview shows you where river place is compared to the intersection of milky drive. In looking at school safety, if milestone's request is approved, up to 154 homes will use this sole intersection for ingress and egress. Due to the proximity of the school, most of the kids in the subdivision do not have bus service so they do travel along river place boulevard to get up to the school. If you look at that top picture, that is a picture in the morning of the traffic. You can see obviously vehicular, but we've got children riding bikes and people, pedestrians, on the sidewalks. And they all have to cross this intersection. There's no turn lane, there's no light, there's no assistance helping guide them with 154 proposed homes at this intersection. Next we look at where this

[11:18:02 PM]

area, again, the triangle is the development. It is flanked on both sides by the head waters of west bull creek. That area is also the Edward's aquifer recharge zone and the drinking water protection zone. When you look at what staff considered with west bull creek they said the property is environmentally sensitive. It has not been identified for an increase in density according to the imagine Austin comprehensive plan. We don't think that zero growth in this area is realistic. However, intentionally developing it more dense than the surrounding area is irresponsible. Mr. Howard keeps talking about that we have services, we have retail, we have schools, and I know these are all little buzz words for a compacted neighborhood. And we do have that. I would agree we are compact. However, we don't have all of those services in our area.

[11:19:02 PM]

If I want to go to the grocery store, get home goods, take my kids to a movie, any of that stuff, I've got to leave river place and I've got to go out on to 2222. The second half of that compacted neighborhood is that things should be within biking and walking distance that's convenient. I don't think traveling by bike or walking along 2222 is either convenient or safe. If you doubt the statistic, please look up not only the vehicular, but the pedestrian deaths that have occurred within one mile of this intersection. The bccp borders us to the east and severely limits any additional transportation or connectivity options. Whether when you look at cap metro service, the nearest station is eight miles away. Trying to offset Austin's housing needs by demanding density where there are no public transit options does

[11:20:03 PM]

not follow with the spirit of imagine Austin is about. Yes, this is a high opportunity area that is absolutely not connected. And one last thing I would ask you, when the developer changed those boundaries last night, not weeks ago, last night once we filed our valid petition, why is that? It's to take away our rights to protect ourselves and provide things that help the environment, protect the environment, and all of those things. And I would ask you to ask yourselves if you think that is truly right, that they should be able to do that. I thank you very much for thinking about these items and for your time this evening.

>> Mayor Adler: Thank you. Ted garner? Is Katherine garner here? And what about Robert Williams? Okay. You have seven minutes.

[11:21:11 PM]

>>

>> Hello, my name is

[indiscernible] And I live in river place. I started a petition online at change.org to judge the neighborhood's response to this and very quickly 450 petitioners signed up to support from river place in opposition to increased density, specifically the high density that milestone planned and is looking for. So they opposed the case on inconsistent and unfair zoning, too high density for the adjacent area and severe concern for wildfire, fire risk and impact of the environment to traffic. So you've heard our clear recommendation for our neighborhood based solutioned. The petition should be in the backup. And so we moved forward with creating a valid petition, and the first one we created a couple of months ago all the residents signed as well

[11:22:13 PM]

as the autism trust, which is this area to the north. The city of Austin couldn't

[indiscernible] So that's kind of zero, but as soon as we submitted this valid petition, you know, the milestone lawyers got involved and of course they forced the autism trust to rescind their support facing losing their land, and that's due to the provisions that milestone specifically attached to deeds. So that's why they're not going to be here today to tell you what the impacts will be to that land. So then of course stepping in to help them, the ecf, the church located here in this upper left area, crossed over to join us and then we had essentially this entire area in green all signing the valid petition. It took us to 42%. The reason the church made -- they usually don't get involved in this sort of thing, but they definitely did in this case because they realized it was important to look out for

[11:23:13 PM]

the charitable concerns of the autism trust. But of course, milestone stepped in again yesterday when they packed back the boundary limits to limit our voice, [indiscernible] Goes against the purpose of the whole valid petition process. Technically I guess it's legal if you follow those rules, I understand that, but you should understand the impacts. The resulting patchwork zoning I don't think is best for our city and also I'd like you to take a close look to the north there where the lines have been pulled back without any sort of emergency exit that may be proposed by milestone or recommended by staff is now outside of the zoning area. That doesn't seem to happen. Now, the staff has done a great job of interpreting all of the codes for zoning, but there are other things to this and we need to inform our zoning based on what's possible after this. And so we take a look at the

[11:24:14 PM]

have subdivision code and I'm shoring here 25-1-157 and it says that a new subdivision must have at least two access streets. There's only one access street here. It's milky way. That's the only street that reaches this. And there's a provision here that says under C it says a new subdivision may only have one street if... And then all this stuff on the right that is in read would need to be satisfied if you were to allow only a single street. So the things that are not satisfied, and these are all banded together. They're not conditions. It would not have to cross a wildfire [indiscernible] Area. Well, this is high, highly rated for wildfires. And it would have to be 36 feet wide. Milky way is only 30. And it would have to be less than 2,000 feet in length. It is already over 2,000 and you would have to extend it further to get into the new development. And it would have to be an arterial and collector street and it's not. It's a local street.

[11:25:14 PM]

And if you were somehow able to look past all of the well thought out definitions it would still only provide access to nor more than 30 homes and we already have 25 homes on the street. This simply doesn't add up. Although it is in the subdivision component, you really have to think what are you sending forward down the line and how will that

[indiscernible]? So this is a picture here of from the south side of river place and I've got this occupancy [indiscernible], X number of persons. You go to buildings and the fire marshal set a maximum limit and I think that we need somebody to set a maximum limit for reasonable building within areas like this. I mean, we have 10000 plus families all probably trying to do an evacuation in the event of a fire. And with climate change having more frequent

[11:26:14 PM]

droughts that last longer, it is just a matter of when lightning strikes. And you're talking about from the far back it's 12 minutes and 4.6 miles to drive uninterrupted, at the speed limit with no lights and zero traffic. That's how long it takes under perfect conditions. And if you're trying to evacuate and you've got multiple cars you're talking about many, many hours. And fires can cut that road off in 30 minutes. It's essentially a choke point. I don't like to look at it this way, but this here is the milky way, the milestone section and this one outbound lane that is running on these ridge lines and you have all of these ravines and they basically act as chimneys. And the fires of course just go up. They go up to the road and it cuts the road a what do you do? There isn't really a solution to all the problems that we're laying out for

[11:27:15 PM]

you. The solution isn't to just try to find that narrow line that we can somehow get the most possible density out of. That's not going to work. And then you trade-offs you think you're able to make are coming on the backs of the people that live there today. And not just a little extra traffic, right? These are real risks that we have to take on. The only solution is really to accept that this property is an improper fit for high density. The correct solution is minimal density. And so therefore if we have our neighborhood recommendation for sf-1-co, which staff supports. We ask for the 30,000 square foot minimum, which was the staff's original recommendation the first go round. And that suggest that we somehow dishonor our 45 -- our 45 homes, that was never something that the neighborhood said yay, 45 homes. What we said was we agree with your math that if you had no roads --

[buzzer sounds]

[11:28:16 PM]

-- And booked every single thing in 30,000 square foot you couldn't put more than 45. We simply agreed that was theoretically the maximum you could do. Thank you for your time.

>> Mayor Adler: Thank you.

[Applause]. Next speaker would be Scott

[indiscernible]. Is Scott Crosby here? You have time donated by Chris Whitcomb.

>> He had to leave so I'm back to three. Evening, my name is Scott. I'm here representing the river place hoa. We've been involved in this project since 2015 and we are in opposition to the requested zoning. I think I want to address really two things. I think one of the questions was was there going to be affordable housing in this area? No, there's not. River place, the average home sells for more than \$200 per square foot. A 1500 square foot condo sells for about \$400,000 in

[11:29:17 PM]

our neighborhood. So regardless of what is going to be put in milestone development , it's not going to be considered affordable housing, it's going to be well above the median price here in Austin. That's just a fact. The other main thing that I wanted to address is Mr. Howard's allegation that the neighborhood changed its commitment towards the 45 homes. That is not the case. We've tried to address it in previous presentations at zap, et cetera, and I want to address it again here. Basically what was happening was we were getting prepared to go to council with a recommendation, and in talking to councilmembers we became aware of a compromise that was being proposed against the 30,000 square foot lot size that was recommended by staff and what was supported by the

[11:30:21 PM]

community and what milestone was asking for at the time, which was about 85 lots. We have heard of a compromise that was going to be 45 lots. Mr. Banter became aware of that, spoke his particular opinion. It was his opinion and his opinion only. The community, both the individuals on milky way and the hoa voted and continued to support the sf 130,000 square foot lot. Mr. Howard mentioned there's just a couple of little additional items that we're going to be proposed as a compromise that Mr. Banter spoke to. There was rather a long list of items including road improvements, minimum lot sizes, type of construction, et cetera, et cetera. So it wasn't just a slam dunk. There were many of those items that were not agreed to by milestone.

[11:31:24 PM]

Last item I'll talk to briefly until I run out of time, the emergency access. As validated by an email from Ed Frazier from acf last night, milestone does not have rights to access their private roads, and are not in negotiations with them --

[buzzer sounds]

-- On that. So we have no secondary access. Thank you.

>> Mayor Adler: Thank you. Is Phyllis Snodgrass here? You have three minutes.

>> Good evening, mayor and council. Thank y'all for hanging in there and listening to me one more time tonight. I am here tonight, Phyllis Snodgrass, CEO of habitat for humanity and proud resident of district 5, Ann kitchen. I am here tonight to speak on behalf of the developer. The developer reached out to Austin habitat for humanity

[11:32:26 PM]

awhile back and told us about this project and shared their desire to provide a product here with a smaller lot size than is typically put in west Austin. They've been looking at what those options are and they were hoping that they could come forward and offer something in the density bonus program in west Austin, but they're voluntarily coming and offering to donate to Austin habitat for humanity eight thousand dollars per home for the first 45 homes, which is a pretty substantial donation to help our fourth and onion condo project. Reduction in lot sizes is something that we truly do feel is important to look at in Austin. And we're hoping our new land development code will address this. We desperately need more housing supply. We need it in different price points and we need it all over the community for all types of people in all parts of the city, limiting

[11:33:27 PM]

density doesn't help with this goal. A disproportionate amount of the density bonus that occurs now is east of mopac. We'd like to see more projects in west Austin that can help take pressure off gentrifying areas. This is a beautiful, attractive housing project in a neighborhood that currently serves families earning on average over 200 percent median family income. And this also would contribute directly to affordable housing very near downtown. You know we're in a housing crisis, that's clear. We've got to allow precious land to be utilized in a way that allows for more housing supply for all people in all parts of the city. We really appreciate milestone's generous offer of support to enable us to serve more families with much more affordable housing options in our community, and we appreciate the spirit of community partnership in which it was offered and we appreciate you listening to us and letting us offer our

[11:34:29 PM]

comment.

>> Mayor Adler: Thank you very much. Randall Jamison here? Is Anthony [indiscernible]?

>> No.

>> Mayor Adler: And what about [indiscernible]?

>> I'm here.

>> Mayor Adler: She's here too?

>> She's right next to him.

>> Mayor Adler: There you are. You have seven minutes.

>> Good evening. My name is Randall Jamison. I'm not a resident of milky way, but I am the fire wise director for river place. I was the fire wise director for steiner ranch and I'm currently co-directing that with the new director. Some of the things that I would like to talk to you about tonight include the

[11:35:30 PM]

distinction between the

[indiscernible] Interface code and AFD's wildfire risk index. We want to look at the specific wildfire risk profile for this particular proposal . And provide you with a scientific understanding of wildfire behavior specifically for this tract of land. And then I'd also like to talk about the emergency response and evacuation wildfire risk for the surrounding community. Before I do that I would like to go back to what Jim Duncan said at the zap meeting. He said it's our responsibility to look out for the safety and welfare of citizens. The commission should not be putting future residents of tomorrow in harm's way for increased development profits today. So when we talk about the wui code, it is a very important starting point and I congratulate everybody that's been working on that so heartily.

[11:36:30 PM]

It also by its own definition only provides minimum standards for ignition resistant construction. It doesn't provide for fire protection, for fire protection. The wui code should not be used to make decisions to make -- to make zoning decisions. It wasn't designed for that. In the wink primarily it addresses the infrastructure for new development but it doesn't talk about the impacts that that new development or new developments may have on existing communities. I've said portrayal of the wui code as the fix for wildfire evacuation risk is an accurate and a serious overstatement. I think the developer says it certainly addresses all of the concern for wildfire impactnd that's blatantly false. Also, I just would remind council of council's own reduce to zero resolution in

[11:37:32 PM]

2006 to reduce the number of deaths from wild land fires to zero. This is the Austin fire department's wildfire risk index. And this next slide is their assessment of this particular piece of property. You'll notice on the left-hand side emergency responders and specialists from across the nation have identified certain wildfire hazards. The measurement in the center column is the measurement of the hazard for this particular tract, and if you look at the right hand right-hand side you will see that in every category this land is at the highest, the highest wildfire risk profile that's been identified. And in some

cases it's off the charts. So this is looking at the science of behavior of fire, we did two simulations. The wildfire consulting company in California is a

[11:38:35 PM]

world class assessor of wildfire hazards. We've used their simulation software and have done two simulations. If you look you will see river place boulevard and milky way, the red tract is the tract for the proposal. This is the first one. So we started a lightning strike that was south of this proposal, and you can see that it not only completely engulfs the proposal in flames, but it also takes out the whole milky way subdivision and some of river place to the north. We then did one to east side and you can see here where again completely engulfs this particularly area, mice way and then gets over into the balcones land canyonlands. What we didn't know or expect was that in 30 minutes or less river place boulevard was going to be completely blocked off so that meant nobody could get

[11:39:35 PM]

out. I'd also like to point you to a recent study that was done that by the emergency responders from California with the fires there, and in essence it says the traffic delays, fire trucks arriving at the scene and it increases the average monetary damage from a fire. This is a map of river place and what I am concerned about here, not as a resident, but as a firewise director, is that this proposal could put 4,000 residents' lives at risk. The milestone proposal would exacerbate river place's current traffic conditions, executive congestion, and if yours years it hasn't come up with an alternative exit that is is safe. The one that they have proposed actually proposes to go through an area of the highest wildfire risk so we would be putting their residents, new residents, into harm's way. And the proposal would

[11:40:36 PM]

create life-threatening choke points so those circles up there are the choke points that would be created as a result of the %úincreased density that they're proposing. It would also restrict access of emergency responders trying to get in to river place to address fires, be it wildfire or house fires, and it would thwart the safe and timely evacuation of river place residents. I know from what I know, I don't want to be responsible for putting people in harm's way as James Duncan said. I know that you don't want to be responsible for it either. You don't want this to happen and you don't want this to happen, and it's real. Thank you.

[Applause].

>> Mayor Adler: Thank you. Does the applicant want to close?

>>>> Alter: Before the applicant closes, sir, I wanted to thank you for sharing the wildfire risk analysis. I was wondering if you could share your contact information and your slide deck with my office, please?

[11:41:37 PM]

>> Yes.

>> Alter: Thank you.

>> I'd be happy to.

>> Alter: Thank you.

>> Mayor Adler: You have three minutes to close.

>> Thank you, Mr. Mayor, Jeff Howard for the applicant. We have [indiscernible] As well, who is a fire consultant. A couple of things real quick. The property [indiscernible] Is reserved for development. It's not required as a preserve. It is designed to be developed. It complies with current environmental regulations, complies with current environmental regulations. What upsets the neighborhood is the current environmental regulations and transportation regulations and compliance with wui code and fire code will give them more density than they want next to them. This is a very wealthy street with two and three-million-dollar homes. It is a wealthy enclave and it wants to continue to have a wealthy enclave. That's what this is about. And so what we would say to you is what Ms. Snodgrass mentioned. West Austin is a high

[11:42:39 PM]

opportunity area. We need to look for opportunities where we can have greater density that can lower the home prices so there are more attainable to families. This property does that. Now, with respect to one point of access and not having an easement, we do have an easement. The 82 acres has had easement rights for over 60 years across the church property. More importantly the public has licenses across existing driveways. That's how fire departments, police departments, ems, they can cross those driveways. We have a recorded easement to get to those driveways and that will take us to

[indiscernible] And river place boulevard. As it relates to the petition, the petition was the result of this neighborhood so interested in preserving their exclusivity they actually acquired the canyon. They went to a limited partnership developer and acquired the property that is the canyon so that they could create a valid petition. That -- when we moved the buffers, we moved the

[11:43:40 PM]

buffers not away from homes, no the away from occupied buildings. We moved them away from entity - empty land. So the petition was gained by I think the neighborhood, not by the applicant. And then where that, gauge to let gill ad speak a little bit to the fire situation. S.

>> How you doing. I'm a licensed fire protection engineer and a partner and a principal fire protection here at my company in San Antonio and in Austin. We do a lot of consulting on code matters and we do fire modeling and we provide system design and evaluations, expert testimony for fire code matters and building code matters. So we were approached when we were asked to look at this potential development for a couple of different features. Number one being compliance with the international fire

[11:44:40 PM]

code, the 2015 edition, which is the applicable standard for the property. And that evaluation showed that we definitely comply with the requirement for hydrant spacing --

[buzzer sounds]

>> Mayor Adler: Keep going.

>> For hydrant spacing, for fire lane access, for number of access points planned for the property. And that being said, the evaluation was effectively concluded at that point because that's all that's being shown right now. I was also asked to look into a comparison of the national fire protection association firewise program and compare that to the the iwuic, which is the international wild land urban interface code, the wui code as was identified before. So that document, the fire wise program that was mentioned earlier is really more of a community initiative. It doesn't really provide a

[11:45:40 PM]

lot of the same criteria that the iwuic will provide. This developer has elected to use that standard even though it may not actually be adopted. It is slated for adoption at some point, which will be retroactive. So I'd be very interested to see some of the modeling inputs that were used in the simulations because they sure and to be a little bit severe for what I would say would occur after the implementation of the iwuic, the fire loading in that scenario seemed pretty much out of characteristic with after the iwuic thinning of trees and forest station which would be required for this development. As we say in the modeling world, garbage in, garbage out. If we don't have good model inputs we will not get a realistic occupant. So looking at that model and seeing what it was, it clearly showed a wind driven effect that was going to

[11:46:40 PM]

sweep over and in effect it seemed a little bit like a scare tactic, honestly, to show an unrealistic result of what they might want you to see. So my evaluation was showing that not only does the development comply with the applicable standard to the international fire code, but I would also say that it stands to reason that by applying the iwuc it will actually be a safer area than the adjacent neighborhoods that are only using the -- currently the updated firewise standard from what I understand.

>> Mayor Adler: Thank you. Colleagues, that brings us back up to the dais. Do we want to hear from the fire department? Yes.

>> Alter: I would just like to comment that our public discourse has gotten

[11:47:40 PM]

uncomfortable on a lot of different things and it's really important that it is a safe place for constituents to come and share their views. The folks from river place have come and in a very rational and reasonable way presented their views and their perspective. Mr. Howard, I think you owe them an apology for the way that you have characterized their reasons for being here and that as a paid person who is coming to talk before council, that I would ask you to have some restraint in how you characterize folks and their concerns for where they live and how their quality of life would be affected by a decision that is before us.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Thank you, Mr. Alter. These are my constituents and I was hoping to make a similar comment. You know, we all get very passionate about these issues. I certainly get very passionate about just about every issue for good or for

[11:48:43 PM]

worse. And I have often found my constituents to be incredibly thoughtful and eager to try to do the right thing and pragmatic about trying to do the right thing. I think that's what we're trying to do here. People are going to say what they're going to say. So I do tend to concur that we will need to be -- we don't need to be going down that road necessarily. I would like to hear from the fire department a little bit of clarity about that subdivision code. And as you come to the microphone I want to know as long as the community has been working on this case and my office has been working on this case, I can't recall city staff bringing this subdivision code to my office. So there is some -- I do have some questions about how this process works on the staff side because that was new information that hit my office half when Mr. Duncan brought it up at

[11:49:44 PM]

zap and they we asked for clarity and got it from the fire department. To I want to hear from you what your read of the subdivision code is.

>> So for access --

>> Mayor Adler: Would you go ahead and introduce yourself.

>> I'm Tom [indiscernible], fire marshal. On the question of the secondary access, based on my interpretation of the code and the fire code does require to the building code that they showed earlier where it talks about more than 30 homes. We would require for us to approve the subdivision from the fire department, we would require a secondary access. It doesn't have to be, you know, a regular road, but it would have to be a road that is in perpetuity as a joint use easement access, not saying that you can use -- you need permission to use those -- if you're going to use the church or any of the other subdivisions, we would need to be tied directly to this subdivision because they have the opportunity to change what they have on their subdivision. So that doesn't fully work.

[11:50:45 PM]

So we would require that a joint use access be established and tied to this for a secondary egress for this subdivision to be approved.

>> Flannigan: And that rule applies regardless of the zoning.

>> Regardless of the zoning. So the rule is where we get to more than 30. That's where that rule comes into play.

>> Flannigan: So if we zoned it for a thousand units, they don't have the access in a way that the fire marshal won't sign off on --

>> We would not approve the subdivision.

>> Flannigan: And that would overrule the other zoning provisions, right?

>> Right.

>> Flannigan: So I think that's --

>> We just would not approve -- whatever the density is, once you get more than 30 homes on a one way street that's more than 2,000 feet. Again, there are ways where we could amend that in circumstances, but here with the wildfire risk and the access risk, we would not in this case offer an alternate method of compliance for that secondary access.

[11:51:45 PM]

>> Flannigan: And I don't think anyone is contemplating changes to that code or amendments to it or any exception to the variances or any of that stuff. That compliance would need to be achieved from the fire marshal in order for anything over 30 units to get built. So that was what I wanted your opinion on if anyone else has questions.

>> Mayor Adler: Thank you very much. We're back up to the the dais. Further discussion.
Councilmember Flannigan.

>> Flannigan: I want to thank the river place folks again. We really tried to get y'all up here before dinner. As much as we tried to make that happen. But I think you've seen how difficult that can be given the wide variety of sometimes crazy nonsense we have to deal with. So thank you for sticking it out and for your very clear and thoughtful and well spoken presentations. This is, as -- I can't remember who it was that pointed out that this has some unique features that you don't see in typical

[11:52:47 PM]

zoning case. And I think that's -- that's a complicated question in front of us. I do want to note, though, that as much as the question of annexation has been very controversial in river place but for annexation we would not even be having this conversation. So I think it's just a good moment to acknowledge that being in the city has one benefit that there is this power from you all to regulate zoning because of course in the county that wouldn't apply. It would just be the subdivision rules is all that would apply. We're only doing first reading tonight and there's more work left to do. I think the subdivision rules that the fire chief laid out are really important, and that is the governing principle on the wildfire risk.

[11:53:50 PM]

The it's hard for me to understand the difference in wildfire risk between 20 and 40 or 60 homes. I understand the exit issue, but that's what the code addresses. Part of the challenge is comparing a no build scenario between a build scenario, which is not available to us because we have to give this some type of zoning, and I don't want this community to have to go through a fourth round so we have to pick something. And at least having these choices before us is a better way to approach zoning than only presenting the council with one option that has no room for debate. So I'm thankful for our ability to have this conversation. On the wild land interface code, if the applicant would come just answer a couple of quick questions for me.

>> Yes, councilmember.

>> Flannigan: The wild land interface code is not

[11:54:50 PM]

currently a city requirement. If -- so I want to ensure that if whatever moves forward that it's an enforceable requirement for the future. And I'm not sure if the law department can note how that might work, is that a public restrictive covenant. I don't think we can make it as part of the zoning case, but I just want to hear from the applicant if you would agree to in between now and second and third reading figuring out what that legal framework is and require use of that.

>> Yes, councilmember, we would. And whether that be a public restrictive covenant or some other [indiscernible].

>> Flannigan: Okay. I do kind of want to have a conversation maybe? Executive session about the new law about regulation of building materials and make sure the wild land interface code falls within that national code thing because if it doesn't, then I want to make sure that we know

[11:55:51 PM]

how this is working. So if we figure it out between now and second and third reading. The other question that I was hearing a lot from the community is it's hard to visualize what might go on the site at different levels. And whether or not that's not a full site plan because you don't do site plans until after zoning, but can we expect to see once the council has given you what I hope tonight is our hopeful end point direction for second and third, can you -- will you come back with a rough layout of how you think that's going to get put together?

>> Yes, councilmember, we can come back with a conceptual plan.

>> Flannigan: I think that would be helpful for us and the community to understand more specifically what's being contemplated. Thank you. You may sit down. So that kind of brings us to the operative question. And I've really struggled with this one. I think the challenge for the applicant to secure the type of access that the fire marshal is describing is a

[11:56:51 PM]

significant one, a significant challenge for the applicant to get that access and without that access it's 30 units max. So if we are contemplating the zoning that I think we need to consider what the zoning looks like with that type of access because that's the governing principle for 30. If we're thinking more than 30 then the question is what does 30 look like? What are we comfortable with as we think through this zoning on this property in this set of circumstances versus all of the other zoning cases we see across the city? We have the land development code conversation, I heard from my colleagues very clearly that we wanted to see every part of the city increase its housing stock in order to address these concerns, but

that doesn't have a number assigned to it, so are we saying that in a property of this case the number -- to the extent that we can regulate specifically is this a 40 unit property,

[11:57:54 PM]

60 unit, 100 unit property? I just don't know where you all are going to sit on this. I'm somewhat encouraged by the wild land interface code stuff being a requirement that we may not otherwise be able to entertain. A lot of the other narratives happening tonight I don't think are necessarily operative because this is really about what do we think the right policy is for zoning with this set of circumstances? There are other properties in this part of my district and in a few of my colleagues' districts where we have zoned more. And I kind of want to understand how that's going to work in the future. We've got other properties in this area, the freedom property up on 2222. We've got parking complexes in this area that were built built. So there's a lot of people in this wildfire risk area. So if we're going to say no

[11:58:54 PM]

as little as possible, my worry is that conflicts with the ldc direction that we said we wanted in all parts of town. I'm comfortable moving forward on sf 6 because the access question as it relates to subdivision is the operative measure for those concerns. So the -- those concerns notwithstanding the question is what do you put here? And whether or not it's an mfi level of affordability, there is a different level of affordability depending on the size of lot and the size of the house. So that's where I sit. But I kind of the want to hear from everyone elsewhere you think we should go with this.

>> Mayor Adler: Up to the

>> Thank you, sir. Part of this tract is in my district, not that people -- I have some questions for staff that I'd like to get answers for

[11:59:56 PM]

before I entertain Mr. Flannigan's question. I'm not sure -- I had some questions in the Q and a. Can our Austin fire department describe the level of wildfire risk in the area of question. The answer was, wildfire risk is considered high. This is based on [indiscernible] That takes into account the potential intensity and exposure to a wildfire. The location being surrounded by steep topography is inherently hazardous. Can you say a little more about the wildfire risk in this area?

>> Based on our wildfire assessment of it, it is considered high.

[12:00:56 AM]

Most of the area there is considered high. Anything -- balconies would be considered high because of the large area, and anything over 40 acres puts it high. The fields in that area are what we consider high for Austin. So everything about it is what we would consider high risk. The access out of the neighborhood, we talked about that before, the entire neighborhood is high risk. And this particular tract of land is considered high risk.

>> Alter: Thank you. And I don't know if you'd be able to answer this question that has to do with fire matrix or water, to answer, there's a lot of information that was given to me about the water pressure, the water pressure is another issue, another issue recently. I want to know what it will take to get the necessarily flow to fight fires in the region.

[12:01:56 AM]

>> So the fire department does get the hydrant flow test prior to approving subdivisions. In this area, we use any tests that were done in the last year. There was a test done here in December. It showed sufficient fire flow to cover up to 9200-square-foot structure. That's way in excess of anything. The way the fire code is written for water supplies is that it would have to -- we're looking at fighting a single structure fire, maybe two houses, and that would be the max. That's what we're looking at for water flow. It does not take into account structural protection of wildfire area. That's not part -- that's not part of the consideration when we look at that.

>> Alter: What would it take to increase the water flow? I mean, two structures, we're talking about -- I think it's over a hundred on the proposal.

>> Sure. When we're looking at that, it's a thousand gallons a minute which would be for structural protection, so it would be less

[12:02:57 AM]

for protecting, like, the outside of structures. So in order to increase the ability in the area we would probably need to bring additional lines in. I don't really want to speak about what that process would be, what the cost would be. It's something that I've seen happen from time to time with subdivisions when there wasn't sufficient water supply.

>> Alter: Thank you. Another question that I asked about access, I just want to make sure that I'm clear. So I'll be asking? Q and a, will this development have a secondary exit access? Ability of evacuation in the event of wildfire? The answer, it would be over 30 homes and per the development code they're required to provide two routes of exit.

[Indiscernible] The development to have a code approved, secondary access without utilizing a private fire lane, according to the proposed

[12:03:58 AM]

development, until the easement is recorded the proposed development does not have secondary ingress and egress. Do they have a joint use access easement?

>> Not that I know of. That would be part of what would be submitted to us for the final approval of the subdivision.

>> Alter: So would that be a point in time when they would require them to provide that?

>> It would be -- it would need to be required fire to fire department approval. So we would not approve the subdivision until we have that easement -- until we saw the easement and with it dedicated to -- to this particular subdivision because the problem we have, when we use other people's access, if we don't have that joint use, then what they can do they can sell their property tomorrow and change what they have and that leaves this property exposed. We have to have that continuous access with it attached to the subdivision.

>> Alter: Okay. And can it be activated by

[12:04:58 AM]

residents before obtaining and instructing secondary access?

>> No, we wouldn't -- the subdivision, the access needs.

>> Alter: Looking at the code that requires there to be two access streets and you can only have one if you are not in a high risk area, that is what then also is in this version that we discussed in the same code?

>> Well, we just -- this part of the code just defines that you need secondary access. The joint use access is based all the way, guaranteeing that we have that access.

>> Alter: So just -- I guess what I'm trying to understand is at the end of the day, are we requiring them to be prepared to fight fire, prepared to fight a fire if we build this home?

>> Absolutely.

[12:05:59 AM]

We would want to -- we want to -- part of our review and our main review for subdivisions is that we have sufficient water to fight fires and that we have sufficient access. And that's what we would require before our office would approve a subdivision.

>> Alter: Okay. Thank you. And then I want to address some of the comments.

[Indiscernible] A good idea to find a way to acquire that in this process. I do hope that you will join me in supporting that when it comes to us in October, we'd just be adopting [indiscernible] Which is perfectly fine with the state legislation restricting our ability to regulate the

[12:07:00 AM]

materials, we will check with legal. For me I'm not going to be able to support the applicant. I'll support the recommendation of my staff, but I have a lot of principles where that is broken

[indiscernible] It was multiple occasions, it's not something I look favorably on. So tonight I'm probably going to be prepared to support approval on first reading of the proposal that meets the conditions of the petition which is to approve sf-co, maximum of 25 homes, I'll approve that tonight, otherwise, I'm not going to be able to support the case tonight. I will continue to review the information and see if I see a way that this can be done in a way that is responsible within

[12:08:01 AM]

the level of risk. I will just add for my colleagues that the issue of a secondary access is really important in these areas when they do their plans for exiting, which is one of the other groups over there, it takes a really long time to get out of there, everybody is trying to get out of there at the same time, and everyone is trying to get onto 2222. We have some real serious risks that were created by poor planning done a long time ago that didn't create accesses out of these areas. The preserves surround them so you can't exit the areas, and when you add additional density, you raise that risk. And I think and it's wonderful that we look forward to adopting a new code that doesn't apply to the houses that exist there, so we are not investing in wildfire,

[12:09:03 AM]

but in addition to actually address the risk at the time, so if there's willing to be even more development, you're going to have to make significant investments to mitigate any kind of wildfire risk and to find ways to create these accesses, and water pressure is another, you know, issue in these areas because they're not all -- I think this one is going to have water service from Austin water, but just as a

question, it's not simple, you want to put density there, putting density in high risk areas for wildfire just exacerbates the risks that are there in very real ways.

>> [Indiscernible]

>> Mayor Adler: Councilmember Casar.

>> Casar: To answer councilmember

[12:10:03 AM]

Flannigan's question, I'll be supporting [indiscernible]

>> I have concerns about the access, and the fire is really compelling, I think for folks who live there, they are well aware of the situation and they probably have plans for evacuation. I think the more people who are put into the property for Mr. Howard's client, the harder it will be for all of them to get back out. So we're not necessarily just talking about the structures, the fire department would have to come out to address the people to get out, and I think they are really the most important in this -- gosh, I'm tired.

[12:11:04 AM]

Is anybody else tired? So I'm just going to stop there and say I would have -- I wish that the petition was still in place. I agree with you that it was a pretty sad for the applicant to change it last night. I rarely do not support those petitions, I was planning to support you on that basis tonight and I'm not going to change that because I think you have valid concerns, the packet that was fact that was able to be underlined at the last minute isn't fair, so I'm going to support your request which is what councilmember alter had first. Thank you.

>> Mayor Adler: Further discussion? Yes.

>> I just want to understand the effect of sf-6, if fire wouldn't approve the site plan for access, even if we zone -- if I'm

[12:12:05 AM]

understanding this right, even if we zoned it sf-6, if that second access isn't secured, you can't put more than 30 units there. Is that right?

>> Unless [indiscernible] Something you want to do, sf-6 per the site plan would also be

[indiscernible] By the fire department and that would be part of the approval as well.

>> But I know both require approval, but you could still put large amounts on sf-6.

>> Yes, sf-6 allows lot sizes smallest 3600 square feet, as opposed to 1,000 square feet

[indiscernible] Sf-6.

>> What I'm hearing from the neighbors is access, and density,

[12:13:06 AM]

which I understand too, it's all relative, it's hearing that a lot -- because of the density. If the second access is, I guess, acquired, then that's when you could build out to the true sf-6. But if the second access is not acquired, you couldn't build out --

>> [Indiscernible]

>> Okay.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just wanted to respond to councilmember Flannigan's question. I thank you for posing this question. I wish we could have longer conversations about it. But just quickly, yes, I'm interested in housing, that means I would be predisposed to housing on this appropriate as appropriate. The fire -- the fire situation is

[12:14:08 AM]

critical to -- the risk of fire is critical, so I'm going to be very interested in the fire marshal -- what the fire marshal's approval would be, and that would be the limitation. Other than that, I would support more housing.

>> Mayor Adler: [Indiscernible]

>> I just wanted to clarify, we had a description about

[indiscernible], cannot enforce such agreement or requirement. It certainly helps if they will make a donation much larger than that [indiscernible]. I just want it clear about what they're allowed to do.

[12:15:13 AM]

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: [Indiscernible] Supporting it, the restriction of the 30 units and actually get a second access, they'd never be able to [indiscernible]

>> Ditto. Yeah, I believe our fire department is going to be really important for this. I would say access is important. These districts that are kind of on the outskirts of town have quite a bit more green space, we have to review those issues very carefully. But I don't know that the minimum allowable is the way to go, given

[indiscernible]. I'm okay with passing this on first reading and continuing this discussion.

>> Mayor Adler: Further discussion?

>> Flannigan: I just want to

[12:16:14 AM]

thank councilmember alter for reminding us that people say stuff [indiscernible] So I'm glad to repeat the offer and want to stay focused on the things we can.

>> Mayor Adler: So I appreciate the opportunity give to us here to actually consider a range of options, something that was originally headed that way and lots of questions.

[Indiscernible] I'm not sure I'm comfortable with sf-6 or the minimum number. It looks like there's some real significant issues that have to be worked out on this, beginning with the valid petition question, which apparently [indiscernible] Which could be can deciding

-- could be the deciding factor on this issue as

[12:17:16 AM]

you went through that. If your motion is

[indiscernible], I would support that on first reading and move forward so that for me, it can be further discussed and other issues that come up. Is there a motion?

>> I move approval on first reading only because there's so many questions, to keep the public hearing open, and I'd like to provide direction to staff to explore the appropriate tool to require the land urban interface code.

>> Mayor Adler: Okay. There's been a motion. Is there a second to that motion?

[Indiscernible]. Further discussion? Councilmember alter.

>> Alter: I'm not sure there's a question for Jerry or the fire marshal. So I have a copy of what happens

[12:18:18 AM]

for safe land with respect to the fire access for a subdivision. I'm going to need -- I don't think we're going to clarify it tonight, I need to be able to see what that is for sf-6 with the site plan -- the other stuff I'm trying to say here, basically I need to understand the difference between subdivision and site plan with respect to this fire access because I don't know if it's exactly the same. I need more information on the nature of the access, the little tiny road that usually just gets you -- when there's a fire, is not going to resolve some of the other issues in that area as well. I just -- I'm having a hard time imagining how they're actually

[12:19:20 AM]

getting this, and there's more information that you can share about how you actually plan to get this and if it's not just an imaginary thing, a safe plan, we're going to push, oh, we need this housing and we're going to get a way without doing it, I don't know how to have a way without doing it in the first place, in [indiscernible] And all these other places that don't have two other accesses, but I'm skeptical about whether this has a code change, I think it's important we have these separate accesses. I will not be supporting this motion, as I mentioned before. I would consider the recommendation [indiscernible] Valid petition.

>> Flannigan: My understanding based on recent changes, these were billed at etj, that county

[12:20:22 AM]

didn't have that plan, the requirements were different. I know the ranch had a lot of those conversations. I was with commissioner Shea when we did the community fire drill in comanche trail, for a limited purpose, it's one of those weird areas where the county is still operative. I think that's most of the reason why. The county thankfully has made that change, it did get there.

>> Mayor Adler: Those in favor of the motion in first reading, keeping the public hearing open, sf-6 [indiscernible], please raise your hand. Those opposed?

[Indiscernible]. Item number 32, we're going to postpone that now [indiscernible]

[12:21:25 AM]

Any objection to approving 32 on first reading only? Without objection, 32 is approved on first reading only. We did 110 and 111.

>> Flannigan: I want to know if staff thinks we can bring this back quickly, with questions that we asked.

>> [Indiscernible] The service department and fire department

[indiscernible]

>> Flannigan: Because we took first reading today, let's work to see if we can get to a place where we can actually --

[no audio] Okay?

[12:22:31 AM]

>> Mayor Adler: Items number 110 and 111, we had on first reading

[indiscernible] So we need to reconsider 110 and 111, postponement. Is there a motion to reconsider 110 and 111? Councilmember tovo moves to reconsider 110 and 111

[indiscernible] Is there a second to that? Seconded by mayor pro tem. Those in favor, please raise your hand. Those opposed? Okay. Reconsidering [indiscernible] All right. 110 and 111 are reconsidered. Is there a motion to postpone 110 and 111? Mayor pro tem makes that motion, seconded by councilmember tovo.

[12:23:34 AM]

Those in favor, please raise your hand. Those opposed? Unanimous again. We have two cases here with a lot of people that have been waiting since the first part of the day.

>> Tovo: I'm sorry to interrupt but is there any chance we might be able to take up -- we started to talk about the historic designation case when we went back -- and then I wonder if we might be able to just fly through that quickly.

>> Mayor Adler: If we can fly through it quickly because there are people --

>> Tovo: We have some here waiting, it seems like something we could dispense with quickly.

>> Mayor?

>> Mayor Adler: Yes.

>> I move approval on 33.

[Indiscernible]

>> Flannigan: I think I made my statement already.

>> Mayor Adler: Motion for motion for approval of 33.

[12:24:37 AM]

Is there a second?

>> Flannigan: The staff reported earlier we provide to these properties over two million dollars and we'll be

[indiscernible] For the foreseeable future. Changing that would redistribute so other people's taxes could go down, it's not actually going to be available to us, based on the way roll back rates are, et cetera, et cetera, et cetera. I have concerns about the public subsidizing to that tune, but here we go.

>> Mayor Adler: Those in favor of item 33, please raise your hand. Those opposed? It's [indiscernible] --

>> Mayor, 122 is still -- I think councilmember Flannigan maybe has a question on there? Councilmember -- is it up for consent? I think you maybe just had a quick question.

[12:25:39 AM]

>> [Indiscernible]

>> I hope not. 122.

>> Flannigan: My question is actually not that similar from the case we just decided in my district about sf-2 in an area that is on what I would imagine is a substandard street, one that connects to one of our mobility project roads. So it's more of a sf-2 seems smaller than maybe we should -- that's my thought.

>> Kitchen: Thank you for raising that point. Sf-2 was recommended by staff, agreed to by the neighbors and agreed to by the applicant, so -- and everyone involved has agreed to it. It has to do with the fact that that property has a single-family home on it right now. It'll be adding the ability to

[12:26:41 AM]

have an additional -- additional unit, and it opens out on that street. It opens out on Chism, which is a substandard street, and so that's the -- it opens out on Chisholm, which is a substandard street. Based on staff recommendation and agreement of all the parties, that makes sense.

>> Mayor Adler: Okay. Is there a motion to approve item number 122, sf-2 co? Councilmember kitchen makes that motion. Is there a second to that? Councilmember pool seconds that. Mr. Flannigan?

>> Flannigan: Jerry, can you do sf-2? I didn't think you could --

>> Kitchen: This one allows for two units.

>> It would have to be subdivided, which I think the applicant is [indiscernible] Sub

[12:27:43 AM]

divided, one lot.

>> Flannigan: That's not a division of the zoning, that's any lot large enough to be subdivided.

>> If the property is large enough.

>> Kitchen: That's the agreement under this case, I'm sorry --

>> Flannigan: That's much clearer.

>> Kitchen: Yeah. The agreement --

>> Flannigan: This conversation is [indiscernible] --

[multiple speakers]

>> Flannigan: Always maintained, when these cases come, council have to think about high level policy as it affects the whole city.

>> Kitchen: Sure.

>> Flannigan: And, you know, we just took a very difficult vote on a case in my district despite agreement between the neighborhood and staff. I cannot support sf-2, especially in an area where we are planning to make major transportation changes.

>> Mayor Adler: Okay. The motion is to -- further discussion?

[12:28:43 AM]

Councilmember Renteria.

>> Renteria: So if we was to zone this sf-2 -- it would be zoned sf-2?

>> [Indiscernible] The future lots would be zoned sf-2.

>> Renteria: So it would be able to -- whatever the development code that was built, would that affect --

>> It would more likely be rezoned according to the new code

[indiscernible]

>> Renteria: It will apply to sf-2.

>> [Indiscernible]

>> Flannigan: I think it is important. I talked about the code, sf-2 does allow two units, you just have to have a security guard on the second unit. It does allow it. Changing sf-2 -- it currently does, it just allows them

[12:29:49 AM]

[indiscernible]

>> Mayor Adler: All right. There's a motion to approve sf-2 co. Further discussion? Those in favor, please raise your hand. Those opposed? That item passes. We want to 77. Let's call up whoever is signed up to speak on it. Gus Pena? Matt mccoviak? Is Barbara salia here?

>> Yes, I am!

>> Mayor Adler: You have five minutes. Is Susan spitaro here?

>> Yes.

>> Mayor Adler: You will be up next. Sir?

[12:30:57 AM]

>> You said five minutes, is that right?

>> Mayor Adler: Yes.

[Inaudible].

>> Thank you. Mayor and councilmembers, thank you for the opportunity to speak here tonight. I know this is on item 77, which has to do with setting up a corporation for homelessness and I think you may have some of south Austin and the proposed shelter. I am neutral on that issue, but not neutral on the issue of the homeless camping ordinance, which has really become an amazing disaster for our city. On June 17th, 17 days after this took effect, while you all were on vacation, everyone who wasn't on vacation was having to deal with the way our city has been changing. So on that day I created a petition, save Austin now.com. We haven't spent one cent of advertising money and as of tonight we have 24,000 signatures. It is true that some of the signatures will not be have

[12:31:58 AM]

Austin residents. The change.org site does not prevent those from signing, but certainly Austin and Travis county people who care about the city and the direction the city is going. The challenge I think

here is I don't doubt your intentions, I really don't. I understand that you wanted to decriminalize homeless existence. I certainly don't think putting homeless people in jail who are not committing violent crimes is a way to get them back on their feet. The challenge is the homeless camping ordinance has created many, many problems and this is not just a downtown problem. I was at a community meeting just a couple of nights ago in south Austin. Person after person after person was explaining how the homeless camping ordinance is affecting them directly. I think we're going to have a couple of people perhaps talk about that in a minute. I've been in other community meetings in other parts of the city. This is simply not a

[12:32:59 AM]

downtown problem. So what's the problem with the camping ordinance? Number one there's a public safety issue. I don't want the data. The police have clearly, but it certainly seems if you follow the news there have been -- there's been a lot of violence in the last month, including two very violent attacks at the arch downtown. And I'm not saying that it's only the homeless people doing the attacking. I know of two instances where they were the victims.

>> Three.

>> Three. One off the top of my head where fire was thrown into a tent on a homeless person. I believe there was an attack on a transgendered homeless person as well. Having to pull the police off the crime and respond to 311 calls to determine if the person is lying in the correct position in the sidewalk and not be obstructive does not improve public safety. Second, I think there's absolutely no question that this policy has been a

[12:33:59 AM]

disaster for public health. Not only does camping create litter and police are limited, they cannot arrest someone from littering unless they catch them littering. They can possess trash, but unless they are caught literally in the act they cannot be arrested. And this city has far more litter today than it did a month ago and I think anyone who denies that is denying reality. They also create human waste. Anyone who camps or sleeps creates human waste. And since now homeless people are allowed to sleep and camp in public, not here at city hall, I'll point out, but anywhere else in public except for city parks, they're creating human waste. And the photos and the videos that I get extent that are shared on social media that are taken in realtime are shocking. Truly shocking. So there's a profound public health concern here as well.

[12:35:01 AM]

Third, I don't see how this is a good policy for tourism. Our downtown is thriving and we all take pride in that fact. We have people from all over the world that are coming here. It is simply not good for tourism to have this be the image of Austin that people are seeing, that we are trying to effectively emulate the policies that we see in cities like Los Angeles and San Francisco and Seattle and Honolulu. At least some of those cities we have specific places in those cities where homeless people can sleep and can camp. So I'm running out of time. I'm here tonight carrying the voices of the people who have signed our petition. I'm asking you -- I guess at the August 22nd meeting to undo this policy. You've hired a homeless czar taking over September 9th. We have 50,000 college students arriving in two weeks. We have the first UT home

[12:36:02 AM]

football game a week after that and the next month we will have hundreds of thousands of people attending the ACL festival.

[Buzzer sounds] I am truly concerned this violence is going to get worse. This is not a solution to the problem. Thank you all.

[Applause].

>> Casar: Mayor, I have a couple of questions. Thank you for sticking around.

>> It's been a lot of fun.

>> Casar: Nice to meet you.

>> You too.

>> Casar: You brought up tonight and several times I've seen or heard you saying you can camp anywhere, not at city hall, and then just now, and not at city parks, but also not at libraries or recreation centers or at the capitol or at the governor's mansion. Are you aware of that?

>> Not aware of those locations, no. I'm aware that private property, city parks and city hall were exempt. I was not aware of those additional exemptions.

>> Casar: It's not an exception, but city facilities generally that have curfews like libraries and parks and the governor's mansion. So can you commit to making

[12:37:02 AM]

sure that you spread that information?

>> Absolutely.

>> Casar: Thank you for that commitment. What I on also hope and I don't think we need to debate now, but what I also hope is whether we agree or disagree about the issue and I appreciate you acknowledging that you believe in the intentions of what we're working on.

>> I do.

>> Casar: Is that we try not to -- we try to have a real debate that -- when you bring up that there will be more human waste I still don't quite understand how it is that ticketing or arresting someone for merely being outside reduces homelessness and therefore reduces human waste from folks if they don't have a bathroom to go to, or that reduces violence. So I really hope that we don't conflate those things. I just don't understand and still haven't seen how it is that recriminallizing those behaviors is going to reduce

[12:38:03 AM]

the violence that you've pointed out or reduce the health issue that you've pointed out.

>> Can I explain that? So on the waste issue, what I would say is the difference is now this is happening in public, it's happening on sidewalks, it's happening in --

>> Casar: Where was it happening inside their homes they don't have?

>> Well, it's happening whenever they congregate. A lot of times it happens under overpasses, under bridges?

>> Casar: So where was it happening in June?

>> What I'm saying is if you walk through downtown now or in other neighborhoods, this is now -- it's now becoming a problem for citizens who are walking to school, walking their dog, walking in their neighborhood to an extent that it wasn't before.

>> Casar: Where were folks going to the bathroom in June in is.

>> Listen, if you're asking me where do homeless people congregate in this city --

>> Casar: I'm not asking you that question. You said there's more human waste and it's causing a health issue. Where were they going to the bathroom in June?

>> What I'm saying is it is now in public and it is

[12:39:03 AM]

basically -- it's basically something that we cannot avoid. It's unavoidable now.

>> It was unavoidable in June. Thank you.

>> Well, just a difference of opinion about that. That's fine. You asked about violence.

>> Casar: Hold on. You never answered my first question.

>> I don't even know that I understand the question.

>> Mayor Adler: One at a time.

>> Yes, I'm from Austin, I've been here since 1984. How about you?

>> [Inaudible].

>> Mayor Adler: Hey, stay here.

>> Casar: Well, I'll turn it down. So you brought up the question of there being more human waste and part of your testimony I'm trying to understand that.

>> Sure. Let me say it a different way. I'm not arguing that there is a different amount of waste. I imagine these individuals are producing the same amount of waste. I'm now arguing that it is happening throughout the city in ways that make it unavoidable for people just trying to live their daily lives. I want you all to thought through -- maybe you have, the issue of human waste, if

[12:40:04 AM]

it's occurring in front of businesses or on main roads that -- on main roads near hotels, near bars, near restaurants. I can tell you that almost every single business owner in downtown Austin that I've come across is feeling the negative effects of this policy over the last month. And these are people who have supported many of you, supported Progressive ideals of the city. It is absolutely overwhelming the negative response that those individuals are feeling on a day-to-day basis.

>> Casar: Thanks for your time.

>> You mentioned violence. Can I speak to that for a second?

>> Casar: I think we're here pretty late and I think our points of view are pretty clear, but I appreciate your time.

>> Thank you very much.

>> Mayor Adler: Susan

[indiscernible].

>> [Inaudible - no mic].

>> Mayor Adler: Do you want to pass?

>> [Inaudible - no mic].

>> Mayor Adler: I'll call ray Collins, the next person

[12:41:05 AM]

to speak.

>> Mayor, just to clarify, this is the item that I've brought forward with our co-sponsors on the local government corporation. So just to kind of brief it that it's a conversation on the item that we're posted for.

>> Mayor Adler: Let's do it. Let's keep it germane. The question here is not the ordinances that we have or don't have. It will be an opportunity to be able to discuss that. The question is should we empower or create this body.

>> [Inaudible]. Thank you. Is on page 2 of the resolution where it says whereas senate bill 2, which lowered the multiplier used in the rollback rate from 8 to 3 and a half for cities for every Texas to make it more challenging for the city of Austin to fund the aforementioned services and resources. I think that's important

[12:42:06 AM]

because there's a lot of I think misinterpretation of that. You are not limited to 3.5 percent, but you have to take it to the voters more than that. Now, why is that important? Because if you are looking to take it to the voters, it's important that you operate in a very transparent way and that the people are comfortable with the council. So say you recommend 5.5 or 6, whatever, that you get people to vote for that. So I think it's important that you carry on that way. I am really disappointed that it appears as though the convention and the homeless issues are tied together. And I feel it's a manipulation. It's just what I think. They should be separate. People deserve the homeless situation to be taken care of. We pay very high taxes in Austin, Texas. And I think it ought to be handled like everything

[12:43:07 AM]

else, in a government way that is followed by government rules, and these individual corporations don't do that. They deviate from it. A statistic on the homelessness, and I hope you consider this, I looked at the point in time calculations that are given for the homeless in the population. Four years before 10-1 the number of homeless decreased by 15.9% during that four-year period. It decreased every single year. In the year that I guess we'll call it the 10-1 council term four years, the homeless rate increased, increased, by 17.2 percent. You might say, you know, maybe it's population that drives it. But in the previous four years population increased by 8.8%, yet they decreased

[12:44:07 AM]

the homeless rate. And in this four years, the population increased 6.8%, I got that from the demographer. So as a citizen I think something is wrong the way that you've handled homelessness. Something changed in this four years. And I don't know what it is, but I think that a lot of money has been spent on it. We have organizations that are responsible. I think central health ought to step up for the mental health issues.

[Buzzer sounds] And I hope [indiscernible].

>> Mayor Adler: Thank you very much. Is ray Collins here? Why don't you come on down. Is penny Adrian here?

>> [Indiscernible].

>> Mayor Adler:

[Indiscernible] Is next. Mr. Collins.

>> My name is ray Collins. I'm speaking in support of this resolution. At the June 4th council work

[12:45:08 AM]

session, councilmember Casar kicked off a discussion of facility versus operations funding for the housing center on Ben white frontage road. From this starting point, which I understood, y'all proceeded into a discussion that went right over my head until I realized you were talking about

[indiscernible] Funding sources and restrictions on the use of the various funds. Congratulations to the new council for proposing a local government corporation to solve the problems. You have [indiscernible] On June hadth. I have two recommendations. The first being primarily city manager cronk's responsibility to find the person capable of the quality of work done by foundation community cfo Ann cliff. In 2017 they won the Austin business journal non-profit cfo award. In part that award came from her ability to ensure that the foundation community

[12:46:09 AM]

correctly disbursed funds from various sources in accordance with restrictions placed upon them. She's an example of why I'm confident in my own support of the foundation communities, and I say to the city manager to hire that caliber for the lgc is kel to elicit that same confidence in donors. My second recommendation is related to cfo performance in that it involves the allocation of unrestricted funds. I think of these as fill in the blank funds. They are solution to fund problems such as raised by councilmember Casar last June. The second recommendation is for the lgc to devote considerable effort

to raising unrestricted funds, informing donors of their role and their importance as I just outlined. And I'll close with a

[12:47:11 AM]

caution to city manager cronk that if can't find Ann cliff he will have to find somebody else.

>> Mayor Adler: Is

[indiscernible] Here? You have donated time from Mario Cantu? Is Mario here? What about Elizabeth Neely? You have five minutes.

>> Do I have seven?

>> Mayor Adler: Just five.

>> Five minutes, thank you. Creation of a local government corporation to address homeless issues. Hmm, question mark. At the heart of this vote is transparency. Should we trust this council when their track record proves otherwise? See the arch debacle and the declining -- and declining a month notice I am invite when on live TV mayor Adler indicated he welcomes community forums with back and forth discussion just a few weeks ago. Transparency, question mark. In a free society transparency is government's

[12:48:13 AM]

obligation to share information with citizens. It is at the heart of how citizens hold their public officials accountable. I have met with the hispanic community immediately next to the homeless shelter proposed location. I spoke to them in Spanish and because you all did not involve them in any discussion from the beginning before the shelter vote, you weren't transparent. They don't trust you at all. Fear of speaking up, fear of being deported. You are showing them the needs and safety of their children does not matter to you. These three hispanic predominant schools already fear the homeless encampments near them. Children have seen naked homeless men at Jocelyn, registered sex offenders, which I have documented proof of all of these things if anyone is questioning this. Under 290 pack saddle pass. They stepped on drug needles and so have I while I was doing a TV interview for the fire that was started right near my home under a bridge.

[12:49:14 AM]

And seen men shooting up drugs while walking to Ann Richards school. Ann Richards school track team no longer runs around the school and the neighborhood. Ann kitchen states this new shelter will not

house those under 290 with the criminal and drug element, then adding that this 100 homeless individuals that if they decide that they will not be good neighbors, they can just walk out of the shelter. This isn't a prison. They can leave, and where would they go? They will be near three predominant hispanic schools schools, and one monthtury school and next to a neighborhood. In fact, if you go inside 1112 Ben white building you can see into neighbors lots from that building. That is near a neighborhood. And Ann kitchen herself in the April 6th meeting, which I asked for that meeting on homeless issues because I have been very dedicated

[12:50:14 AM]

about homeless issues my wheel adult professional life. She said and agreed that it should not be near -- the homeless shelter should not be near a residential area. As the daughter of Mexican immigrants, and I am a former probation officer and social worker and have housed homeless and refugee families in my home. How many can say that in nimbys, but I can have them in my home? Your lack of transparency and community engagement from -- it's astonishing. This is not a political issue. As you can see, mayor, when you were running for office you showed up to campaign events, but crickets when I invited you to our meeting on Tuesday. Oops, sorry. How do you go back the other way? There, Paige Ellis. I got to meet you at the 345

[12:51:16 AM]

blue action Democrats meeting. You were campaigning. You had your constituent a safe project handicapped wheelchair the city of you invite you to our meeting, but it was crickets from you too, but I got to meet you at the campaign event. Because of the homeless camping, this handicapped person does not feel safe when she's in her wheelchair going on the streets. Handicapped individuals are vulnerable population and you decline to meet with them and her, and there were several at this meeting, but you were happy to show up for the blue action Democrats meeting. Renteria and Casar, you said you fight for low income housing just a few hours ago or six hours, 10, I lost count, but you vote to bought shelter that can be placed anywhere in Austin immediately next to an hispanic, predominant area, low income housing. The fact that you don't know or don't care makes my

[12:52:19 AM]

heartache.

[Please speak up]

[Speaking foreign language].

>> The majority of our six thousand petitioners from my petition and our active 362 members and this was all done in a month notice that I gathered these individuals --

[buzzer sounds]

-- Has this been five minutes?

>> Mayor Adler: It has been. You may finish your thought.

>> They've invested in this and they've asked many questions and I wanted to give a couple of them, but I'll just give you one. I'd like to know why they selected this location and why they're not going to release the records and why they appealed to the attorney general that the records not be released? Where is the transparency? Again, the transparency.

>> Mayor Adler: Thank you.

[Applause]. The issue in front of us is the local government corporation.

>> [Inaudible].

>> Renteria: Mayor, I wanted to state for the record that I did meet with Galindo elementary school with their pta.

[12:53:19 AM]

I did meet with the Galindo neighborhood association. And unless you live there, do you attend these meetings, you would see me there, but you did not see me there because you were not there.

>> I was at the Galindo community meeting just two weeks ago. I've been to every neighborhood meeting and I'm answering questions for you guys because --

>> Mayor Adler: Hey, let's move on.

>> Thank you.

>> Mayor Adler: It's late. Shea? Is Ellen [indiscernible] Here? What about Chris Harris? What about Emily Garrett? What about Roy Whaley? You will be up next. Go ahead, sir.

>> Yeah. I want to harp again on the transparency issue. I haven't spent near as much time. I have a job. As my wife. But it seems from the

[12:54:19 AM]

beginning that the council just missed the concern of residents and ignored the real demand for information. The way the site was selected was interesting, to say the very least. But on the point of the corporation, I have complete lack of ability to trust that the council

[indiscernible] Any of this. It seems like you're always behind the eight ball answering questions. You don't want to answer them in the first place and you don't want to show up in places where you have to and have open dialogue. So things like the arch, the mess that is there, mayor, I heard you on the news in the last week or two lamenting what should not be happening, but there was no information about why it does happen. So you obviously agree that what's happening should not be happening, but appear to

[12:55:20 AM]

be powerless to change it, which makes people like me sit and say how in the world can we believe that forming a corporation and operating shelters can ever be done in a way that has a better outcome than what we can see in front of us? You're asking citizens to disbelieve evidence and believe more talking points. I think that's at the fundamental heart of a lot of the [indiscernible] Of people. And when you look at the gentleman who stated his opposition to the changes of the police ordinance, you can argue all you want, councilmember Casar, about small details about what people do or don't understand, about where someone's allowed to camp, but you either do or don't believe that the citizens know what's happening to them. If you don't believe it, then tell them you don't believe it, but don't parse words over whether or not they did or didn't make the case that you wanted them to make as clearly as you wanted them to make it.

[12:56:22 AM]

The gentleman was just saying, I cease what's happening in my community and I don't like it. I think you can trust your constituents. A lot of us voted for you. I'm with my wife, we voted for you. So how in the world do you expect us to trust what we can see in front of us as a debacle from the past? Just answer questions. Give us statements that have meat, not talking points. Don't tell us that on your trip to la that what you learned that you should have acted earlier.

[Buzzer sounds] Tell us what you are going to do now different than what you did in the past.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: Mr. Whaley. Steve Carroll, are you here? You will be next.

>> Howdy, y'all. I'm Roy Whaley, a long time environmental activist here in Austin and I would like to say for the record, homelessness, I'm against it.

[12:57:22 AM]

We all are. But until we find a solution, we're dealing with the issue. One thing as an environmentalist that I want to talk about tonight is that homeless folks are camping and living along our area creeks. They have no place to defecate. They don't have places to clean up. And so this winds up in our creeks. I was on a working group, I can't recall when, eight, 10 years ago, that dealt with the high fecal matter issue in our area creeks. So I would say in these areas where we know we have large congregations of homeless people, the city needs to put out at a minimum portable toilets -- port-a-potties and service them.

[12:58:22 AM]

We need to make a long-term plan to have public restrooms, not just for the homeless, but for all of us. And once again, after years and years of howling about this in the wilderness like a lonely old dog, I'm going to talk about public showers. It is time for us to have public showers. And when I say that I don't mean free showers. I mean public showers. That are coin or bill or card operated so that people can stay clean. Okay? We're -- if we're going to have homeless people, let's at least have an opportunity to have clean homeless people. And it also, one of the things about the study that was done by UT several years ago --

[buzzer sounds]

-- Showed how many wound up in our emergency rooms with infections. Let's get places where people can defecate, where they can relieve themselves,

[12:59:24 AM]

and where they can clean themselves whether they're homeless or not.

>> Mayor Adler: Thank you, sir.

>> Everyone poops. You've

>> Mayor Adler: Jared Breckenridge, is Jared Breckenridge here?

>> Thanks for coming out. I'm glad to see Mr. Whaley come back and acknowledging that this is not a problem that was created in the last six weeks. This is something that prior councils have struggled to solve. I know councilmember Tovo has worked very hard on this, for a number of reasons, because when the solution is identified, folks kind of really freak out about it and a lot of stuff has not been done that should have been done in the past. What excites me is, there's a new way to do it. It's specifically the new way. And that's why I'm really thankful that she brought this forward.

[1:00:24 AM]

>> [Indiscernible] I'm Steve, the local homeless guy. I don't have tents, but I'm not here to talk about tents, I'm here to talk about local government. I think you should hire some homeless guys for this local government, also not the stakeholders, get some fresh ideas in there, some fresh ideas from different people. Like this lady over here. Get her on this team. Get some homeless people on this team. Get other people involved, not the usual stakeholders because we know what they want, but get some fresh ideas and stuff like that.

[Indiscernible] I don't know what they're doing, cleaning their sites. I understand -- I understand

[indiscernible] So I apologize for you guys.

[1:01:26 AM]

But I give you guys kudos, here, because you guys are doing something about it, you guys are doing something that no one else in the nation wants to touch it. So let's work together, let's figure this issue out, and I think we can do this

[indiscernible]. We can figure something out. Let's make people happy again. Thank you.

>> Mayor Adler: Thank you, Mr. Howl.

>> Tovo: Mayor, I just wanted to quickly thank Mr. Howell. I think you worked on an issue earlier today, I'm not sure -- the fountains did pass this morning.

>> Thank you, right now.

>> Tovo: I appreciate so much you coming down, talking to us and advocating for the water fountains. I'm glad to see that moving forward. We also did include a little lecture at the end of the resolution to ask that it be expedited in part because it did

[1:02:26 AM]

take us a while to get moving on the restrooms. But in answer, Mr. Whaley, to the issue that you raised a little bit earlier, the last report we heard on the public restrooms is that it has been ordered and they should be installed by the fall.

>> [Indiscernible]

>> Tovo: It's established, thanks very much.

>> Mayor Adler: [Indiscernible] Is not here with us. What about Rob Corbin? I think those are all the speakers. That gets us back to the dais. Is there a motion to approve this item 77? Moved by councilmember Tovo. Is there a second to that motion? Councilmember Harper-Madison seconds that. Is there discussion? Take a vote. Those in favor of this item, please raise your hand. Those opposed? It's unanimous on the dais. Thank you.

[1:03:26 AM]

Let's move to number 148. Come up here to speak on item number 148. Ed Lewis?

[Indiscernible] Susan. Is Richard Converse here? Is Richard Converse here? You'll be up next.

>> Tovo: Mr. Bunch is coming. I handed out a variety of amendments this morning and throughout the day, and so just

[1:04:27 AM]

to clarify, and I'll make sure anybody in the audience who wants a copy gets one. The one I intend to bring that has all the amendments in one place is the one that's revised, it's two pages and it has one strikeout and then some additional language and then some additional direction, so I can address it before the speakers --

>> Mayor Adler: Why don't you address it, I want you to

[Indiscernible] --

>> Tovo: [Indiscernible]. I'll make it fast. Again, I'm happy to get anybody a copy. So part 2, would you like me to put it up on the screen?

>> Mayor Adler: Okay.

[1:05:46 AM]

>> [Off mic]

>> Mayor Adler: On this matter?

>> Tovo: So the first amendment proposes to strike the visitors impact task force report from the -- I don't have a copy now. Let's see -- from the section on the plan because we have made some policy changes that vary from the visitors task force, I think it would be -- for reasons I'll go into later, I won't propose that. Part 3 makes clear that

[1:06:48 AM]

the -- it's really additional, it adds to part 2, which talks about, in my revision with the U.T. Study and the long-range plan from 2015 as being collectively the plan, the capital improvement plan for the convention center. Part 3 is additive to that. It makes clear that those will be guiding documents that we will be refining those visions further and doing additional, and there will be additional planning and architectural design consistent with the home district resolution that we passed, and that the city manager would come back to council for approving the request for proposals for architectural services, as well as for votes to approve the architectural and design plans and any associated contracts. Part 4 affirms our commitment, this is a new part, affirms our commitment to dedicating 15% of the

[1:07:49 AM]

total 9 for cultural arts and 15% for historic preservation. This is our current practice, this has the pool of money increases, so two of those -- again, it states very clearly what our commitment is, and then it includes, you know, some language about how it works with regard to our covenants. And then lastly, I'm proposing additional direction that would be part of the ordinance that speaks to our strong commitment to partner with Travis county on this conversation, in addition to others, and continuing to talk about chapter 334. It also states our intention to work toward retirement early so that that chapter 334 money is available as soon as possible and could be accessed, and it states the council's commitment to

[1:08:49 AM]

continuing those conversations about what the various funding options are with regard to the exposition center.

>> Mayor Adler: Mr. Bunch.

>> Kitchen: If we have questions about what she's bringing forward, can we ask them now?

>> Mayor Adler: We can discuss them now. Let's hear from the speakers.

>> Kitchen: Oh, this is not a discussion. This is -- well, there's some confusion between the two, but I guess I can wait.

>> Mayor Adler: Mr. Bunch.

>> Alter: I have one, I passed it out before I'm just adding the resolution from may as it relates to the convention center, so together with the Austin convention center, the master plan, and right now the task force recommendations, as well as resolution 2019, as it

[1:09:51 AM]

relates to convention center expansion.

>> Mayor Adler: Mr. Bunch.

>> Good morning, mayor, mayor pro tem, councilmembers. I'm bill bunch. I'm a member of the tourism commission and also with the unconventional Austin pack. I can't pretend to understand what was just laid out as changes, but I'll try to stick to the basics. I think there's no way this can be considered an emergency item. I think it's offensive to the community to call it that. Clearly, the only reason to do that is to try to cut off Travis county's move to fund the expo center and have voters address that promptly. If you want to have some immediate funds available, your own comprehensive financial report from last year shows that you're sitting on \$180 million of

[1:10:53 AM]

cash reserves in the convention center account. You could pay off the 1998 debt immediately and have those funds available for the other things that we need to be funding people and places and activities, rather than buildings. I'd like to refer you to another emergency item that was on your agenda tonight. The one that's real. The one that's actually important, or at least y'all gave the appearance of it being important for about three hours. Rushing forward on the two-billion-dollar convention center expansion that's contemplating 30 years of debt, based on a tourism model of international travel, growing and expanding, when we know that's a huge source of greenhouse gas emissions that goes directly into the atmosphere, and it's more

[1:11:56 AM]

harmful, and a plan involves scraping the existing convention center, this isn't expansion, this is demolition and total rebuild. That building is 18 years old. Do you know how much embedded energy is in that building? Do you know how functional it is? It's not beautiful, but it functions. There's nothing wrong with it. You can spruce it up, but scraping it and building a much bigger one? Expanding the dead zone in eastern downtown? Taking yet more property off the tax rolls and taking literally millions of dollars, tens of millions of dollars away from aid and the other taxing jurisdictions, there's no responsibility in this move. You have a choice. We can put our tourism dollars into the people, the places, the activities that make this city attractive to

[1:12:56 AM]

visitors and that we benefit from, that focus on bringing tourists from Houston, Dallas, and more regional, rather than internationally.

[Buzzer sounding] Or you can turn it into a 30-year commitment for a model that will be dead in much less than 17 or 18 years than the '98 expansion.

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

>> Do you need more time, bill?

>> Mayor Adler: Is

[indiscernible] Here? I don't down.

>> Mayor, I want to thank everyone who sticks it out in the late night. It's not easy for anyone. I had heard some arguments that I think are difficult. If there are folks who believe the convention centers won't work, that they'll be empty, they can't also be full and driving international travel. I'm not sure how these arguments square up, but it's something that I've heard recently that just doesn't have it.

[1:13:57 AM]

Thanks.

>> Mayor Adler: Ms. Lumberg and on deck is Susan

[indiscernible].

>> I'm not sure -- I'm usually in court so I'll say good morning, your honor. I'm sceptic by nature and I'm very tired right now. I'm not usually at these meetings, and I'm certainly not on this side, and I'm here because I've heard mayor Adler say that the people who are part of the unconventional Austin are just the same naysayers. And I wanted to let you know that I'm not the same anyway naysayer. I live in district 10, I'm not usually here, but I was challenged to look at this issue and look at it from a pro-development, because my law firm helps developers,

[1:14:57 AM]

and look at it from that perspective, which I did, and what is proposed by this is you're taking money -- you're taking property, three blocks of prime real estate off the tax rolls. And that's prime real estate that developers could be developing, not a short convention center, but buildings that developers could

be developing. And you're doing that -- I don't really know why because I try to look at the business case and I don't understand it exactly. I am an attorney. I read the full report. I'm very boring. And the report itself is troubling. It cites to legal -- it makes legal conclusions, and yet it never cites to a case, an attorney general opinion, anything, and yet it makes these legal opinions, and there's not an attorney on the team, I noticed that as well. So I've read all your

[1:16:00 AM]

opinions. I think the law is clear on what you can and cannot do with this hot tax, and I would challenge you, especially mayor Adler, I understand you're an attorney, and I think there's one other attorney -- I don't know who it is -- oh, is it Ms. Kitchen? Okay. Well, the opinions, the attorney general opinions, I think you two will understand, the hot taxes, there's not the restrictions, at least what I've read in the report. The final thing I would say is the report refers to Nashville, Denver, and as an attorney, you're always looking for how to distinguish them. And I would say Nashville was built, the Nashville convention center, to spawn their downtown development. It's done that. We don't -- we don't need to

[1:17:00 AM]

spawn our downtown development. The Denver convention center was voted on by the voters. That's really what we're asking for here. I've talked to a lot of my friends.

[Buzzer sounding]

>> Mayor Adler: Thank you. Is [indiscernible]? Is Brian Rogers here? You'll be on deck.

>> I guess just as a matter of priority, it seems that this is not that important to this community with the kind of issues that are out there. I think that the -- the point that was made where we're actually taking private property that does generate and will generate taxes, off, not only impacts the city, but it also impacts the other taxing jurisdictions. And when you get into these kind of activities, I guess you would call it, the city will get some sales tax from some of this, but the county doesn't. And since I know the county best, the reason I think that's so important is that

[1:18:01 AM]

they support the entire justice system for the entire county and the city. And so it's important, when you look at these things, to say, you know, these kind of developments will generate activity, and they need the money to pay for it just like you do. Again, when you're looking at three and a half percent, it seems that you have to be a little more critical. I agree with Mr. Bunch that this is not an emergency. I suggest you take more time on it. I don't like the feel, to be honest, that everything looks like it's just cramming

up in front of the election because people have a right to vote on it. This is the kind of thing people should vote on, in my opinion. So I hope you'll take a little bit more time in figuring it out.

>> Mayor Adler: Thank you. Mr. Rogers, you have some time donated by Liz Carrasco. Is Erica Sherwood here? You have seven minutes.

>> Good morning.

[1:19:04 AM]

Tgif. I'm on the tourism commission and I come from the "Show me the money" school of real estate and business, and I've looked at this through the eyes of the U.T., the study and economic development, and it's pretty revealing if you actually read the document. So I mean, this report that they use, the modeling, the direct spending, indirect spending with multipliers, page after page, this is an impressive piece of work. What they found out is that the best case scenario is this will yield a hundred million dollars in additional annual spending to Austin's economy. It sounds like a lot but we're 148 billion-dollar gdp, so that's actually like one -- seven one-hundredths

[1:20:05 AM]

of one percent of our question, is all this

-- that's all this convention center will churn off. It's really like a rounding error so I'm not impressed. Let's talk about these cases. There's a downside case, upside case and base case. Let's go to the upside. The upside, we're going to double the number of attendees. 500,000 attendees. Let's see how this does. Look at the bottom here, the losses are now 18.7 million. So it's running a deficit when it opens the door. Well, that's on top of the \$33 million deficit that was on the September 2018 catheter, so now we're up to running a \$53 million -- in the hole. So you look at that and you say, well, that

[1:21:07 AM]

18.7 million, the new 2% that you're looking for, that's about what, 21 million? Is that right? Well, that 18.7 just about soaked all that up. So I think what we have, \$96 million is what our current hot tax is, about, that's the number I have. You add 21 million for the 2%, so you're at about 117 million. Then you have a new increment. That new increment that U.T. Came up with for the upside is 4.8 million, and then the 2% on the increment, so basically you're coming up with 123 million. That's what the new hot tax will be generating from this. All right. So let's take out the 18.7 loss and we're down to 104. Okay. Well, isn't it already 96? 96 to 104, we did a whole lot of work and we didn't get anywhere. All right? So it -- you know, somebody who's been doing this 35

[1:22:07 AM]

years, run from this thing because it doesn't make sense economically. You know, it's a 1.2 billion-dollar commitment. But lastly, 500,000 attendees also just happens to be the current number of attendees one of. So we have a little education lesson here. We have 500,000 attendees. What is the increment spending on 500,000? Well, let's show -- what they show right here is the upside case of 500,000, \$4.8 million. So really the hot tax we're getting right now from the hotels and associated spending is 4.8 million. What's the total? 96 million. So 4.6 million is the -- 4.8 million is the current credit that you can give the convention center. So that means 91 million is not coming from the convention center. You got 96 total, you

[1:23:07 AM]

subtract the 4.8, and you get the 91. So the vast majority. The convention center only contributes 5% to the hot tax revenue. Now, you don't have to believe me because I got this right out of the numbers from the university of Texas study. So, you know, it's not a good deal. And I could go on and tell you about -- you take the property tax off the rolls, the two and a half blocks that have five buildings that aren't in the capitol corridor, U.T. Says a billion dollars worth of new revenue, 4.4 million to the city of Austin but what about the other entity? We forget the taxpayers -- there's actually 22 million about by the time aid, ACC, and all the other ones, but nobody really wants to talk about all the other losses when you take them off the tax roll. Sure, 5.2 has this other option where, okay, you build half a billion worth of real estate, but, you know, you can't put that on

[1:24:08 AM]

top of the convention center if you do these public/private partnerships because physically, U.T. Says you can't put a building on top of the convention center if you don't want columns underneath, so you're going to take that block and set it aside? You know, then why are you taking the land if you're going to do that? Why don't you just sell it off? You know, you're rushing through this. It's not an emergency. It doesn't make money. I think you need to have somebody check my numbers and talk about them, call some people you have in your financial department, let's debate this number. Thank you.

>> Mayor Adler: Thank you. Is Craig mazer here? Corbin here? What about Kevin

[indiscernible]? What about -- this ought to

[1:25:08 AM]

be the last speaker I have signed up.

>> Okay. Craig mazer. Hello, Austin city council. Thank you for dealing with all the problems that come up in this city because we have a lot of them. I think we still have a great city. But there are things that I get a little upset about. A little sad about. We spend hours -- long time talking about the zilker botanical garden earlier. I did a lot of volunteer work there, thousands of hours of volunteer work there, at a time when the garden was underfunded. And it's still underfunded. I saw beautiful -- a beautiful Japanese garden just deteriorate. I spent my hours on the

[indiscernible] Garden, and that garden has not been maintained the way the money was hoping it would. That garden could have been saved, or funded much more

[1:26:11 AM]

through use of the hot revenues. And it wasn't. Instead, those went to a convention center. Now, I can do a lot of things in Austin. I've been to the convention center maybe two or three times. And one of those times I stood in line for a movie that people went ahead of me -- south by southwest, I didn't even get in, I just stood in line for a while. You know? I just don't think this is our best use of a source of revenue. We used to have a little bus that went around, we'd be using the botanical garden, they used it at Barton springs, you could get around, you didn't have to park. We have a problem that people wanted to put parking lot at zilker park. Well, how about we could -- the hot revenues could be used for that? For transportation? We got swimming pools, we got deep eddy, we got \$150 million of lack of money that we haven't put

[1:27:12 AM]

into our pools, and that -- couldn't some of that revenue be used to that? I'm not saying tear down what you've got. It's losing money, you know, 30-something percent, most cities use, why not? But I think there are better things we could do with this money than expand an already losing thing that's not used by most of the people in the city anyway. And we're talking about reducing the botanical garden fees for local people because they pay the taxes and raising for people visiting. Well, the convention center is mostly for people visiting. But anyway, I just think that this is not -- not a good use of our money, and I just wish you'd think about it before you approve something like this. But thank you for all you do for the city. I still think we have a great city. But we've got to be careful. We've got to be careful. Thank you.

>> I want to thank you for

[1:28:12 AM]

bringing up the point about the botanical gardens and other types of resources. One of the methods of expanding the tax of 351, which is what this will do, it increases the pot of money in those two 15% buckets, which are the state constitutional -- the state law, maximum, so we will be able to have a lot more resources for the historic heritage tourism that the state law allows, we maxed out -- worked to max that out, and this will further increase that pot of money. It's going to be a really good thing for things that can qualify for that heritage tourism money. So thanks.

>> Mayor Adler: Richard

[indiscernible]

>> Mayor Adler: Richard converse and Roy Whaley.

>> Mayor, mayor pro tem, city council, my name is Richard converse. I'm a local business owner,

[1:29:12 AM]

musician, south Austin resident for 12 years. I want to appeal to you to vote to -- in favor of the expansion of the convention center as planned, releasing the largest percentage of the largest percentage of the so-called hot, hotel occupancy tax, directed to the creative arts and commercial sectors in our city as guided by state law and local ordinance. Our musicians and our artists, they bear a very large responsibility and collectively are an enormous economic factor for our city and they deserve our support. Thank you so much.

>> Mayor Adler: Thank you. Mr. Whaley?

[1:30:13 AM]

>> Howdy, y'all. Still Roy Whaley. Y'all have heard it, or if you were listening you heard it. There in the water treatment plant 4, it costs too much, does too little. This is going to be another boondoggle. This is going to be another bunch of money going to something that we don't really need, as we showed then, our water conservation efforts were working to the point that we really didn't need water treatment plant 4. We don't really need this expansion of a convention center anywhere more than we need a golf course on public property. Golf is a dying sport. Conventions, yes. All the studies show that golf is dwindling away, just

[1:31:16 AM]

as conventions are dwindling away. As D magazine said, the convention center that ate Dallas, revenues dropped 13% year over year. That's a big loss, especially during an economically strong year. The facility costs us 71 million to maintain each year. lo Sacramento magazine. Over the past 17 years of budgeted - financial year '17, Sacramento's convention center has lost 268 million with losses in the last three years amounting to over 51 million in red ink, continuing the center's negative economic momentum. There are better ways to spend our money. And we should do so.

[1:32:31 AM]

It's not hot-hot tax, just the tax. And with that I'm going to bid you adieu. I don't have to stay here. You do. I'm pedaling myself home. Good night, y'all.

[Laughter].

>> Mayor Adler: All right. That gets us back up to the dais. This is item 148. Councilmember tovo, did you want to make a motion? Anyone move passage of item 148. Mr. Flannigan moves passage. Second to the motion? Councilmember Renteria seconds it. Any discussion on this item? Councilmember kitchen?

>> Kitchen: Well, I have a question and a potential addition to councilmember tovo's amendment.

[1:33:31 AM]

>> Mayor Adler: Okay. Why don't you ask your question.

>> Kitchen: The potential amendment or the addition is one sentence to your part 3. And that would be the sentence that says passage of this ordinance does not authorize construction of the convention center without further council action. I wanted to include that just for clarity of folks.

>> Tovo: So that was part of my earlier amendment sheet and you're suggesting bringing it back into this?

>> Kitchen: Yes.

>> Tovo: Into the part 3.

>> Kitchen: Yes. Is that something can you accept?

>> Tovo: I can accept it. I would move my amendment and the direction on the page that I distributed and

[1:34:32 AM]

discussed several minutes ago.

>> Kitchen: Okay. And then the sentence that I'm suggesting, can you accept that?

>> Mayor Adler: Let's do this, diplomacy this. We need an amendment. Do you want to make an amendment. Mr. Flannigan has made a motion. Councilmember tovo, do you want to make an amendment?

>> Tovo: Yeah, I just need a second.

>> Mayor Adler:

[Indiscernible]. Councilmember alter seconds that. Councilmember kitchen, did you want to make an amendment to the amendment?

>> Kitchen: Sure. My amendment to the amendment is to add to part 3, the sentence that says passage of this ordinance does not authorize construction of the convention center without further council action.

>> Mayor Adler: Okay. Is there a second to that? Any objection to that amendment being included?

>> Flannigan: Yes.

>> Mayor Adler: We're discussing that amendment to the amendment.

>> Flannigan: So I appreciate that, councilmember kitchen. I think that is a

[1:35:33 AM]

substantially different motion than the actual approvals that will be before us because I don't see these approvals. We've already affirmed our desire to this. Now, it might be true that the future rfp debate that we have or a future design plan that maybe could go several different directions, but we're setting the intent here that it will go at least a complete direction and to me that's the point of this and that's the Nestle. You need to start this process is to state you're intending to complete this process. It doesn't mean that we withhold any authority in any subsequent approvals, but I don't believe that it's fair to say that we are not saying I want to do it and the vote saying we want to do it.

>> Kitchen: If I could speak to that. All I'm doing is clarifying that what's in front of us, tull 148, which is in front of us right now, is not a

[1:36:34 AM]

vote to authorize construction. I think that it's important to make that clear because some people have been concerned or suggested that we were voting -- that if we approve 148 that we were actually voting to construct the convention center. Well, we're not with 148. That's all I'm attempting to make clear here.

>> Tovo: I have a proposal. So earlier today I did distribute an amendment sheet that had that language, the passage of the ordinance. And then when I pulled it over into a paragraph it didn't seem to be necessary because of the contracts. However, I have a proposal to think about. What if we put it before we affirm our interest in pursuing scenario 5, yada yada, the general concept that is the planning and architectural design, and then say city -- either the language as it is or city

[1:37:37 AM]

council will need to take further action before construction proceeds or something like that. Somebody else can edit the language if they want to, but we can put passage of the ordinance does not authorize further action and explain what those actions will be. The council will approve the rfp, it will have to approve architectural design plans. It will have to approve contracts associated with renovation and construction. All of that is accurate. It just describes -- it sets up -- I think it does what we've wanted to do, which is to make it clear that this is any contracts for construction would have to come back to council. Does that work for you if we put my line that you've just proposed putting back in before those couple of sentences?

>> Kitchen: Sure.

>> Mayor Adler: Help me understand. I think Jimmy's point is a really good point. We said we're going to move forward with this. Obviously there are a lot of approvals we need to design and approving the contracts and all of those things.

[1:38:40 AM]

So help me understand, obviously we would be approving those contracts. I don't have any problem with approving the construction contracts before the construction can begin -- [overlapping speakers].

>> Tovo: It's factually accurate that this ordinance does not authorize the construction. Those contracts have to come back. So just affirming that just affirms it.

>> Kitchen: Ritz just for clarity.

>> Mayor Adler: So just to make it very clear that the construction contracts will be coming back to the council for approval.

>> Kitchen: Yeah. I'm just saying so passage of this ordinance, the one right in front of us just today does not authorize construction of the convention center without further council action and then you've got these --

>> Mayor Adler: I think that that's ambiguous to me, but what is not ambiguous to me is what we said -- what councilmember tovo just said, which is that says any

[1:39:42 AM]

construction contracts need to be approved by the council.

>> Kitchen: That's not what her language says.

>> Mayor Adler: That's what she said a second ago, which I think was bridging the place between you and councilmember Flannigan. So I don't like the language that's here in the first one. I think what councilmember tovo said I think worked, which was to say something like all contracts for construction need to be approved by the council. If we don't approve them then there's no construction contract that's been approved.

>> Tovo: I think I was just summarizing and showing where it would go and that would be right before the city council is directed to return to council, et cetera, et cetera. And then the et cetera et cetera, goes on to talk about the stages that would come back for approval instead of authorizing the construction line that sets that up.

>> Flannigan: I think that's -- there's a way to do that. You can say before

[1:40:43 AM]

construction begins, comma, the city manager is directed to return to council for approvals of. Because that is true whether or not you say it. So we want to be clear about what approvals are required before construction begins. We can say before construction begins applies -- begins please come back --

>> Kitchen: But I need to establish on the record, just so we're establishing on the record for clarity purposes and it's just for clarity because we had a lot of questions earlier from the commissioners' court and from others about what we were doing with this item 148. And I just want to establish on the record that passage of item 148 as written does not authorize construction.

>> Mayor Adler: I agree with that.

>> Kitchen: Okay. So I want to put on the record the passage of 148, passage of this ordinance 148 tonight does not authorize construction of the convention center

[1:41:44 AM]

without further council action.

>> Mayor Adler: Without approval of the construction contracts.

>> Kitchen: Without further council action.

>> Mayor Adler: There is further council action that's needed. We've decided we're going to move forward with this, but yes, all of those things have to happen and have to come back for approval.

>> Kitchen: Okay. So I want to put that on the record. I want to ask the city attorney, that's correct, right?

>> The manager has to come back to council to authorize any construction contracts, that's right.

>> Kitchen: Thank you.

>> Mayor Adler: Okay. So I think my amendment is just the language that I think before construction begins, comma, the city manager is instructed.

>> Mayor Adler: Is it there any objection to that? Hearing none, that is approved. Councilmember pool?

>> Pool: I just want to

[1:42:47 AM]

say that I continue to be troubled by us leaping forward without having gotten the financial analysis that was so much a big part of the may resolution that councilmember tovo led on. On page 19 it says the city manager is directed to analyze and recommend a financing plan for a convention center expansion as described above. It's that scenario five. My understanding when I voted to for this based on this language was that we would be making a decision to move forward once we had information on a financing plan that analysis the funding mechanisms, understanding where the money would come from and the due diligence. The economic and financial information needed by council and it's listed here on page 20, 21, and it's all

[1:43:47 AM]

throughout here. And I just have to protest. We haven't -- I mean, maybe it's just a small distinction to some, but when I voted for the resolution in may, I was voting to approve getting additional information so that I could then have a better foundation for making a decision on whether we should expand the convention center. So it bothers me that this is being portrayed as we have already made that decision in some of y'all's minds that may be the case, but it isn't in mine. And I really do what to see what the

financial analysis is of this. I want to know if what Brian Rogers is saying so very well this evening if that is the case. And what bill bunch is saying about his concerns about the expansion and the economic impacts. And not even going to our

[1:44:50 AM]

conversation with the commissioners' court today about other needs in our community that may be beyond the convention center and promises that we've made to people in far east Austin for their economic development. So I'm compelled to get that into the record because at least in my mind we have not -- we didn't take a formal vote to build option 5 and expand the convention center. What we did in that document and what we have moved forward on but is incomplete, is to tell our staff with express detail all of the information that we want so that we can have all the strands of the information shared with the public so that they can be comfortable if indeed we were to choose to expand the convention center. And I -- and I think that that is the big disconnect

[1:45:51 AM]

with the community and why we're here today because they've missed the piece where we actually voted to move forward. Some are saying that we did, but in point of fact it wasn't the direction that was in our last official action. And so we have to put -- I appreciate the language that councilmember kitchen is putting back in that was in councilmember tovo's original part 3 number one. I was looking at that more broadly than what it habaneroed down to here. I was cheered to see that -- the package of this ordinance does not authorize construction of the convention center without further council action. I think that's accurate. And if we want to keep that in community going forward on something like that, we have to do it in a way that they can stand that they can refer back to with accuracy and trust.

[1:46:52 AM]

>> Mayor Adler: Councilmember alter, do you have an amendment that addresses this?

>> Alter: I have a slight amendment. I don't know that it addresses this completely. I wanted to add

[indiscernible] In part 3 so in the section it says the city council will vote to approve the construction design plans [indiscernible] And financing all of which is built on the plan in part 2.

>> [Inaudible]. Any objection to add be the financing?

>> Kitchen: Can you say where that is exactly.

>> Alter: I was putting it before the all the of which will build and described in part 2.

>> Mayor Adler: Councilmember tovo.

>> Alter: I wanted to add that. And to say that I'm with Leslie on my interpretation of what we voted on in may,

[1:47:55 AM]

and she put that very eloquently at this hour. I'm not -- I will add that I am excited to see what we can do with respect to the place making opportunities that were laid out in scenario 5, but as you will recall in making the amendments that were added and beefed up a lot of the financial and economic stuff we don't have that. That being said, there is no way forward that doesn't involve us having to raise the money from this tax and by raising this tax on our hotel guests we facilitate paying down the 334 faster that would allow us to do the best in the expo center or another venue. So it's very important to me that if you vote on this tonight that we can vote on this and say you want to very seriously explore this and this is our plan.

[1:48:57 AM]

But we may find that we don't have the ability to buy the land and have to regroup. There are a lot of different steps that have to happen here. It's very important for me that I don't have that economic and financial analysis. So I have not made a final decision on the convention center. And it is still going to have to be proved out to be economically responsible to proceed in the way that was examined in scenario 5. We don't even know about how we can purchase this land and what it will cost, but we will have no opportunity to purchase that land if we don't start getting the additional money. And so that is how I am thinking about this tonight and how I'm reconciling those two things in my head. It seems we probably should have done this a year and a half ago, but this wasn't presented as how we can think about it and we didn't have the plan. That was a very serious plan done with a lot of expertise

[1:49:58 AM]

that I think on opens up some really important opportunities for us.

>> Mayor Adler: Any objection to including the financing in the end of the part 3 sentence? Yes, councilmember.

>> Tovo: I don't expect. I really appreciate the -- that addition. I was also going to suggest you said you were open to where it goes. And I'm not sure at this moment where it better, but another place it would naturally fall is the city manager is directed to return to city council for approval of a request for proposals for potential services for the expansion and approval of I think you said the financing, and

approval of the financing plan. I don't know whether we want it upfront in that sentence or towards the end, but I'd offer that for your consideration, councilmember alter, for wherever you think --

>> Mayor Adler: For me it's the same so I would support it being included in another place.

[1:50:58 AM]

>> Alter: I think it is probably more logical the way --

>> Tovo: Okay. So then I would just -- I said -- when I just said it I said financing plan, you said financing. I'm indifferent to that, but I would put it after the word expansion, before the semicolon, and just reiterate approval... And for approval of either financing or a financing plan.

>> Alter: Financing includes the plan and

[inaudible]

>> Mayor Adler: Approval of its financing. Any objection to that? Hearing none... Councilmember Flannigan.

>> Flannigan: I appreciate that because -- I was talking over someone unfortunately, but the bond issuance is going to have to come back to council for approval, so these are -- these are votes that we will have to take under any scenario, but I really want

[1:52:00 AM]

to thank councilmember alter for filling out your thoughts the way you did. I had very similar thoughts about the money that we're leaving on the table by not moving forward quickly in this collection, especially in the way that it will allow us to fund the 15% for cultural arts and 15% for heritage tourism. That is allowed under 351. So that's my primary reason moving forward quickly is I want to make sure that we are maximizing that opportunity for our future.

>> Mayor Adler: Okay. That's good. Yes.

>> Alter: And I just want to throw out there one other thing that's going to be really important to me about this funding and the whole plan moving forward is that there is a corollary thing that's a [indiscernible] From the hotel industry that they will have a portion of that money to help us with homelessness. And while these are in my mind not so much related, I do think that the whole hotel industry could come up

[1:53:00 AM]

with doing the two percentages of that right from the beginning if they want this to go speedier. And that 40% of one percent is not as much as 40 percent of two percent, and that we need to address that and that should be something that should be considered and it's something that we as council should be demanding as we're making these decisions on the convention center.

>> Mayor Adler: Okay. Yes, councilmember kitchen.

>> Kitchen: I want to very quickly just say that I appreciate the conversation and appreciate councilmember pool and councilmember alter's discussion about the approval and the ordinance we approved or the resolution we approved awhile back. That was my understanding too. I was interested in moving forward with the analysis and understanding what our possibilities would be, and so I just appreciate the

[1:54:00 AM]

clarification of where we are in the process. I also appreciate what councilmember alter just suggested, which is that I think, -- I agree that we should move forward with this 148 and this financing. We should also move forward with discussions about the percentages for funding.

>> Mayor Adler: Okay. Do you want to make an amendment, councilmember alter? Does anybody else have any further discussion on this matter?

>> Alter: I mean, the tpid is not covered. I mean I would very much like the hotel industry to come back and tell us that they're going to put forward their tpid and get it done and move it forward, and -- it's not part of this. I don't want -- as we're talking about the decisions --

>> Mayor Adler: I have another amendment up here,

[1:55:01 AM]

motion sheet number 1. Was that part of this? As well as resolution number (201)902-3029?

>> Alter: I thought I made that earlier.

>> You just laid it out.

>> Alter: I meant to make the motion to add the rest of it. I'm sorry.

[Laughter].

>> Mayor Adler: That's okay. Does anybody have any objection to the inclusion of councilmember alter's amendment? Hearing none, councilmember alter's amendment is also included. I suddenly realized you

had no idea what I was talking about when I he kept coming back to you and asking you that question. Any further discussion on this? Councilmember pool.

>> Pool: I wanted to see, councilmember tovo, if in your last sentence on the second page where you talk about the city manager is directed to [indiscernible] Ongoing conversations about the exposition center, palm school and other partnerships with an update to city council no later than December 31. I would just like to strengthen that language a little bit and say the city manager is directed to work

[1:56:06 AM]

with Travis county to find mutually beneficial solutions for achieving shared goals on the exposition center and so forth.

>> [Inaudible].

>> Pool: It's the pool motion sheet that I think I handed out last year.

[Laughter]. And then I do have some direction to pass along to staff. So.

>> Mayor Adler: So the amendment is the city manager is directed to work with Travis county to find mutually beneficial solutions for achieving shared goals about the -- and then it continues expo center, palm school and other partnerships.

>> Pool: When I wrote this I didn't have the new language from councilmember tovo.

>> Mayor Adler: Got it. Any objection to asking the manager to work with Travis county and try to find

[1:57:07 AM]

mutually beneficial solutions and achieve shared goals?

>> Flannigan: I don't have an objection, but I would like to relate to the resolution last year that as per that, but I haven't been able to lock down the number. That's just the reference. We have already taken action essentially directing staff to do this.

>> Mayor Adler: We have. I don't mind saying it again, though. Without objection then that change is included.

>> Pool: And then the key part of course is ensuring that the date that councilmember tovo put in there continues, that December 31.

>> Mayor Adler: Yes. I took your language and just added it to the beginning of the sentence and then continued with the balance of the sentence.

>> Pool: And then the direction, should I do that now or should I wait?

>> Mayor Adler: I think we're ready to do that. More items are still on the agenda to go.

>> Pool: Okay. So really quick, staff direction from the dais, city staff -- some of this may be a little bit repetitive, but it's really

[1:58:08 AM]

important. City staff shall include a financial analysis of improvements to or expansion of the expo center as a future venue and a current staff analysis that is underway to examine convention center expansion scenarios and options. So that supports the strengthened language that -- of councilmember tovo's. And city staff shall include a financial analysis of really [indiscernible] Of our current debt. That piece is really important and it was also discussed from the community today to find out where are we with the current debt and when we -- if we can get a schedule for an early payoff, how does that affect our financial picture, that also was what I was hoping to see in order to cast a responsible vote to expand the convention center.

>> Flannigan: Is that an amendment?

>> Pool: This is direction

[1:59:09 AM]

from the dais.

>> Flannigan: It's not in a handout so I'm having a hard time --

>> Pool: Just the last one or both of them?

>> Flannigan: Both of them. It's not handed out --

>> Pool: Staff direction. Staff shall include a financial analysis of improved to or expansion of the expo center as a future venue. This was the one you were saying as per your -- in the current staff analysis that's underway to examine the convention center expansion scenarios and options. And the second one is city staff shall include a financial analysis of early defeasance of our current debt.

>> Flannigan: The

>> Flannigan: That's compatible with ours. I think that's fine.

>> Mayor Adler: I think it repeats some of the things that councilmember tovo already had in hers, but I don't mind saying that again. Any objection to including that language? Hearing none, that's included. Are you ready to take a vote? Let's take a vote. Those in favor of this item,

[2:00:10 AM]

please raise your hand. Those opposed? It's unanimous on the dais. This passes with those amendments. All right. Now let's pick up item number 15.

>> Kitchen: May I ask you a question?

>> Mayor Adler: Yes.

>> Kitchen: How many more items do we have? It is 2 o'clock in the morning and I would like to suggest if any of these can be postponed -- I know some of them can't, but if any of them can be postponed to the 22nd, I think we should do that.

>> Mayor Adler: Okay. If staff would take a look at that while we continue on 15 and 17. 15 and 17 have to happen today. But the other items that we have yet to do are items 33, which is the historic issue -- we did 33. 75, which is Seaholm, did we do 77? We did that.

[2:01:11 AM]

148, we just did.

>> Kitchen: 90 --

>> Mayor Adler: 90 we did.

>> Tovo: I can read you the speaker list. 15 and 17, which are the ballot language, 75.

>> Mayor Adler: Right.

>> Tovo: Which is Seaholm. 112, 113, 123 and 124.

>> Mayor Adler: The zoning cases.

>> Tovo: My concern is that we've asked people to wait till 2:00 in the morning and we're going to send them home with a postponement.

>> Mayor Adler: We don't have very many speakers.

>> Tovo: If there's any way to fly through them, I would suggest we fly through some of those and then hit the other language --

>> Kitchen: I think we should do this first, that's going to take us a while, at the end of the day, I don't think it's appropriate for us to try to make decisions at this time of the night, so these other things can be postponed if necessary.

>> Mayor Adler: Let's going to with the language. I think we've narrowed down the issues, that's going to take us a

[2:02:12 AM]

long time to do. Let's pull up item 15, which is the sports issue. I think that -- city attorney, do could you hand language out to us?

>> It's on a white piece of paper, it says proposed language for the sports facility. What we're going to do is just put something up on the screen that shows the proposed ballot language and then the red line version and the clean version.

>> Mayor Adler: Okay.

>> We'll do that right now.

>> Mayor Adler: Why don't you do that. While you do that, I'll call the speakers up. Is Gus Peña here? Is Craig Mazer here? Do you want to speak on this?

>> It's hard to know what to say till I see what your changes are.

>> Mayor Adler: Okay. Fair enough. Let us post the bank up on the -- post the language up on

[2:03:16 AM]

the board so you can see.

>> Can we get the ballot language on 17, please? Okay. Do we have an extra copy of the ballot language on 17?

>> Mayor?

>> Mayor Adler: Yes, mayor pro tem?

>> Garza: I just want to emphasize what [indiscernible] Suggested, if this session was any indication of what this discussion is going to be, people waiting for this are going to be here for at least another hour or two. I would strongly suggest if we're going to postpone things, to let them know now because I'm not ready to vote on these next two, I understand we have to do those, but my guess is we're going to be

[2:04:16 AM]

here till 5 o'clock on the morning if we keep everything on the agenda as is.

>> Casar: On zoning, I pulled 123 and 112. 112 I think we should vote whether we want to make it

[indiscernible], we've been postponing that for a long time. I'd like to do it tonight. 123, you know, we have Mr. [Indiscernible] And his clients here, so I would leave it up to them, but I don't mind, if they've come to --

>> Items 112 and 113, the applicant was requesting postponement.

>> Casar: But I don't want to postpone.

>> I understand. But I think he wanted to postpone.

>> Mayor Adler: Okay. Let's start on this. I don't know if it's going to take us that long on the ballot language. I think the issues have been done and I think we're primed to take

[2:05:18 AM]

a vote. So I would suggest we start. Does someone want to move passage of 15 with the language that's been handed out by council? Councilmember Casar makes that motion. Is there a second to that to that motion? Councilmember Flannigan seconds that motion. The language that is on the board. Mr. Mazer, would you like to speak?

>> [Off mic]

>> Mayor Adler: Okay.

[2:06:31 AM]

>> I will say, I haven't had time to read -- to thoroughly think about this, but I just know as someone who still thinks that the cypress stadium -- not the stadium, not the cypress stadium, but 85% impervious cover on the headwaters of a creek, still thinks that's a bad idea, I think to make this language sounds like someone is trying to make it sound onerous or something that would be terrible rather than just stating the fact that what's on the original ballot language. You know, there's something I would call good faith, and right now this country is torn apart by a president that doesn't have good faith in anything he does. And it makes me sick to turn on the news anymore. This is a city now we're better than that. And I would like to see us live up to being better than that. That when people -- when the

[2:07:32 AM]

people in the city sign petitions to go through processes, it doesn't -- a bad thing. From what I can read from here, it's this back and forth, let's be nasty to each other, let's try to get one hand behind the back. The people sent a message, I think, to the city council about what we thought about the process about

which this development was planned. This has nothing to do -- about the process by which this development was planned. That's what we'd like to vote on. And I think this ballot language -- it's none of this push-pull, like I'll get you, you get me, we'll -- can't we do this as a community? Can't we do this as a community to decide whether this is the right place for this kind of development? I see maps from the 1800s that

[2:08:33 AM]

show that a creek starts under that bridge on that railroad track. We say there's no -- that site has been covered with water all spring until the rain stopped. I think there's serious issues. They still have a site plan, they're still arguing it now. You can go online and see what they're talking about. Now, that's what I thought the purpose of this was, so I think this is a little -- like changes that are being asked for are a little sneaky, at least. So anyway, that's my opinion.

>> Mayor Adler: Thank you. Brings us up to the dais. Councilmember Casar.

>> Casar: And I appreciate the comments and I think the goal here is to try and make this ordinance speak exactly -- or make ballot language really describe the main features of the ordinance, which is not about soccer, not about the site, about any sports or any entertainment facility, or any sports facility, including youth, recreational, or

[2:09:34 AM]

professional sports facilities, and the new requirements that would be set on those, and I've gotten, you know, [indiscernible] From folks ranging from the ymca all the way to the long center, folks in facilities that are concerned about whether this would have an impact on them, potentially, or not.

>> Mayor Adler: Okay. Further discussion about this language? Yes.

>> Actually, I'm sorry, not about the language, I just need the opportunity to interject a little bit earlier, I heard what you said, councilmember Casar, but I'd like very much not to postpone item 123, in addition to the fact there are people here to talk about it specifically. I don't think it's --

>> Casar: I didn't say I'm going to, I said they've been waiting all day and we needed to get to them.

>> Mayor Adler: I just wanted to be clear about that.

>> Mayor Adler: I think this points out the elements, says city ordinance, we adopted that

[2:10:35 AM]

requires a sale or lease be approved by a super majority, describes that, requires a site development permit, also have approval, election, requires payment, bonds, tax equal to that amount, requires information to be disclosed to the department. I think that's what that does. It's been moved and seconded. Any discussion? Yes.

>> I'm in a bit of con you know conundrum, I want to show support with my actions here. The only way I can -- and maybe you can help me, the only way I can think to make that happen is to have us move the petitioners'

[2:11:37 AM]

proposed ballot language, which I would show the for, but the dais -- which I would vote for, let the dais make its decision, an --

>> Mayor Adler: A substitute motion would require us to take something that will take too long. You just make the amendment to adopt in its place the petition's proposed language.

>> Kitchen: Okay.

>> Pool: Who was it that made this? Mr. Casar? I am moving to amount your motion to instead have a vote on the dais on the petitioner's proposed ballot language as --

>> Mayor Adler: The second amendment to have the petition -- councilmember kitchen seconds. Any discussion? Mr. Flannigan?

>> Flannigan: I think it's important to remember that the department's [indiscernible] Part

[2:12:38 AM]

of the council the reflect the underlying ordinance. There's no provision that says the language written by -- the caption written by the petitioners is a governing document of any kind, so I think it's -- the language that we've drafted is clear as to the underlying ordinance's actual impact.

>> Mayor Adler: Okay. Let's take a vote on the amendment. Those in favor of the amendment, please raise your hands. Those opposed, please raise your hand. It's the rest of the dais besides councilmember pool, councilmember kitchen abstaining. Go to the main language proposed, any further discussion? Let's take a vote. Those in favor, please raise your hand. Opposed? Unanimous on the dais. That's the language for that ballot propping.

-- ballot proposition. That gets us to item 17.

[2:13:45 AM]

Is there a motion to -- the way that this is drafted here, you'll see that there is language, there is a question is to whether or not we want to remove the word "Cap" or just leave those two words out, then the next one there's a question about whether we want to include something that relates to the remaining

[indiscernible] Or not, and it would be my intent to take that vote and if there was a decision to include from anybody, we would have a vote on the two different language sources. If there was a vote not to include that, we would just remove that section. Councilmember Flannigan.

>> Flannigan: I make a motion --

>> We get to speak on this, don't we?

>> Mayor Adler: We will. We will. But I just want to get a motion out.

>> Flannigan: It's important to do this so the public knows what we're talking about.

>> Mayor Adler: Okay.

>> Flannigan: So I'll move the

[2:14:45 AM]

language as a reference in the first of the two debatable sections, B nothing and C nothing, and then we'll take our amendment from there.

>> Mayor Adler: Okay. Is there a second to that motion? Councilmember Ellis seconds. Let's hear from our speakers.

>> Flannigan: Should we lay out --

>> Pool: Should we lay out our amendments? Since we took one --

>> Mayor Adler: Yes.

>> Pool: Okay.

-- >> Kitchen: I don't know how you want to do this but I do want to move the petitioner's language and then I also want to move -- because I know it's not going to pass, but I also want to move a, a cap on, and a, any remaining hot tax revenue be spent on

[2:15:46 AM]

Austin's cultural tourism industry. And that would be an amendment to the amendment.

>> Mayor Adler: Correct. We'll figure out a way to deal with that. I'm going to go to speakers now. First speaker is Fred Lewis. Is he here? Bill bunch, you want to come down and speak? Is [indiscernible] Here? You'll be up next. That's fine, you'll have five minutes.

>> Tovo: Mayor, I was just going to point out, I think I got copies to people who wanted them but there's a little stack of copies in the second row of what we just voted on and the one we're considering now, in the row where [indiscernible]

>> Mayor Adler: Mr. Bunch.

>> Good morning. Bill bunch with the tourism terrorism, convention Austin

[2:16:47 AM]

pack. I respectfully request that you simply use the petition language, and there's a very notable reason for doing that here where maybe otherwise you didn't do it. The petition itself begins, the

very first line reads: The caption of the petitioned ordinance, which shall be used verbatim, language reads as follows, and you have the language. The language is fair, it's accurate, and it starts with a petitioned ordinance. Your version sounds like it's a city council-sponsored ordinance. That's misleading to voters. Furthermore, article 4, section 5 of the city charter says, I command you, ballot used in voting upon an initiated or

[2:17:48 AM]

referred ordinance shall state the caption of the ordinance. This ordinance was assigned a caption. And it was the very first thing that every single signature signer, to the extent they read it at all, that's what they read. You're now putting something on the ballot that doesn't even tell them it's a petitioned ordinance and has some gobbledygook, and unless you go with an amendment that at least mentions cultural tourism, completely mischaracterizes what's being proposed. The ordinance calls for a vote on the convention center, you have that buried way down at the bottom, and prioritizes the spending, two-thirds, for cultural, heritage, and environmental tourism. And it says that about five times in there. So to ignore that is not being

[2:18:50 AM]

honest with the voters and is misleading them on the ballot, in the ballot box. So I would go back to the earlier issue of good faith that Mr. Mazer raised. Let's have a fair discussion and a fair debate in the community on this, and let's start with having the ballot language reflect accurately what is being

proposed and what your charter calls for you to do. In this particular instance, where the caption was integrated into literally the very first sentence of the petition. Thank you.

>> Mayor Adler: Thank you. Is John [indiscernible] Here? Rebecca [indiscernible]? Susan [indiscernible]? Bill Oliver?

[2:19:52 AM]

>> Yep. Yep. I'm here.

>> Mayor Adler: All right.

>> I'm coming.

>> Mayor Adler: Is Virginia here?

>> No.

>> Mayor Adler: No. All right. Mr. Oliver. .You have three minutes.

>> I've emptied bigger rooms than this. Hi. I'm bill Oliver and I'm here to support the petition languages in the petition, and this is -- this is a pretty -- I can't play -- I don't understand a whole lot. For the hot taxes, and especially the disproportion that goes, going to the convention -- it doesn't sound very Austin, does sound conventional, slight of

[2:20:54 AM]

hand, though. Emergencies. And there's a little address in that. This is for myself and from Steve Brooks, our venturing journalist and troubador in Colorado right now.

[♪ Singing ♪] Tourists come here to Austin, developers sing, to go to conventions and sit in meetings all day, but they could go to Dallas, or Vegas as well. No, it's not the conventions that fill up hotels. It's unconventional

[indiscernible], unconventional Austin. They're looking to slip into an

[2:21:55 AM]

unstate of mind. Unconventional Austin. Unconventional Austin. They come to Austin leave conventions behind. They go strolling on sixth street.

[Indiscernible] It's always 420 or Willie Nelson boulevard. Barton springs in the summer. Hook 'em horns in the fall. So many bands at south by southwest they can't hear them all. In the air there was music. When they step off the plane,

[indiscernible] Capitol is the

[2:22:57 AM]

city's refrain. They come looking for night life because there's so much to choose. From two steps to tangos, to tacos to tattoos. Unconventional Austin. Unconventional Austin.

[Buzzer sounding] They come to Austin to leave convention behind. They don't come to be conventional, or drink generic beer, they're here to feel unconventional and help the make Austin weird. Unconventional Austin.

>> Mayor Adler: I was enjoying

[2:23:58 AM]

the song.

>> Keep it unconventional, will you?

>> Mayor Adler: All right. That gets us back up to the dais. Language has been moved and seconded. Councilmember kitchen moves that this -- that the petitioner's language be used instead. Is there a second to that? Councilmember pool seconds that. Further discussion? Mr. Flannigan.

>> Flannigan: The last one, state law makes it very clear that any captions on the petition are not the governing document, that we need to be reflecting the underlying agreements, I don't believe the petitioner's language does that.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of using the petitioner's language, please raise your hand. That would be tovo, pool. Those opposed, please raise your hand. Kitchen. Those opposed please raise your hand? The balance of the dais. That does not pass.

[2:25:00 AM]

Councilmember kitchen moves to put the words "A cap on" at the -- in that first paragraph, first line.

>> Kitchen: Do you want me to speak to the whole thing or are you going to take them one by one?

>> Mayor Adler: I was going to take them one by one.

>> Kitchen: Okay.

>> Mayor Adler: Is there a second to add the words "A cap on"? Councilmember pool seconds that. Councilmember kitchen, you want to address it?

>> Kitchen: Well, I just -- my goal here is to accurately reflect what's in -- what's in the petition ordinance, and I think that that's what I'm suggesting.

>> Mayor Adler: Okay. Councilmember Flannigan?

>> Flannigan: And the language already describes this as a limit so I think the cap language

[indiscernible]

>> Mayor Adler: Let's take a vote. Those in favor of adding the words, a cap on raise your hand. Tovo, kitchen, pool, alter.

[2:26:01 AM]

Those opposed, please raise your hand. The balance of the dais. Councilmember kitchen moves to amend to add the phrase, requires that any remaining hotel occupancy tax be spent on Austin's cultural tourism industry.

>> Kitchen: Yes. I'd like to speak to that.

>> Mayor Adler: Is there a second to that? Councilmember pool seconds that. Councilmember kitchen.

>> Kitchen: Well, I think that one of the tenets of the law, in terms of what criteria is for setting the ballot language, is that we cannot omit certain -- we cannot omit chief features that reflect the measure's character and purpose. I think that -- I feel really very strongly about this, that a is necessary to reflect the

[2:27:02 AM]

measure's character and purpose and to leave it out or to refer to it in a way other than cultural tourism would be omitting a key feature, and I cannot support that.

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

>> Flannigan: So this one I think is an interesting -- it's kind of the last piece of this, but the ordinance attempts to define cultural terms of industry but in the provision that requires the spending of remaining hotel occupancy tax, it specifically states to comply with state law, and this additional uses beyond the cultural tourism definition that are also defined in state law, and ultimately the state law already requires that hotel

[2:28:02 AM]

occupancy tax revenue beyond the categories identified has to be spent in that way promoting tourism. So I feel pretty strongly that it doesn't make sense to include in ballot language something that is already a requirement. I understand there may be disagreement, but that is my perspective.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, I am going to agree with councilmember kitchen on this. I think that the emphasis on cultural tourism was a key element in the ballot language and -- I mean in the petition language and I think it belongs in the ballot language.

>> Mayor Adler: Okay. Councilmember kitchen?

>> Kitchen: Just quickly, because I know it's late, I respect the differences of opinion, but I think that what's appropriate here is the actual criteria for setting ballot language is based on what is in the petition language, not what is in current law, and so that's why I think

[2:29:04 AM]

it's important to reflect this.

>> Mayor Adler: Okay. I'm going to vote against the

>> Mayor Adler: I'm going to vote against this amendment. I think what the petition is about it S trying to suggest that we should limit the use of a hot tax for the construction, operation and maintenance or promotion of the Austin convention center. And that's the only

[indiscernible]. And I think that the balance of that language says that the balance of the money should be spent in certain ways, but that's how the balance of the must not is supposed to be spent. I wouldn't want to mislead anybody that the balance should be spent on anything else or create the impression that it's created a new spending areas because it hasn't. What should go to the voters tonight is should we be capping the amount of hot tax money that should be spent on the convention center? I don't think that's proper under the law, but at some point in the future.

[2:30:04 AM]

So I'm going to oppose the amendment. Any further discussion?

>> Kitchen: I respect a difference of opinion on that. I don't think that that's the only major component in this petition. It's clearly talks about prioritizing hot tax revenue for cultural tourism. So anyway, we'll - we differ on that.

>> Could I tell a point of order just to help clear up something here?

>> Mayor Adler: We don't have such a thing.

>> The reference to 334 is false.

>> Mayor Adler: Those in favor -- please, excuse me. Those in favor of the amendment from councilmember kitchen please raise your hand? It is councilmember kitchen and pool and tovo and alter. Those opposed please raise your hand. It's the balance of the dais. That gets us back to the main issue with respect to

[2:31:05 AM]

councilmember Flannigan. Any further discussion? Yes.

>> Alter: Mayor, from our earlier discussion I would like to hear what Mr. Bunch said about 334 being false.

>> Mayor Adler: Okay.

>> We got to see this --

>> If I may actually -- and I know I'm new to this process, but we had people in the room earlier who had opinions that they wanted to share with us, but we discouraged them from doing so by way of saying that they had to follow the procedure. They had to follow the decorum that is associated with how we conduct these meetings. I don't think it would be fair to allow somebody to speak out of turn right now and I would like for us to be very mindful about not changing the rules depending on who is talking. I think it's very important to make sure it applies for everybody, having good behavior in council chambers.

>> Mayor Adler: So in this

[2:32:07 AM]

case, you're absolutely right, most of the time if someone just raised their hand wishing to speak as Mr. Bunch did just a moment ago that's not in order and we don't let people raise their hand or ask to be able to come back outside of that. But the councilmembers have the ability to call staff back up or resource witness back up. So what makes this one different then is councilmember alter's request that someone come to the podium to answer a question.

>> Harper-madison: And I think one of the criticisms we drew earlier was that a lot of times people don't know specifically what the rules are. So I think it's important to be able to say in this instance this was appropriate because, and have folks who don't necessarily engage with us in this way regularly understand what the difference is. So thank you, I appreciate you making that acknowledgment.

>> Mayor Adler: I'm happy for this opportunity to state that explicitly.

[2:33:07 AM]

Mr. Bunch, do you want to come up?

>> Yes.

>> Alter: And just to be clear, I was asking specifically about the 334.

>> Right. I do think this is a significant legal problem where it's just simply not accurate. The limitation that's in the ordinance is only as to convention center spending. It does not limit spending under 334 for sports or community needs. It simply does not do that. So that phrase really should be stricken. You are fully -- you have a full range of opportunity to fund sports and community venues.

>> Alter: Thank you for that clarification. I just want to make sure

[2:34:08 AM]

that we're on the same page. So part 2, C, Mr. Bunch, without limitation to the above, a tax authorized under chapter 334, sports and community venues, subchapter 4,

[indiscernible] Shall be subject to the limitations of section b-3 above only applies to situations where you would be using the 334 for a convention --

>> Convention center.

>> Alter: It would be capped according to B.

>> Correct. And would that piece that you raised there be addressed by simply completing potential chapter 334 local government code sports and community venues. So it would read the amount of hotel occupancy tax revenue that may be used to maintain or promote the Austin convention center.

>> Correct, yes. It would then be accurate.

>> Alter: Thank you. I would like to make that motion. To delete a potential

[2:35:09 AM]

chapter 334 of sports and community venues.

>> Mayor Adler: Councilmember alter moves to take out the language and the potential future 334 local government code sports and community venues. Is there a second it that? Councilmember kitchen seconds that. Councilmember Flannigan. Command I appreciate Mr. Bunch's interpretation. Unfortunately I don't think that is what is written in the ordinance. I don't think that's accurate to say that that's the only way that that's going to be interpreted by the court. So it does limit potential future 334 sports and community venues because it specifically calls out that chapter and applies a spending cap to it. I think that the reading of that as we have consulted with legal is more expansive than what your intention was, but I think that's what in the ordinance.

>> Mayor Adler: The amendment has been moved and

[2:36:10 AM]

seconded. Further discussion? Those in favor of the amendment? Sorry, go ahead.

>> Alter: So at this point I'm going to disagree with you, Mr. Flannigan. As I read it, the b-3 says convention center expenditure cap. And so it is subject to the limitations of section 3-3. And B 3 is a convention center expenditure cap how can you have a convention center expenditure cap on a sports venue.

>> Flannigan: Because the language I think is expansively interpreted to say that the cap is the operative part of that section that applies. That the convention center cap --

>> Alter: B-3.

>> Flannigan: I'm still talking, councilmember. It's late at night so let's be real careful. That the section under b-3

[2:37:11 AM]

is specific to 351, which is limited to convention center, that this would apply to 334 in the same way. And that -- and I understand there's going to be a difference of interpretation, but I believe the interpretation that I've heard from legal is that this has the potential, as it says, potential future, to limit those projects as well.

>> Alter: So I want to clarify where you see that that applies to 351. There are other sections of B that it says 351. It does not say 351 only for B 3. It seems to me that the part C is just a clarification that there is no doubt, but it doesn't say anything about 351 for 3 where it does for one and two, for

[2:38:12 AM]

instance. And for 44.

>> Flannigan: I would say if it were true that the B 3 section was that expansive then C would not have been required because it would have completely limited the spending on convention center, period, but the ordinance specifically calls out 334 as an additional limitation.

>> Alter: But you know that in 334 it still says everything in B 3 is about convention centers. I don't know how I build a sports stadium that is a convention center, which is the only way anything in B 3 applies because you have the construction improvement and

[indiscernible] And maintenance and repair of facilities.

[Indiscernible]. To me it is all about conventi centers and so

[2:39:15 AM]

were b-3 to apply you would need to have an convention center that is a venue.

>> Flannigan: I understand your interpretation of sports and community venues and we have a difference of opinion of how the section is interpreted.

>> Kitchen: Mayor, may I say something? Okay. I would like to talk to -- ask legal a question. When you look at subsection C, it says without limitation to the above and it goes on to reference 334, shall be subject to the limitations of subsection B 3 above. So you have to go to B 3 above to see what those limitations are. About 3 above the caption as councilmember alter has pointed out, says convention center expenditure cap. But you don't have to rely just on the caption. You can read the first

[2:40:17 AM]

clause. Which says the total annual allocation of hotel occupancy tax revenue used for convention center expenditures shall be limited. So in my opinion it would not be appropriate to interpret C to be beyond the language of subsection B 3 because it says shall be subject to the limitations of B 3 and B 3 with the language I just read clearly only complies to convention center spotty showers? So I would have to agree that to say, and potential future chapter 3 it 34 local government code sports and community venues, without some additional clause that says for convention center spotty showers or something

[2:41:17 AM]

to that effect would not be accurate and would be -- would not be an accurate statement and could be interpreted to misrepresent key features, which again one of the other criteria for setting the ballot language is we cannot affirmatively miss key features.

>> Mayor Adler: I can understand -- I hear Mr. Bunch say that his intent when he drafted this was not to concern anything other than convention centers. I wish the language had said that and made it clear. Instead it said that limitations of section B 3 has [indiscernible] For convention centers. But chapter 334 is something that concerns sports and community venues. And I believe that if this were to pass that someone

[2:42:20 AM]

would go to court and validly make the argument that the intent of this was to not have money spent on venues, but to have it spent on the softer things that are related to

[indiscernible] That is what the balance of the money gets used for. So I understand that that section B 3 contains -- referring back to that limitation. The question what's the operative part of that, and I think that the operative part that is being brought in is a 34% limitation so what is the subject of either of the ordinance. Hang on a second. We'll give some other people a chance to talk, but we can certainly come back to you.

>> Kitchen: My question hadn't been answered. I asked city legal to respond to my question.

>> You made a statement

[2:43:20 AM]

about how you interpreted this particular section and I think it is -- it is difficult to draft this sometimes, but I think it says that it's subject to the limitations of section B 3 above and you go to B 3 and that's where it talks about that limitation.

>> Kitchen: The convention center limitation.

>> Mayor Adler: Councilmember Tovo.

>> Tovo: Mayor, because you talked about if somebody goes to court and -- I've now forgotten exactly what you said, but you mentioned the word intention and I just wanted to bring Mr. Bunch back up again if he doesn't mind coming back up again and just affirming what your intention was and just to be really clear on the record about what your relationship is to this petition. So that if this passes and there's any question in the courts about what the

[2:44:20 AM]

intention was, that we have -- we have you on the record stating what the intention was.

>> I am definitely one of the co-drafters, and that section does reflect back to B 3, and if you read all of B 3 the only thing it ever talks about at all whatsoever over and over again is convention centers. It says nothing about sports venues or other community venues.

>> Tovo: And the intention was that --

>> The intent was absolutely not -- the whole point of this was let's not be tying up 75% of our money on one facility downtown and let's have the opportunity to spend it on doing other things, important things, other parts of town, other arts venues, a range of different types of --

[2:45:21 AM]

cultural --

>> Tovo: So it was just to apply to convention centers.

>> Yes.

>> Mayor Adler: I changed my mind. Because I really do think -- I mean, I think that's a risk and we're going to have to fight that later on I think potentially. But I don't want to remove the focus off of what this is. So I'm going to vote in favor of the amendment to strike that language. Any further discussion? The amendment is to strike that language. Those in favor of that amendment please raise your hand. It is alter, Casar, me, pool, kitchen, tovo. Those opposed? It's the balance of the dais. You were abstaining? Harper-madison abstains.

[2:46:22 AM]

That language comes out. Further discussion? Let's vote on the language. Those in --

>> Alter: One more thing. Mr. Bunch, I wonder if there are any other elements of the nature of the thing that we just fixed where you think it is completely unfounded based on this? Just so that we're aware of that. Not that we're -- we're just wrong like that. Not -- I understand that you may not like the language, but just-- I want to make sure that there are not things that are factually not meeting the standard that Ms. Kitchen eloquently laid out earlier.

>> Um, yeah. That's the only one that I think was false basically, yes.

>> Alter: Thank you.

>> Mayor Adler: Let's vote on the language. Those in favor of the

[2:47:22 AM]

language please raise your hand. The language as amended, which does not have cap, does not have -- omits the words and potential future chapter 334 local government code sports and community venues. And [indiscernible] The last option. Those if favor please raise your hand. We're voting on the language now. The whole thing. The ballot language now that does -- that has on the top it chooses option B, which is nothing. It omits the worth, and potential future chapter 334 local government code, sports and community venues. And then it chooses C as the rest of the language. Those in favor please raise your hand.

>> Alter: I'm sorry, I don't remember voting on the section of the 334. I do not believe --

>> Mayor Adler: We did. Councilmember kitchen brought the amendment.

[2:48:23 AM]

>> Kitchen: It failed.

>> Mayor Adler: And it failed.

>> Kitchen: We didn't vote on B. I don't know if anyone wants to bring B. I brought a.

>> Mayor Adler: A did not pass.

>> Kitchen: It failed.

>> Mayor Adler: Okay. We ready to vote? Pe R. Those in favor of the matter as amended please raise your hand? The language as amended, please raise your hand? Those opposed to that? Kitchen and pool vote no. The others voting aye. Councilmember harper-madison abstains. What? And 8-2-1 it passes.

>> Mayor Adler: We need eight votes or it doesn't pass.

>> Harper-madison: Mr. Mayor, if I may, I feel

[2:49:23 AM]

entirely uncomfortable being put into a position where I don't entirely understand all the implications here and then having the subject matter expert be a citizen as opposed to legal. And so my abstention had more to do with I really wish I could have gotten more of a thorough digest about the true implications of some of this from --

>> Mayor Adler:

[Indiscernible].

>> Harper-madison: Of that specific series of questions and answers.

>> Mayor Adler: Let's talk about that for second and then get a vote and tell you why I did what I did. I believe that the language that we struck is in fact accurate because I think that by pulling in chapter -- the language that was contained in C where it said without limitation to the above as authorized here by chapter 334 will be subject to section B 3. Section B 3 is the language above. I think that that would under chapter 334 include

[2:50:29 AM]

sports and community venues.

>> Harper-madison: Okay.

>> Mayor Adler: But that said, that said, I would rather us use our energy as a city not focused on that issue. And I think that that would be a debatable issue for a court. All the other changes we've made I think aren't even debatable. I think we would win that issue, but I think that it is debatable. And it was for that reason I didn't want to include it. I would just as soon us have language that is bulletproof going forward. Because I think that really focuses the community's attention on the issue rather than litigating something that is debatable. That said, then you make an assessment or a weight of

[2:51:30 AM]

risks of what risks you think you should take or not take. In this case I think it's better for the community for us to focus on the limitation for convention center spending, and not have us in court where both sides are making an argument on a question. While I think we would be right, is debatable. So it's a question of priorities and weighing relative community needs.

>> Harper-madison: Well for me for what it's worth, it's also a question of legitimately, you know, is the language inaccurate?

>> Mayor Adler: I don't think it's inaccurate to leave it out because everything that is remaining in here is absolutely true.

>> Harper-madison: And I guess I'm sort of pointing that question at Ann.

>> Mayor Adler: So there are lots of other things that we could have also included in this as well because the ordinance that

[2:52:31 AM]

was attached to the petition is actually much longer than our language.

>> Harper-madison: Right.

>> Mayor Adler: So we are summarizing it, which means by definition we're not including every element that was in the ordinance. So not including this one element of it is okay with me because I think that we still continue to include the chief elements of what it is that's in this ordinance.

>> Harper-madison: That does make me feel better, but I say it probably -- and I'll express opposition sooner next time. My comfort level, especially if we're talking about relative accuracy in a language, I need to be better about turning to our attorney, the person who represents the city at issues where we could be liable in the future and ask what her professional guidance would be for us in this scenario.

[2:53:32 AM]

In which case I'm comfortable with us taking this vote again if you would like.

>> Mayor Adler: All right, thank you. Let's take a vote on this matter. Those in favor of the language as it's been amended please raise your hand. Those opposed. In opposition are pool and kitchen and alter is also opposed. Sorry.

>> Alter: [Inaudible]. Sorry. Are we voting on the whole thing over.

>> Mayor Adler: We're voting on the whole thing.

>> Alter: Sorry.

>> Mayor Adler: I have two against and I have one abstention. Three against. So we don't have eight votes.

>> Kitchen: Mayor?

>> Mayor Adler: Yes.

>> Kitchen: If we can go back and revisit the vote on

[2:54:33 AM]

my a, we might be able to get to a point where we could get approval on this thing where we could all vote for it. Perhaps we can work with that language in some way.

>> Mayor Adler: All right. The vote was seven in favor. How many against? Three against? You voted against? Three against and one abstention. Excuse me. It passes on all three readings with a vote of seven. It does not go into effect

[indiscernible]. What is the legal result of that?

[2:55:36 AM]

>> It would go into effect on August the 19th.

>> Kitchen: You mean the petition?

>> The ballot, passing the election so that -- we do it as an emergency so that the clerk can start working on the election. Redo it as an emergency so the clerk can start working on the election and get things going. The 19th is the very last day to call the election, so you should do this as early as possible to get things going.

>> Mayor Adler: I understand that, but if the 19th has been determined as a date that enables the clerk to get the election done and we passed it today on all three readings with seven votes, the clerk could start on the 19th when it goes into effect. Then I think we're de.

>> Kitchen: I have a question. I just need to understand what we're doing because earlier I heard it said that we needed eight. And so what -- so now we're changing that?

[2:56:36 AM]

>> With the elections we typically post them as an emergency ordinance so that the clerk can start working on getting the election documents in order as soon as it goes into effect. This N this case it won't go into effect until August the 19th.

>> Kitchen: So I need to parse that so I understand it. Why does it go into effect -- what sets the August 19th date?

>> That's 10 days from today.

>> Kitchen: Okay. And then what is the deadline for us to vote for ballot language?

>> You have to call the language by August -- we have to call the election by August the 19th.

>> Kitchen: Is that -- that's the state law?

>> Yes.

>> Tovo: I'm sorry, I'm really not understanding the

[2:57:36 AM]

various direction we got. What's the impact of having changed my vote just now based on the information that we have received, I may need to change it yet again. Could somebody please provide we with the -- help me understand whether we need to come back and call an election if it passes on seven.

>> No. Normally an ordinance passes when you have six votes. It passes on all three readings if you have seven votes. If you have eight votes for an emergency, then it goes into effect immediately as opposed to the 10-day waiting period that normally it takes for an ordinance to go into effect. So rather than this ordinance going into effect immediately for the clerk to be able to start working, it will go into effect on the 19th. So it just delays some work that the clerk can do, but I believe the clerk can probably get the work done. If I'm incorrect, shake your head.

>> Tovo: Mayor, please register my vote as a -- mayor pro tem, did you have --

>> Mayor Adler: You want to change your vote to being

[2:58:39 AM]

aye?

>> Tovo: Yes.

>> Mayor Adler: So the vote then is 8-2-1. Eight in favor, two against, kitchen and pool, and alter abstaining. All right. We have three zoning matters left. We have people that have been sitting here for a long time so we should try to handle that. Let's handle 112 and 113.

>> 112 is [indiscernible] Related zoning case is item c-14-2019-0028. These are related cases for the same property. This is a mobile home park. The case is being brought forward because of the council resolution directing us to rezone mobile home parks to mobile home. The staff is not recommending this case because it is located within the airport overlay. I do have somebody here from

[2:59:40 AM]

the airport department to speak to that. Mobile home zoning only allows residential uses. The ao 3 otherwise prohibits residential uses although there is [indiscernible] That would allow this. The planning commission forward it had without a recommendation. And the applicant is requesting a postponement to August 22nd.

>> Mayor Adler: Okay. And I

>> Mayor Adler: Okay. We'll make sure we get to that as well. All right. 112, 113. Is there anybody -- so do we want to consider the motion to postpone first? Whose motion is it to postpone?

>> That means the city of Austin is the property owner.

>> Mayor Adler: Okay. Under our conventions, Jerry, is

[3:00:41 AM]

the property owner entitled to ask --

>> This case is unusual because it's a [indiscernible] Case but typically I would say the council would entertain a request from the property owner.

>> Mayor Adler: Even in the case where we have an applicant, usually the neighborhood is entitled to do a postponement, so in that case, certainly in the neighborhood did, the property owner would have standing to do that.

>> That was up to statute.

>> Mayor Adler: Let's consider the first question of whether or not this should be postponed. Does the property owner want to come up and tell us why it should be postponed? Sir. What's your name, please?

>> Good afternoon, good evening, and good morning, mayor and councilmembers. My name is Phil [indiscernible], and I'm here to discuss and oppose this case.

>> Mayor Adler: First, the question is do you want this case postponed?

[3:01:42 AM]

>> Yes, please.

>> Mayor Adler: Explain why you want it postponed.

>> Because we would like an opportunity to get with the montopolis neighborhood team and go ahead and create because we've already reached out to them. I believe we can secure a valid petition to oppose this because it's not something they want. It's not something the property owner wants. It's not something

[indiscernible] Wants, and the property owner didn't even get notified until June 22nd of this hearing or we would have moved forward of trying to get this petition in place, a valid petition, and that's why we're making the request tonight.

>> Mayor Adler: All right. Thank you. Does anybody else want to speak on the question of the postponement? That gets us up to the ties. Dais.let's make a decision about the

[3:02:43 AM]

postponement.

>> Casar: Mayor, I'd like to move to pass the zoning change. I'll speak to that in a second.

>> Mayor Adler: In lieu of postponement, councilmember Casar moves to pass the zoning case. Is there a second to that? Councilmember Flannigan seconds that. You want to speak to it?

>> Casar: So this is really a policy change more than just individuals on the case. It's one of the last two of the zoning cases we have left. It was one that we postponed because there might be actually a potential agreement with the tenants, which complicated that one, but in this case, again, we are trying to -- we're setting policy which we can always work on [indiscernible] Change anything. But we started seeing mobile historic parks being converted into offices or other things, and we want to preserve and keep the opportunity for people living in mobile homes to keep living there. This secures that. Again, to prevent people from

[3:03:45 AM]

developing site plans for things like office buildings, that's why I oppose postponement since it's taken us almost a year to get to this point to keep all these mobile home parks that were improperly zoned for getting rid of those parks.

>> Mayor Adler: Jerry, is there a staff member to talk to?

>> I'm sorry?

>> Mayor Adler: Who is the staff member you had here?

>> Member from the airport --

>> Mayor Adler: Do you want to speak to this?

>> Yes, sir, because we could -- I feel also the applicant says he wants postponement --

>> Mayor Adler: Does anybody want to -- there's been a request for postponement. Does anybody want to postpone this or argue for that? Okay. We're going to handle it on the merits. Let's get the air force person and I'm going to ask the landowner if they want to address it.

>> Mayor and councilmember, Shane

[3:04:46 AM]

with the aviation department. I just wanted to state that the airport overlay zone is incompatible land uses with airport operations and this is a legal non-conforming use, we don't want to introduce any more residential dwellings in the airport overlay zone. That's our position.

>> Casar: And keep the existing.

>> Keep the existing mobile homes, we don't want to introduce more units in the airport overlay zone.

>> Casar: Understood. Thank you.

>> Mayor Adler: Okay. Yes.

>> Kitchen: Ms. Pool.

>> Pool: Yeah, I was -- to respect what was said about the airport overlay Zones and if this does go forward instead of being postponed, I'll move to add a conditional overlay that notes the total dwelling units to 35.

>> Casar: And that's the member that's there now and they wouldn't be --

>> Pool: Exactly.

>> A lot more dwelling units in the airport zone anyway.

[3:05:46 AM]

>> Pool: So that just kind of puts a little bit of lime light on it and allows folks to state there but it can't dwell -- it respects the airport overlay zone.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I just wanted to clarify that it was transmitted to me that one of the reasons we wouldn't want to expand that residential use is that it could put us in a position where we were not a candidate for federal grants, or eligible for them. Could you verify that?

>> Yeah. One of the grants is grant 21, which is to have land use regulations of compatible land uses. That is the ao 2 and the ao 3, which is the buffer zone, allows that ao 2 to basically isolate us because it's driven by a number of operations and type of aircraft. So having the buffer zone really protects that ao2, which is, if we were going to be seeking to have grant monies, et cetera, the

[3:06:48 AM]

FAA would be looking at, if you put in residential uses in the ao -- ao2, that they could withhold grant money because you're not being compatible to airport operations.

>> Tovo: Would you mind explaining what ao2 is?

>> Well, it's just like --

>> Tovo: It's almost like you're speaking another language.

>> Sorry about that. It's airport overlay zone, it's the noise impacted area, the ao2 is the noise impacted area that is the federally regulated noise impacted area for the airport. Ao3 is the buffer zone around that ao2 to allow additional airport operations, et cetera. So it protects that noise-impacted area from non-compatible land uses.

>> Tovo: I see. So you're supposed to steer clear of non-compatible uses in both ao2 -- ao2 and ao3.

>> That's correct.

>> Tovo: And what zone are we in in this case?

>> Ao3.

>> Tovo: Ao3 so it's also a problem having non-compatible uses in ao3.

>> The ao3 is the buffer zone to

[3:07:50 AM]

protect the ao2. Does that make sense?

>> Tovo: Yes, I guess so. In case it grows, then you might be in the ao3 so you wouldn't want to have non-compatible uses there because then you'd be in violation in what might become an ao2.

>> That's correct.

>> Tovo: Okay. But this solution that councilmember just proposed, sir, this solution that the councilmember just proposed, which just allows -- allows the continuing uses -- allows the uses that are on the site to continue does not prevent -- I mean does not cause the kind of issue that you're describing.

>> That's correct.

>> Tovo: Okay. Thank you.

>> The difference for the staff is that the existing use is legal, so it would be allowed to stay the course. If the use were to ever go away, only commercial uses could go in there under the existing zoning. If we rezone it mobile home, the

[3:08:51 AM]

only thing it could ever be mobile home. So that's the difference.

>> Mayor Adler: What makes this one difficult for me is -- circumstances with respect to the airport, the Zones are set up to deal with both -- with safety issues, one of them being noise issues. Is there elevated noise for these folks there?

>> Yeah, it's only about 23 miles from the approach of run way

[indiscernible]. Then we have about 210,000 operations in 2018 and we're forecast to be close to 300,000 operations 20 years from now. So it's going to continue to get more noise impact or more noise events as the years go on as the airport grows. So that buffer zone is to try to get some predictability to homeowners, but not to where to put new residential development next to the airport. So that's the purpose of it.

>> Mayor Adler: So there are two

[3:09:51 AM]

issues. One is, we don't want to do anything that would cause what's there to expand.

>> That's correct.

>> Mayor Adler: Right? And then there's the issue of, I don't want people activities of daily living -- I don't even want the people who are currently there, living there, because there's a lot of healthier, safer place. I'm trying to filling out, is there any of that second issue here, or is it just the case of not wanting it to get larger?

>> There's a federal noise contour line. This site is outside that federal noise contour line.

>> Mayor Adler: Okay. Thank you.

>> Casar: And to bring up, mayor, I think that if this was really an outlier, that would be one thing, but that issue, you wouldn't want people living there, you'd be talking about a huge swath of montopolis, thousands of people that live right around here as well, they're sf zoning or mf zoning or whatever.

>> Mayor Adler: Let's let the property owner get a chance to speak. Is the property owner here?

[3:10:57 AM]

Yes.

>> Good evening, councilmembers. I'm Phil lukar, here to discuss the proposed rezoning of case c14-2019-0005.02, located at 8010 bastrop highway. I was originally requesting a postponement, but that's not going to clear some of this, and we'll move forward with the discussion here. The property was annexed in 1991. The montopolis neighborhood plan is adopted in 2001. The plan was amended in 2010. The track and surrounding tracks are currently used for commercial and industrial purposes. The

zoning that is being requested would create an item of residential uses that are not compatible based on the location of the track that only has access to a state highway. In addition, the state of Texas is currently installing roadway improvements that include flyovers and significant changes to traffic patterns.

[3:11:59 AM]

The city of Austin has also provided a letter stating they do not support this zoning request. The zoning is not compatible within the ao3, that's already been discussed so I don't want to be redundant. The front portion of this line is used to construct and sell modular single-family homes. They did not even receive notice of this zoning change until June the 27th of 2019. And that's when I was contacted. The zoning change initiated by councilmember Casar is a knee jerk reaction to a lack of affordable housing in Austin and goes against established zoning practices and will create a hardship for my client. I'm requesting you deny this zoning request support, city of Austin's staff request as well, who also did support this. During the review of the backup material, I did not locate field

[3:13:00 AM]

notes to determine the proposed area that is to be rezoned because this is within a larger subject track. I also asked for the code section that allowed the city council to initiate a plan amendment out of sequence. Plan amendments for the montopolis neighborhood plan are initiated and submitted in July. In addition, this proposed zoning change is not supported by the montopolis neighborhood team. It also does not meet the Flum that was adopted by the montopolis neighborhood. And I want to clarify something that one of the councilmembers stated about limiting. We already have 38 spaces, and they've been counted out by the parker representative that's with me. They're 100% occupied at this moment. Their rent is only \$385 per month. Palm parker builds over 3,000 units per year. 25% are about the at this

[3:14:01 AM]

location. They provide over 5,000 affordable units throughout the various retailers they use in the state of Texas. They don't talk about affordable housing. They build it, 100% of it.

[Buzzer sounding] That they sell. They also employ numerous blue collar workers. Thank you, and I look forward to addressing any questions regarding this rezoning request.

>> Mayor Adler: Thank you.

>> Flannigan: Mayor, can I ask just one quick question?

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: The part of the property that's up to be rezoned, is it just the part where the residents are? Will that have an impact on the commercial activity? You said this site is used to construct but that's not part of the zoning --

>> The impact it will have in the future, councilmember Flannigan, is the fact that now you've created two different zoning categories for an area that historically has been used for nothing but commercial, surrounded by also light

[3:15:02 AM]

industrial, and so the -- and I don't know -- I know the board of adjustment doesn't look at financing or financial issues, but this council does, I know, and the hardship would be to the client who is here, that in the future, if they decided to potentially expand, some of those modular buildings, mobile homes, they would have an impact. But basically, all the houses that are there are newer, better built, they're not like the old -- that's why they're called modular now. They're not mobile homes like you would see in the past. They're good quality houses that are sturdy, that are sound, that are permanently there, and historically the people buy them with no intention of really moving. They're just living there indefinitely because that is one little pocket of affordable housing in Austin that's still here.

>> Flannigan: Thank you. Jerry, I have one quick question for you. So as the site is now, it's not

[3:16:02 AM]

conforming.

>> Correct.

>> Flannigan: So how long has this mobile home park been there? Since before annexation?

>> I'm not sure, but I believe so because otherwise we would have

[indiscernible]. The staff is only zoning the portion with the mobile homes on it.

>> Flannigan: I mean I'm conflicted. There's a number of factors at play here. I'm conflicted that montopolis team would want us to displace or remain in zoning the tools to displace, as opposed to basically -- [indiscernible] We talked about. At the same time, without any zoning, you couldn't expand or do it because it's non-conforming now. Right?

>> Right. It's non-conforming right now. They can keep what they have but they cannot expand.

>> Flannigan: Right. So this one sucks.

>> Cesar: As currently zoned, they could expand the commercial

[3:17:03 AM]

use.

>> Flannigan: Commercial use but there was a comment about the homes, they couldn't do that.

>> Casar: They couldn't do that, that's why I think it's MM or mmco, 385 -- they're the same thing.

>> Just to clarify, there's actually 38, not 35.

>> I'm sorry.

>> Let's go with 38.

>> 38 mobile homes on the property, not 35.

>> Mayor Adler: Councilmember pool moves to limit it to 38 units. Is there an objection to that? Hearing none, there's an amendment added.

>> Flannigan: If I can just say one more thing. You know, it's zoning, so zoning can also change back, at which point this no longer becomes an appropriate place for people to live, if that it's a condition that happens in the future due to highway construction, due to some other detail, come on back. We will rezone again. This is the nature of it.

>> We have two items

[3:18:06 AM]

[indiscernible] 112 and 113.

>> Mayor Adler: Okay. A motion is to close the public hearing, all three readings, and zone the property mhco and limiting to 38 units. Other discussion? Those in favor of the motion, please raise your hand. Those opposed? Unanimous on the dais with councilmembers alter and Garza, mayor pro tem off.

>> C14-2019-0041, property located on Goodwin, requested zoning, has a recommendation

[indiscernible]

[3:19:08 AM]

>> Mayor Adler: Okay. We have -- is this

[indiscernible] -- Do you want to come up and speak? You have five minutes.

>> I have two folks with me but I will try my best not to use them. I'm going to give you the cliff's notes version of this and we'll run through it.

>> Mayor Adler: You have five minutes.

>> Thank you. I'm [indiscernible], on behalf of the applicant. I'm here to discuss 3706 Goodwin, which would keep the district cs-mu but add vertical mixed use overlay. As you know, it's basically affordable housing density bonus program. The presentation is going to focus on these three questions that I'm going to sprint through. The first question is whether you have the authority to zone this, with short answer is yes. The second question is whether this property is appropriate for the V overlay, considering that it is not on part of the future

[3:20:11 AM]

core transit corridors that were developed over a decade ago, 2005 and 2006. We would argue the answer to that is also yes because even though the policies did not reach that specific location, it has many policies that have occurred since then, like the imagine Austin centers, the imagine Austin corridors, and transit priority network. The bigger piece that I think this case hinges on, from a policy perspective, are the market pressures that are affecting this property, and I think that that has implications for what the future of this property would be under a scenario in which it maintains the current zoning versus a scenario which it is with the overlay. The map that you're looking at right here is a federal opportunity zone and the short version of that is that it provides a tax cut on capital gains taxes. And the reason why that's important is because we're seeing that start to

[3:21:12 AM]

affect the market pressures in this area and any areas that have these federal opportunity Zones. And the reason why that's important is because it is creating or we're starting to see it create a preference for office over residential. The reason for that, if you're taking advantage of these federal tax benefits, you can get that benefit from redeveloping property. Obviously, that's neutral in what that is, but if you're doing office or commercial you can get an additional tax benefit on investing in businesses that locate in that office or commercial property. The reason why I believe that that's important for this case is because the V overlay provides what is, in our opinion, the best opportunity that you can have in your current zoning tools of making sure that this -- and continuing to

[3:22:12 AM]

provide residential future on this specific property. This is just something from next city. This was just to show you the scale of the market pressures we're talking about here. I was able to find a number of the

opportunity funds, and it is, I believe, \$20 billion worth in our operating area, a large scale, basically just to show you what is really happening in these Zones. This was a profile that the Austin business journal did recently, profiled the opportunities in Austin. It's that of a mile from 3706 Goodwin, and it is an office project. So in terms of the V, and why we believe that this is important, I'm here today because the office and commercial type project that these market pressures are driving us towards are not the type of project that our

[3:23:12 AM]

client wants to provide. His background is in housing specifically. He's a local developer here and he would like to provide a residential project. If we had wanted to go or if he had wanted to go with an office or commercial type project, we wouldn't need to be here today because it already has the base entitlements that he would need for any of that. And so it already has the 60 feet of height, in contrast, the V overlay really only makes sense if what you want to provide is housing because the bonus entitlements you get are solely aimed at that. It actually requires you to provide housing if you're going to activate any of the bonuses so if you go even a step beyond the entitlements that it already has today, you would need to provide housing and you would need to provide 10% on-site, income-restricted affordable housing, which in this area would be 60% mfi, and by

[3:24:15 AM]

requiring housing, it limits the amount of office and commercial that you can provide. So, in other words, density bonus program, which is exactly what best practices identified by the federal reserve have identified as needed in opportunity Zones to mitigate some of the market pressures that I've just been sprinting through for you. At the same time, you recognize that it does provide housing today. This site currently is a 68-unit apartment complex.

[Buzzer sounding] I'll be here if you have any questions.

>> Mayor, Mr. Galdini was just getting to the questions I was going to ask him. I understand there were some tenant assistance, so I would ask you to finish this section for us, please.

>> I would be happy to. So we recognize that the site does provide housing today, it has 60 units on there, and we want to be

[3:25:15 AM]

sensitive to that, which is why we're proposing a tenant assistance package that goes above and beyond what the city would require today and it would be available to all tenants affected by the construction

on the site. These are things like expanded identification rights, moving expenses, relocation rental assistance, help finding alternative housing, a right to return with a \$500 credit toward the first month's rent, security deposit reimbursements, non-discrimination based on source of income, among other things. And a key piece of this is that our client is currently working with both existing properties in the area and some other projects that will be coming online in the near future that have affordable units there to try to make sure that we have continuity for the folks that live on this site today. So at the time that we're going into construction, we are going to be working to

[3:26:15 AM]

try to find other units for them in that area so that they have continuity in the area and they'll have a right to return to the new units on site, including the income-restricted ones.

>> Kitchen: Can you give me an idea about the timeline you're talking about, between now and when those decisions would have to be made and those folks would first have to move?

>> The -- yes.

>> At the early; it would be over a year from now. It would be a bit out but we've already started the conversations with the other folks and with other properties that are in the area existing.

>> Pool: So it's not within the next couple weeks or couple months? It's sometime next year in 2020?

>> The site plan and all those types of processes generally take a good bit of time.

>> Pool: Thank you.

[3:27:15 AM]

>> Yes.

>> I have a question. The last section on the presentation, it said the framework for CDC training? When you --

>> Yes.

>> -- Were talking about, you know, longevity and built-in capacity in the community, is that what you were making reference to? Or is there specifically a CDC they're working with or forming?

>> So that's a good question, I'm sorry. I cut that out for the cliff notes version. When we met with the contact team in the area, they specifically requested that one of the things they would like to see is if we could offer trainings to any interested tenants on site for things like financial skills, things along those lines. So we thought that that was a great idea and we have contracted with framework CDC, which is an existing

[3:28:16 AM]

nonprofit that's located local in east Austin that does that specific work. And so we will have those at the center, arcade tokens for the kids, let them play video games and go through those trainings. They will be kind of fully funded for everyone to avail themselves..

>> Mayor Adler: Further discussion up on the dais? Is there a motion to be made. Councilmember harper-madison?

>> Harper-madison: I'd like to make a motion and also have some commentary if I may. I would like to see this project pass.

>> Pool: I'll second.

>> Mayor Adler: So you're moving to pass the PC recommendation?

>> Harper-madison: Yes.

>> Mayor Adler: PC recommendation has been moved S there a second? Councilmember pool seconds it. You have the first chance to discuss it.

>> Harper-madison: Awesome, thank you. I wanted to point out that

[3:29:17 AM]

this is one of these cases we get to see sometimes and this is one of the ones where the difference between us doing smacked doing nothing essentially is either going to cost us something in the way of having access to more stuff that's affordable housing or the guarantee that it will get mowed down to the ground and become market rate or commercial. So I really think this is a cool opportunity for us to get involved in the project and to be on the front end of the complicated conversation around what are our choices here. What are the chances? So I think -- I think the opportunities that were printed in the slide, especially around right to return, ry location assistance, rental assistance, pet deposit returns, these are the kind of components where when you recognize that they're there it helps to determine what the true motivation is for the people behind the

[3:30:18 AM]

project project. So I feel entirely confident in being supportive of the measure. I think some things also to consider is like not only is this project, this activity in an imagine Austin activity center and not only is

it along one and not even two, but three asmp transit priority network roadways. This deal just checks all the boxes for me, so I look forward to being supportive.

>> Mayor Adler: There's been a motion and second. Any further discussion? Councilmember Casar?

>> Casar: Mayor, I recognize the importance of this case [indiscernible] And I appreciate that. But I am opposed to the case for the reasons that I described on several others. I don't think this has to be an office building. And if anybody else expressed support for it, I would make a motion to zone

[3:31:19 AM]

this to mf-2 which would not allow an office building. It's currently an mf-2 building, I think it should have mf-2 zoning. Yes, as noted it could get upgraded and fixed up, but I don't think it would be nearly as expensive as any of the new units being built around it. I think the new housing stock could be all along all of these other commercial pieces of property and parking lots and pawn shops and things along this exact same street without having to knock out this house. So my preference is that we create those vmu opportunity and mixed use opportunities and mixed [indiscernible] Opportunities in other places from talking to the developer and the -- the agent and the developer, these units don't have outstanding code violations. They aren't unhealthy or unsafe. They are older and could use some fixing up. My understanding is they've been there since the late '60s, but there is-- I think

[3:32:19 AM]

it is really important for us to try to push to have our code well enforced so that we keep older units up and habitable and that we create the great projects as you've described, councilmember harper-madison, in place where's we don't also have to lose some of the units that we're also spending money to preserve. I think there's a good argument on either end of this, but I'm opposed to the case and if anybody else wanted to go far enough too I would support that amendment that would then keep it from becoming an office building.

>> Mayor Adler: Councilmember pool.

>> Pool: Given the time in the morning I wanted to reiterate my support for councilmember harper-madison's motion to approve this. I think that there has been ample recognition of the fact that we are going to house -- they're not going

[3:33:20 AM]

to lose their house and it may end up they're in a better place. So I appreciate the motion and I will support it.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: I'm also going to support this project. I think it's an excellent opportunity for -- it's a major upgrade on this corridor and be one of the main transit areas in east Austin and there will be a lot of major

[indiscernible]. So I think this is a big plus for that, for that particular area.

>> Mayor Adler: I will support it as well in a city that has values and prices going up as rapidly as they are, I think one of the ways we just have to take advantage of is being able to plan for permanent affordability or open up that possibility. I support that for the reasons that councilmember Renteria made.

>> Casar: I appreciate

[3:34:20 AM]

planting permanent affordability, we should, but I want us to be careful about who we're planting permanent affordability on top of, and if it is equitably spread out that is one thing, but I just have concerns when it is these cases.

>> Mayor Adler: It's been moved and seconded. Ready to take a vote? Those in favor, this is, what, all three readings, and close the public hearing. PC recommendation. Please raise your hand if you're in favor of it. Those opposed? Councilmember Casar votes no, the rest of the dais votes yes. Councilmembers alter and mayor pro tem off. It was 8-1-2.

>> Mayor, item 134 is case c-14-2019-0031. This is for the Springdale farms property located at 735 Springdale road. The staff recommendation is to approve the cs-mu-co-np

[3:35:22 AM]

zoning and the planning commission concurred.

>> Mayor Adler: Okay. We'll begin with the applicant. You have five minutes.

>> Morning, mayor, councilmembers. Just in light that it is 3:30 in the morning I am happy to give a very quick synopsis and councilmember Flannigan since you pulled it for discussion --

>> Mayor Adler: You pulled this one. Explain why you pulled it.

>> Flannigan: Yeah. There's an additional restriction about the number of units, and I think to councilmember Casar's point, this is a commercial property and we should be adding [indiscernible].

>> Mayor Adler: And what is the --

>> 20.

>> Right now I'm currently proposing 91 units on the property. And as a cautionary tale for the neighborhood, they requested a cap per acre in the off chance that we

[3:36:22 AM]

decided to -- which it's entitled for a ton of units. It's cs-mu and our purpose here today is also to alter the existing overlay that will allow three commercial uses that are currently not allowed. So we aren't here to add a residential use. It's currently allowed as cs-mu. And the neighborhood just asked us to put that cap on there in case we were to sell it and allow someone else to come in and not honor the negotiations we have currently been going over. And they agreed to that.

>> Mayor Adler: Because it wasn't what you intended.

>> Exactly.

>> Flannigan: So if I may make a suggestion, mayor? Someone can make a motion to approve the planning commission recommendation. I'll make an amendment to

[indiscernible].

>> Mayor Adler: Okay. Is there a motion?

>> Renteria: I'll make the

[3:37:23 AM]

motion to approve the planning commission.

>> Mayor Adler: Is there a second to that? Councilmember harper-madison seconds that. Discussion? Talk to us about whether or not we should take out the limitations on the number of units.

>> In all honesty, we have no intentions of building right now more than the 97 units that's currently -- that would be capped, 20 units an acre. Right now we're currently proposing approximately 50,000 square feet of a commercial component, and as a lot of you may be aware, this was a highly contested case about five years ago when the property was rezoned. And over the last nine months we've been working with the neighborhood to ensure that we have a site plan that not only limits the site to just residential and office use, but rather brings a little bit of value in terms of a local neighborhood commercial feel that maybe a little bit more welcoming for the other community members. And that's based on feedback

[3:38:24 AM]

through our outreach. And on top of that, we feel that 97 units, and we're keeping roughly 20,000 square feet of farmland, so we can maintain the Eden east farm to table concept as well as the Wednesdays and Saturdays farmers market, and so kind of with that open space and everything else we are preserving, we are very comfortable with the unique setting that we are going to provide for 90 plus future homeowners and commercial users.

>> Mayor Adler: So what makes this one hard I think is that I'm real reticent to undo an agreement that's been reached between the neighborhood and property owner. At the same time, I fear that someone's going to come in subsequent to this with a zoning change and actually reflects what can be built on this property in that area and the neighborhood is going to come in and say no, you can't do that because it's the council's

[3:39:24 AM]

determination that it should never be any more than these number of units when the council never really has made that determination at all, it just happens to be something that the property owner didn't want. So it's the inference from it. I don't know how to vote yes on this, but to make it known that -- I'm not expressing an opinion on whether 93 is the right cap or not. That's my -- I don't know how to honor the agreement.

>> Renteria: The great thing about it is that they're going to keep the farmland there, and the farm there. So I would like -- I would hate to see that be developed into something else.

>> Flannigan: Mayor, if I have a second we don't have to keep talking about it. I move to amend or move the unit restriction conditional overlay.

>> Mayor Adler: There's been a movement to remove the restriction. Any second?

[3:40:25 AM]

It dies for lack after second. All right. Let's vote on the request. Planning commission recommendation, all three readings, postpone the public hearing. Those in favor raise your hand. Those opposed? Unanimous on the dais. Thank you.

>> Thank you, guys.

>> Mayor Adler: Don't make us jealous.

[Laughter]. All right. That gets us to the last thing.

>> Flannigan: [Inaudible].

>> Mayor Adler: Thank you. Councilmembers alter and mayor pro tem off the dais the. That gets us to the last item, item number 75. Councilmember tovo, do you want to make a motion?

>> Tovo: I do want to make a motion. I'm not sure if we have speakers who would like to speak to this, but I would like to move my base motion.

>> Mayor Adler: Councilmember tovo moves the base motion on item number 75. Is there a second to that?

[3:41:27 AM]

Councilmember pool seconds that.

>> Tovo: I'll note that at least one of my co-sponsors is not here. I'm okay with proceeding for the moment, but maybe not for all of it.

>> Mayor Adler: If it looks like there's an outcome change because they are not here then we're not going to take a final vote on it [indiscernible]. I think that's kind of the custom [inaudible]. I have passed out a base resolution or amendment B 2 as it says in the upper right-hand corner, which was posted and informs to the most recent change I think that councilmember tovo made made. And if I get a second I'll explain the basis for it. Councilmember Renteria seconds it. I like these projects, I like this area. There were just two concerns I had. One is -- and really they're

[3:42:29 AM]

just policies. I want to make sure that when we do projects we're doing the most priority projects in our city. This is a bicycle trail project, started out that way the initial project. The prior [indiscernible]. This is the next one in our priority list, in that group of the high priority ones. And while we were doing that, the resolution from councilmember tovo just talked about looking at one funding source for this and if there were other funding sources like the bond, the 2016 bond that said they wanted us to overlook that. But when we have a tif like this in an area and it spends what it is supposed to spend as it was designed to spend on the projects that it was designed to do, when it's paid off those

[3:43:31 AM]

projects or it's demonstrated that it's certainly more money than is necessary, and there's extra money, I don't think it necessarily follows that that extra money gets spent in the same area because that's in essence taking money away from what would be otherwise general fund money. And I know that there

are some cities that have tifs that become long-standing and become funding sources for that geographic area in other cities. And I just want to make sure that we're making that independent determination and that we're spending the right money in the right place. And that's what these amendments are intended to do. The first change that's on page five of six says not necessarily to prioritize the completion of those projects in case that they're --

>> [Inaudible].

>> Mayor Adler: I'm sorry.

[3:44:32 AM]

>> Tovo: I can lay it out by way of responding to your amendments, but one way or the other I think I do need to provide some context of what we're hoping to achieve here. So this was -- I want to thank -- first of all thank

[indiscernible] For sticking with us for, I don't know, 16 or so hours. Or however many it's been. Maybe longer. And also for their work on this. This is something that the shoal creek conservancy came and I know has visited with all of us to talk about and it's really intended to achieve two objectives. The first is that the shoal creek conservancy is doing great work. They were very involved with developing some of the recommendations that came out of the task force that was put together. They've had lots of stakeholder meetings and developed some recommendations for this area. I'm sorry, I'm way less articulate than I might have

[3:45:33 AM]

been at 10:00 A.M. But working with city staff and with their stakeholders they developed the shoal creek trail and vision is plan and identified some project improvements. They are prepared and eager to help raise private funding for these projects, but have gotten to a point where our city staff, they really need input from our city staff, multiple city staff in various departments to be able to advance some of those projects to the point where they can fund these. And I'll invite tad and Julie to add to this or to clarify if I'm not making it clear at this hour. But they had gotten to a point where really we need to have some council direction for the staff to provide the level of input and guidance and assistance that they would need to

[indiscernible]. So that's sort of where we started with the primary intent of this. It is to help make sure that they're getting the support

[3:46:34 AM]

from the staff that they need to be able to advance these projects and do the private fund-raising that is going to be necessary to implement these projects. As the second piece of this is to examine the financing options, one of which is the tif. So the first was the driving intention of the the second is important, but it is -- I know that there are other funding mechanisms that may be -- I know we -- some have questions about tifs and suggestions that maybe a public improvement district might be a better source of funding. We're not posted to have that, but I'm happy to look at language that looks at other funding mechanisms. But where some of your amendments go, mayor, and I'm happy to talk about them one by one. Some of your amendments I think should focus in trying to make sure that we're looking at this in the context of other things it really shifts the focus so much from this project that it's almost becoming -- that I'm not sure that we're

[3:47:34 AM]

capturing the intent of getting them the staff support they need on this project. And I want to just go back and say that this is a gap in our mobility network that if we can't fill is going to provide great mobility options for long stretches of -- long spans. So I think it is a critical piece of our mobility network and trail network and I would ask that we -- if we're going to pass this, that we allow it to have some of that focal point and not kind of put it in line with every other project, otherwise I'm not sure that it's a meaningful act for us to take action here. That's just kind of an overall point. I know that Mr. Siff has provided us with some suggestions and I think you've incorporated them. I saw them just as trying to achieve what you had set out to achieve too perhaps in terms of making sure that we

[3:48:35 AM]

have that balance. So I have been prepared and actually I have amendment sheets to incorporate his language into my resolution. I think you've incorporated his language into your amendments as well. So I don't know what is best to proceed to -- some of your amendments are fine and some [indiscernible]. So that's why we are.

>> Mayor Adler: It is not my intend to throw this off or to redirect it. I read the first line that said city manager is directed to prioritize the completion of these projects. Which means to me the priority is to complete these projects. And if -- and as these are like urban trail and bike projects and it may very well be that this is like the crucial place for us to do that, which would be great. But if this is the 100th priority for a bicycle trail

[3:49:35 AM]

project, then if there's extra money I don't know that we want to spend it on the 100th project. I don't think this is, which is why I like this project, I like this area, but I'm uncomfortable with us setting a precedent that just has us -- what I was feeling like is that there was extra money in this particular tif. So people said, this is a really important project, there's extra money right here. Let's use that money. And that was the step I was trying to make sure that we just don't do. So the first change was to say rather than say prioritize it, it would just say review it and then make a recommendation relative to the priority needs. And I didn't mean priority needs of every project in the city, you know, within that category, as we do because we have a priority list of urban trails. We have a list. I mean, this should be great. So might just say look at it with reference to the

[3:50:38 AM]

bicycle plan and the urban trail plan because those things are already prioritized. So that was what -- I didn't mean to start looking at all projects in the city, but take a look at how we spend bike and trail money and make sure that this is within that group of deteriorating things and the next things to do.

>> Tovo: I wonder if we could get -- this may be a question for Mr. Canally. It was my understanding that tif dollars have to have -- have to be spent on projects that have a relationship to the area in which it was collected. I mean, I know we've had that conversation around the waller creek tif and that projects need to be -- need to be impactful on the properties there. Can you help us sort that out?

>> Good morning, Greg canally, finance. The Texas investment zone, the project plan, the plans are projects that are

[3:51:39 AM]

beneficial to that zone, the Seaholm tirz that we have, the existing projects that were part of that plan all took place within the zone that was designated back in 2008 and [indiscernible] in 2012.

>> Tovo: Thank you. And I know Mr. Siff suggested some language a little bit later and --

>> Mayor Adler: Before you do that, can I ask a question to that point? I know the tif money has to be spent in that area, but right now the tif money says we're going to raise this money and spend it on these six things or nine things and we've spent it on six of them and there are three that we haven't spent and they were identified as the original plan, public space

[indiscernible], affordable housing, and the bowie street underpass. These are the things we said we were going to do with tif money. We can make a decision not to use the tif money for those things and I recognize if we use tif money pursuant to the tif we have to spend it in that area. But if we generate a lot more money in the tif than

[3:52:41 AM]

we need, the money doesn't have to stay in the tif. If we don't spend it there, it would go back to the general fund. Right?

>> Correct. At the end of a term of the tif those funds would naturally flow back into the general fund. I think one of the asks of this resolution is to provide an update of the status of that if it's something you still want to do.

>> Mayor Adler: But to the point, if I don't spend it -- if I don't have to spend the money being generated by the properties in the tif in that area, if I -- we start a tif it's to build six things, I build those six months and then the money starts going to the general fund. And when it goes -- to so it's general fund money. But -- or I can keep saying let's add more projects to the tif and I can keep doing more and more things in the

[3:53:43 AM]

tif area. And the impact of that is it delays or lessens the money that would otherwise end up going into the general fund. I don't have a problem with keeping the money in activity for an additional or future project if that's the right priority. I just don't want it to automatically go that way where we're going to find that we're doing a lot of things in areas where we have tifs and areas that didn't have tifs are going to be shortchanged. If those are higher priority places. That's all. And I wasn't trying to determine that. It was what I said to you at the work session, councilmember tovo, I just want somebody to take a look at the priority and make sure it's the right thing we want to be doing and then make sure that if it is, then maybe it's tif, but maybe it's the 2016 bond because that was designed for these kinds of projects.

Councilmember pool.

>> Pool: So two things. It doesn't go back into gr until the tif expires

[3:54:43 AM]

because it stays in that fund for the tif as long as the tif is in place. But I would just ask a general kind of high level question, if you -- if you're talking about that about a tif in this instance, we can also talk about that tif with regard to the waller creek tif. And some of the other downtown areas where we already have tifs in place. But we didn't talk about those that way. And so I don't -- and it's really late. And so what I would like to -- what I will like to do is just move forward with what councilmember tovo has brought here given the fact that you are saying you weren't really intending to change what she was trying to do. You were just trying to have sort of a conversation about where do we go some point down the road on a tif. We're talking about trying to use it right now for this here, and I want to make sure that the shoal creek --

[3:55:45 AM]

I'm sorry, the Seaholm intake facilities for sure is put back in here because I think you lined that out as well and that is something that the trail foundation had requested, they were counting on that and they're a little bit alarmed to find that it was taken out at the last minute. That was probably unintentional, but I want to make sure that whatever we do here tonight, because I would like to move forward on what councilmember tovo is proposing with her approach and make sure that the-- I think I have the right -- Ted, you're looking at me with a little bit of a frown. Am I right on the Seaholm intake?

[Laughter].

>> Tovo: I intended to try to put that language back in.

>> Pool: That would be great. I would support that as well as the second.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: So I -- it's important to note that at least for my part I did talk about the waller creek tif in this way, kind of extensively about it's its impact to the general fund

[3:56:45 AM]

and tifs aren't new money. It's a tool to debt fund a project, but it's not new money. And the only reason you do the tif is the project you're debt funding creates the [indiscernible] For tax base, et cetera, et cetera. So it is a really important conversation. That's why I'm incredibly skeptical of tifs as a tool because it's not clear -- it's easy to talk about projects being good. It's less clear to talk about a project as qualifying as a but for. I do not know if this project qualifies as a but for. I tend to agree with mayor Adler on the prioritization thing. I don't know if this is the priority, but I don't understand the thing about city staff resources and what will be skipped over in the next list of items if there's a project in east Austin that was next for staff to work on and that gets down below shoal creek, I don't know that I'm comfortable with that, but I don't know that. So I don't know what to do!

[Laughter]. There's a lot of stuff I don't know.

>> Mayor Adler: My attempt is to look at that question

[3:57:47 AM]

and that's all it was. It was just look at the priority and funding streams and come back and say let's do this. It's the priority of this -- the thing we need to do and this is the right funding place.

>> Tovo: Can I ask for a sense of how -- I think there are multiple things we need to do. It's not that -- I think there are -- but I think there's no question that we should do this one. It is going to extend that trail for 13 miles from butler trail at decker lake all the way out to walnut creek trail past the domain. So you will have a pathway for pedestrians and cyclists clear from downtown past the domain. So it is going to be critical to our mobility network. Mayor, can you help me understand? I think from that one -- I don't have an immediate solution to that one passage and I understand what you're saying and I'm trying to find a middle point. But where you're gone from there is that then we're talking about the manager working in partnership with

[3:58:47 AM]

the downtown Austin alliance and the shoal creek conservancy to streamline city processes so projects -
- and then I'm not sure what projects we're talking about. It sounds like maybe all projects.

>> Mayor Adler: I didn't really understand what you intended by that language, but I didn't strike it.

>> Tovo: But you changed it to projects. And then it sounds like a more general point rather than one that's really applying -- what we're trying to convey is we have two organizations --

[indiscernible]. Who really want to work with staff on figuring this stuff out.

>> Mayor Adler: It said the final project. I didn't know what that

>> Mayor Adler: It said the final project.

>> Tovo: That might be a way of saying so we can get the project done.

>> Mayor Adler: All I was saying, the final project, I knew that project was the cypress and shoal creek project you were writing about.

>> Tovo: But then it went to --

>> Mayor Adler: I think at one point it had the other project in

[3:59:49 AM]

it. It should say project.

>> Tovo: So -- okay. And then so from there, it talked about the project --

>> Mayor Adler: It's cypress and shoal creek project.

>> Tovo: Okay. And then that helps, but then when we go into the next be it further resolved, we're talking about further review, again the language in our review before sounds like maybe lots and lots of

projects or all projects and now we're going to be doing the financial analysis, looking at options for all of these projects. Son again we're beyond --

>> Mayor Adler: So when this first started out, it was the cypress and shoal creek project. That's when I first started looking at it. Then you added an additional project to it. And I also know that there were like three other projects in there, so I'm just -- I wasn't clear -- the truth is, I wasn't clear what the project -- I mean, it was really simple to me when

[4:00:50 AM]

it was the cypress and shoal creek project. And then another project came. I wasn't -- so I probably -- I had projects and projects probably because I just wasn't clear. It was clear for me when I was saying cypress and shoal creek project. But it looked like you wanted more projects to be taken a look at. So I was trying to accommodate more projects.

>> Tovo: Okay. I wish I could think a little bit better on my feet right now to see if there's a way to --

>> Mayor Adler: Should we pick this back up on the 22nd.

>> Tovo: Do you have any thoughts for us?

>> Thank you first for taking it up at all tonight, and the base resolution was to simply analyze the Seaholm tif's capacity to

[4:01:50 AM]

address the components that are called cypress and shoal project. It's not just a trail, it's a set of plazas, expansion of a hike and bike bridge and restoration of a trestle, all of which, together, could possibly be the but-for test that a standard tif requires under the current city policy; that is, but for these projects, there wouldn't be an increased tax base that would more than cover the money redirected from the tif to do the projects. That was the needed, clear purpose of trying to address this particular high priority component of the shoal creek trail plan that's been -- that the shoal creek conservancy raised \$200,000 to produce for the city, and the boards and commissions have reviewed and approved.

>> Mayor Adler: I didn't get that

[4:02:50 AM]

from the resolution, but I have no problem with that.

>> Well, that would be accomplished by the base resolution, and it would also --

>> Mayor Adler: The base resolution --

>> The resolution amended with the blue line amendments would also allow for additional projects like the Seaholm intake within the district to be considered, and also for the staff to analyze all the potential additional funding sources, like, for example, the historic tourism money that would be, we think, totally applicable to the restoration of the railroad, historic railroad trestle.

>> Mayor Adler: Where I got on of the railroad trestle track was --

[laughter]

-- In the prioritization of this in the first line, before there was a but-for analysis that was done, to see whether or not -- I mean, that's one way to get there, is to do the but-for that says if this meets the standards,

[4:03:54 AM]

then you should prioritize the completion, as opposed to beginning with prioritize the completion of this. I'm fine saying look at the tif or look at tif's and see if there's a but-for analysis and if this qualifies as a but-for analysis --

>> The resolution.

>> Mayor Adler: I just didn't get that from reading it. I missed that. And I'm also fine adding more funding sources like the 2016 bond. But if it's going to get the 2016 bond, it needs to compete, as all 2016 bond projects do, and I didn't want to be passing something that made it look like I was pulling a project out of line or out of sequence and saying, this one, we have prioritized at this bench, we've prioritized this one so it doesn't have to go through the normal vetting processes to be ranked. And I didn't want it to look like we were doing that from the dais. That -- I would support that too.

>> We appreciate the spirit of the prioritization component and

[4:04:55 AM]

everything else, it's just that this particular set of projects, which isn't solely a trail, has the power to do more than be one component of the urban trail master plan for the whole city. It has the power to be part of a package that creates even additional tax base than would be there otherwise. That's the but-for test, and we appreciate any vote tonight that would get us beyond this. We're comfortable with staff using any version of what's being discussed to make -- to achieve these goals.

>> Mayor Adler: To the first point, having our staff work with shoal creek to see -- to help them be able to position this project or advance this project without making the decision to prioritize the project, I would support too, because I would want our staff resources to be able to

[4:05:57 AM]

help the conservancy position this or propose this or get this in line. That part that you said, I would also support. I just didn't get that from this reading, either. It seemed like we were cutting to the hand. That's how I read it, that's all I was trying to address.

>> Tovo: Just to be clear --

>> Maybe review rather than prioritize, but not try to compare it to anything else that the city has to do.

>> Tovo: Yeah. I think if we could come up with not even review maybe, but just to make it clear that we're not doing a full-blown analysis of sort of everything under the sun, and just to give you some ideas of the different components that are included, on page 2, page 2 to 3 talks about some of those additional elements that -- that

[4:06:58 AM]

tif mentioned. That may have been what you were thinking of when you had the plural. I just want to be sure --

>> Mayor Adler: Everything in here -- was out regard on the subject of this matter, how we should handle tif's in the city. That was what I was looking at. Without regard to the project. I'm a fan of this project, I'm a fan of the urban trail, and perhaps in those instances where I'm a fan and automatically prioritize it, it's more important for me to look at it and say wait a second, I shouldn't be doing that just because I look this project. That's all I was hoping for. Does two weeks make a difference? I think in two weeks we could actually write this in a way that would work.

>> Renteria: Mayor, I have a lot of questions. You know, we built that trail

[4:08:00 AM]

twice, maybe three times in the past, it's come through there and

[indiscernible]. I wanted to be addressing part of it. I just can't see that we're going to be able to build a bike trail with the flooding that happens there. I've been watching all the trails. I'm just wondering, is that also what we're also going to be using in this study here about how to handle the flooding that comes with it?

>> Mayor Adler: I think staff could take a look at that, associated with the review that's in here. They're not prioritizing it yet but we're asking them to take a look at it in terms of whether this is the right thing

to be funding. And I thought that both staff -- I thought that you were okay with these changes in this, so I must have gotten the wrong report from my staff, and I apologize if I had a miscommunication.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: I feel like everybody should be okay with what we've got on the table without doing

[4:09:01 AM]

amendments and pass it or postpone it, I know this is important, my sense of our colleagues in this conversation, I think there's a majority of folks that are falling.

>> Pool: Could I ask Ted to go ahead and respond? I think he would like to.

>> Given the mayor's response, given direction that's come from this discussion and this staff during the evening, I think anything you pass tonight will be sufficiently understood by staff for the conservancy and downtown Austin alliance to work as we had intended, to try to come back to council with a report. You're not committing any money, you're committing staff time, but there isn't any money or anything else being appropriated through this resolution. It's just to gather information with regard to what might be the creation of a very, very, very special place in Austin that

[4:10:02 AM]

could generate a lot of tax base, but also bring pleasure and safety to the pedestrians and cyclists and all the folks who live, work, and play there. So I would encourage a vote.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: Let me see if I can tweak in a few ways your -- and we can get there. This is pretty well focused on the areas that are around cypress and shoal creek and the trestle bridge, but I take your point that -- I mean, it does connect to part of shoal creek but I know we have certainly issues along shoal creek with flooding. Okay. So I think we're all working from the same draft. Line 85, review is fine. We'll stick with the prioritize needs of the city as long as the manager understands that we're not talking about, like, every need and every trail, we're just trying to get a general sense. Work in partnership, et cetera, that's fine.

[4:11:04 AM]

Streamline city processes wherever applicable. What we're talking about there is not like streamlining expedition of permits and things, we're just asking staff to kind of assist with general review. And then we're going to end the rest of that sentence. So we're not even getting into, so the final projects, we don't want to address your language, mayor, we'll just end it, wherever applicable.

>> Mayor Adler: Okay.

>> Tovo: City council directs the city manager to conduct a feasibility and financial analysis --

>> Mayor Adler: Then leaving the rest of that resolve clause.

>> Tovo: Me? No, in the previous one, no, I do want the city manager to direct -- to include an update --

>> Mayor Adler: Got it.

>> Tovo: In the next one directs the city manager to conduct a feasible and financial analysis of -- of the cypress and shoal

[4:12:04 AM]

creek project and Seaholm facility. I'm fine with your language about financing. I would like to -- I mean, since we're having -- since it's tentative and we're saying look at the other financing options, I would like it to just stick -- I would like to keep the language in there about geography.

[Indiscernible]

>> Diverse change, including -- including the cypress and shoal --

>> Tovo: Shoal creek project --

>> Mayor Adler: As well as other appropriate projects within the Seaholm district?

>> Tovo: Yes. Language about proximate. Yeah.

>> Mayor Adler: Okay.

>> Tovo: Keeping the rest of your language about financing

[4:13:05 AM]

analysis.

>> Mayor Adler: Okay.

>> Tovo: Then as we go from five to six, extension of Seaholm finance district's

[indiscernible], I would -- since we're asking -- since it's tentative, I would like to -- I would like to keep the geographic specificity because I don't think it's -- I think it adds to our understanding of what they're saying but it's not a limiting factor because they're doing a broader analysis at this point with the language that you add in the first section.

>> Mayor Adler: I just thought I had seen it like it is now, really -- but we'll put it back in.

>> Tovo: And then -- and where did the -- and I do want to leave the [indiscernible] Facility in there. I'm fine with the financial policies, consistent with financial policies, I guess that's the thing.

>> Mayor Adler: Okay.

>> Tovo: Although I don't understand what purpose it's

[4:14:06 AM]

functioning. We would not -- [indiscernible] I mean, we wouldn't be asking them to explore the use of a tif that's not in compliance with our financial policy, so it's not really clear to me how that adds or subtracts. So I would subtract it, but if it's really important to you, I'll keep it in.

>> Casar: I would like to keep it -- nobody is following the amendments that are being read at this point. One other person is actually following it, that is the city attorney. I'm just saying I think -- I'm not trying to be impatient --

>> Mayor Adler: Anything else that needs to be resolved, Kathie?

>> Tovo: No.

>> Mayor Adler: Okay.

>> Tovo: It's fine.

>> Mayor Adler: So my amendment and the changes to my amendment on page 5 of 6 and page -- on 89, the phrase so that the final

[4:15:07 AM]

project can be accessed by multimodal users in the future, comes out. The rest of that stays as it is in the amendment. In the next section on 95, after shoal project, we insert comma, Seaholm intake facility, comma. On the next page, at 100, the blocked-out language comes back in. And I think that's the last change.

>> [Indiscernible]

>> Mayor? If I were to make a motion to postpone would that --

>> Mayor Adler: Motion to postpone is an appropriate motion. Motion.

>> Flannigan: I make a motion to postpone. If I get a second I'll explain.

>> Mayor Adler: Is there a second to that in Mr. Renteria seconds that.

>> Flannigan: If there's a councilmember that doesn't feel like they have enough information to make a decision, we should consider a motion to postpone, I don't have enough information at

[4:16:07 AM]

4:50 on pride weekend to make enough information on this decision.

>> Tovo: Well, we have not -- this isn't relying on a host of backup information that's not present on our council agenda. We're looking at amendments that the mayor distributed this morning for [indiscernible] That was posted in a timely fashion a couple of weeks ago. Unfortunately, we've spent a lot of time today talking about items -- primarily items that were posted as addendum items on Monday. We spent an enormous amount of time talking about an addendum item posted on Monday. This was posted in timely fashion. We have members of the public and our staff who have been here since before 10 o'clock A.M. I appreciate we don't want to spend a lot of time on this but it is something my staff and I have worked on, with committee members, we're just about done, so --

>> Mayor Adler: I think we've agreed on the amendments. This asks for a study so it's not committing anything.

[4:17:08 AM]

I'm going to vote against the postponement. Let's take a vote because we agreed on the amendments at this point. There's a motion to postpone. Those in favor of postponing, please raise your hand. Mr. Flannigan votes that way, Mr. Renteria votes that way. Those opposed, raise your hand. Okay. The motion in front of us as amended, it has the amendments we have on page 89, 5 of 6, that phrase about being accessed multimodal comes out, the rest of it stays the same. The following line, on page 94, the language projects identified as described above comes out. Below that, page 95, we add comma Seaholm intake facility, page 6 of 6, the stricken language comes back in. Other than that, it's the same. That's the amendment in front of us. Let's take a vote. It'll either pass or it won't. Those in favor of it, please raise your hand. Those opposed.

[4:18:08 AM]

[Indiscernible] Votes no, others voting aye, alter and mayor pro tem off. A that's all of the work; 4:17 A.M., we're adjourned.

[4:15:07 AM]

4:50 on table weekend to make enough information on this decision
- Mayor Adler: I think we've agreed on the amendments. This asks for a study so it's not committing anything.
- Mayor Adler: Well, we have not -- this isn't relying on a report because information that's not present on our council agenda. We're looking at amendments that the mayor highlighted this morning for [Indiscernible]. That was passed in a timely fashion a couple of weeks ago. Unfortunately, we've spent a lot of time today talking about items -- I want to point out that we've posted 22 amendment items on Monday. We spent an enormous amount of time talking about an amendment item posted on Monday. This was posted in timely fashion. We have members of the public and our staff who have been here since before 7 o'clock A.M. I appreciate we don't want to spend a lot of time on this but it's something my staff and I have worked on with committee members, we're just about done, so
- Mayor Adler: I think we've agreed on the amendments. This asks for a study so it's not committing anything.

[4:13:08 AM]

I'm going to vote against the postponement. Let's take a vote because we agreed on the amendments at this point. There's a motion to postpone. That's in favor of postponing. Please raise your hand. Mr. Flanagan votes that way. Mr. Flanagan votes that way. Those opposed, raise your hand. Okay. The motion in front of us as amended, it is the amendments we have on page 82, 2 of 6. That phrase about being accessed multilingual comes out the rest of it stays the same. The following line, on page 84 the language needs to be identified as described above comes out. Below that, page 85, we add comma. See ordinance facility, page 6 of 6. The strike language comes back in. Other than that, it's the same. That's the amendment in front of us. Let's take a vote. It's either pass or it won't. Those in favor of it, please raise your hand. Those opposed.

[4:13:08 AM]

Tab 8

AFFIDAVIT OF JANNETTE GOODALL

BEFORE ME, the undersigned Notary Public, on this day appeared

JANNETTE GOODALL who, being by me first duly sworn, stated as follows:

1. "My name is Janette Goodall. I am over the age of eighteen years and I am competent to make this affidavit. I have never been convicted of a felony or any crime involving moral turpitude.

2. The City Council for the City of Austin appointed me to the position of City Clerk effective January 27, 2013 and I have held the position continuously since that time.

3. Under the City of Austin Charter, the City Clerk is responsible for Accepting Petitions including Initiative, Referendum and Recall Petitions. Additionally, the City Clerk is responsible for presenting Petitions that have been

validated to the City Council. State law governs the process for validating petitions depending upon the nature of the petition.

4. On Friday July 12, 2019, I received an Initiative Petition with associated signatures that proposes an Ordinance related to Hotel Occupancy Tax allocation.

5. Upon receipt, my Office began the validation process.

6. On July 26, 2019, I certified the petition as sufficient and valid and presented my certification to the City Council.

7. As part of the August 8, 2019 regularly scheduled City Council Meeting, the Council acted to call a special Municipal election for November 5, 2019 election for the purpose of submitting two citizen-initiated ordinances to the voters: an initiative petition regarding the conveyance of public land for a sports facility, which I had previously certified on February 11, 2019 and an initiative petition regarding Hotel Occupancy Tax use and allocation. Council considered both items as part of the August 8, 2019 agenda because it was the last regularly scheduled City Council meeting before the statutory deadline of August 19, 2019 to Order the November 5, 2019 election. The two citizen-initiated measures are the only two City of Austin items that will appear on the November 5, 2019 ballot.

8. As part of Council's action to Order the special Municipal Election, Council authorized me to enter into any necessary election services contracts for the purpose of conducting and coordinating election services. Attached to my Affidavit

is a true and correct copy of the election services contract that I signed with Travis County.

9. I have read the foregoing affidavit, and I declare under penalty of perjury that I have personal knowledge of the facts stated therein, and they are true and correct.”

SIGNED this 20th day of August, 2019.



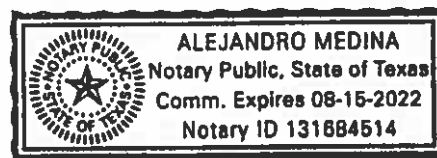
JANNETTE GOODALL

BEFORE ME, personally appeared Jannette Goodall, proved to me through a government issued identification to be the person whose name is subscribed in the foregoing instrument and acknowledged to me that she executed the same for purposes and consideration thereby expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this 20th day of August, 2019, to certify which witness my hand and official seal.



NOTARY PUBLIC - STATE OF TEXAS



Tab 9



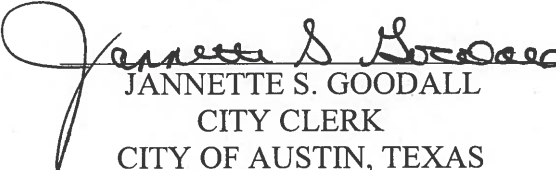
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Jannette S. Goodall, City Clerk of the City of Austin, Texas, do hereby certify that the foregoing instrument is a true and correct copy of the current City Code Section 11-2-7, as published by Municode.

WITNESS my hand and official seal of the City of Austin at Austin, Texas, this 20th day of August, 2019.




JANNETTE S. GOODALL
CITY CLERK
CITY OF AUSTIN, TEXAS

§ 11-2-7 - ALLOCATION AND USE OF HOTEL OCCUPANCY TAX REVENUE.

- (A) This section does not apply to taxes collected under Article 2 (Venue Projects).
- (B) The revenue derived from the tax authorized by this chapter may be used only as provided by Section 351.101 (*Use of Tax Revenue*) of the Texas Tax Code to promote tourism and the convention and hotel industry as follows:
 - (1) 64 2/7 percent of the funds collected is allocated to the Convention Center Capital Improvement Project Fund and may be used for:
 - (a) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities as defined in Section 351.001 (*Definitions*) of the Texas Tax Code;
 - (b) the City's provision of facilities, personnel, and materials for the registration of convention delegates or registrants; and
 - (c) marketing, selling, and servicing of convention services;
 - (2) 5 5/7 percent of the funds collected is allocated to the Tourism/Promotion Fund and may be used for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the City or its vicinity; and
 - (3) 15% of the funds collected is allocated to the Historic Preservation Fund and may be used for historical restoration and preservation projects or activities, or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums located at or in the immediate vicinity of convention center facilities or elsewhere in the City or its vicinity; and
 - (4) the City Council has the authority in adopting the City's annual budget to change the allocation of the percentages of the hotel occupancy tax fund as set forth in subsections (2) and (3) of this Section, and if the Council does so, it shall not be a violation of this Section; and
 - (5) 15 percent of the funds collected is allocated to the Cultural Arts Fund and may be used for the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of a major art form.
- (C) Revenue derived from the tax shall only be expended to directly enhance and promote tourism and the City's convention and hotel industry. Tax revenue may not be used as general revenue for general governmental operations of the City.

Source: 1992 Code Section 5-3-6; Ord. 031204-10; Ord. 031211-11; Ord. No. 20171214-005, Pt. 2, 12-25-17.