

City Council Regular Meeting Transcript – 04/17/2014

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[04:07:03]

>> Mayor Leffingwell: Morning, I'm austin mayor lee leffingwell and we'll begin today with the invocation from pastor steve manning from sweet home baptist church. Please rise.

>> If you will bow with me. Our father in heaven, lord, first let me stop and pray for those that are affected by the tragedies around the world. We pray this morning that you would bless these proceedings. Oh, god, give us an open minds and responsive hearts. We pray that you would enlarge our vision. We thank you, dear father for these policymakers. We pray that you would guide them and lead us all to the path of righteousness. We pray this morning in the name of jesus, amen.

>> Mayor Leffingwell: Amen. Thank you, pastor. Be seated. A quorum is present to call this meeting of the austin city council to order on thursday, april 17th, 2014 at 10:08 a.m. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. Note that mayor pro tem cole will not be here for today's meeting. She's in the hospital with a a non-life-threatening eye injury and will not be here for the entire meeting. So we'll go to our changes and corrections for today. Several things will be postponed due to the absence of a full council. The corrections

-- item 4 add the phrase recommended by the resource commission on april 14th, 2014 on a 4-1-0-2 point with commissioner berziky voting against. Items 12 and 14 add the phrase, postponed until MAY 1st, 2014. Item 24 is withdrawn. Item 49, add as a second co-sponsor, councilmember mike martinez. On item 75, note that at its 2:00 p.m. Time certain a postponement of this item until MAY 1st, 2014 WILL BE Requested. And at four p.m., Items 79 and 80 a postponement will be requested. On item 81 at its four p.m. Time certain a postponement of this item until may first, 2014 will be requested. In addition, items 64 through 67 in the absence of a full council withdrawn if there's no objection. So we'll go to our time certain items. At 10:30 we have the briefing on the creative content program. At 2:00 a briefing on the universal citywide translation service policy. Note that that will be postponed until MAY 1st, 2014. At 12 noon we'll have our general citizens communication. At two p.m. We'll take up our zoning matters. At three p.m. We'll recess the meeting of the austin city council and call to order the meeting of the austin austin housing finance corporation. At four p.m. We'll have our public hearings. At 5:30 live music and proclamations. The musician for today is salesman.

[04:10:48]

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I believe I heard you say that item 64 to 67 will be withdrawn. May I request that withdrawing the items would require us to postpone them.

>> We have the regular evaluation for june 12 and june 26th. The reason I suggested withdrawal is we can take those items up then.

>> Spelman: Let me think about that. Withdrawal would give us maximum flexibility, I understand that. It would allow us to repost it for may 1st if some of us wanted to do it then rather than on june 12th.

>> Mayor Leffingwell: So postponed indefinitely?

>> Spelman: Withdrawn is fine. We'll just have to repost if we need it.

>> Mayor Leffingwell: It can be reposted. So the consent agenda is items 1 through 59, several items will be pulled off consent. I'll go through those in a moment. I'll read our appointments to boards and commissions with waivers. That item will remain on consent. That's item 47. To the austin community technology and telecommunications commission, marcie hohen is councilmember martinez's nominee. To the austin water resource planning taskforce, paul robbins is mayor pro tem cole's nominee. Lauren ross, councilmember morrison's nominee. Charlene lurig councilmember riley's nominee. Jennifer walker, councilmember tovo's nominee. And stephan shawster, mayor leffingwell's nominee. There are no waivers scheduled for today. The following items were pulled off consent, items 19 and 20 are pulled by councilmember morrison. Items 25, 26 and 29 are paul by councilmember martinez. And items 48 and 49 are pulled due to speakers. We have several speakers on the consent agenda. We'll go through those. First is craig corny. If your name is anything close to that...

[04:13:05]

[Laughter] you look more like jerry harris to me.

>> That's our engineer and he must have clicked the wrong button. Apologize for the inconvenience.

>> Mayor Leffingwell: You have three minutes. Do you want three minutes? You do not want to speak? Okay. Donnie clarke. Donnie clarke. You have three minutes.

>> Good morning. What I wanted to speak to you about is item 29 on the consent agenda, which is the award of the sodium hyper chloride contract for the wastewater treatment plant. My name is donnie clarke. I represent [indiscernible].

>> Mayor Leffingwell: Excuse me, mr. Clarke. That item has been pulled off the consent agenda. If there are other items you would like to address on consent you can do it, otherwise you can speak when we call that item up.

>> Thank you, sir.

>> Mayor Leffingwell: Thank you. Daniel williams. Thank you.

>> Thank you for the opportunity to speak this morning. My name is daniel williams and I'm a second year student at the university of texas school of law and a member of the human rights clinic. First I'd like to introduce those standing with me. We have greta guarder, the chair of the austin-travis county family violence taskforce. We have gina longwidth, clinical professor at u.T. Law and head of the

domestic violence clinic. Also anna or ben from the domestic violence thing. We have a professor from the university of texas human rights clinic. Amanda addison a second year law school student. Bryan quillan, third year law student and member of the domestic violence clinic. We also have officers from the austin police department victim services and from the family violence unit and we're also lucky enough to have constable lopez from precinct five and

[04:15:19]

[indiscernible] from the constable's office. Domestic violence affects all of us. One in four women will experience folks during their lifetime. The texas department of public safety reports that 8,893 incidents of family violence occurred in travis county in 2012. 8,102 of those were handled by austin police department. Historically domestic violence has been viewed as a private family matter, but recently there's been a growing moment aimed at calling domestic violence what it is. A societal problem that requires a societal solution. The resolution before you today is part of that solution. At its most basic level the resolution acknowledges the unassailable fact that every human has a right to be free from domestic violence simply because they are human. In other words, freedom from domestic violence is a human right. Other cities and counties around the country have passed resolutions declaring freedom from domestic violence to be a human right. This resolution does not stop there, but instead calls our community to reflect on the current response to domestic violence and areas that can be improved upon. The call to action ensures quantifiable results and practical benefits from the resolution by inviting the austin-travis county family violence taskforce to produce three biennial oughting reports which will look at various aspects of current services provided to survivors of domestic violence. As you may know, travis county recently passed a nearly identical resolution. Bypassing this resolution today, the city of austin guarantees that our community will be taking a unified, philosophical approach to handling domestic violence going forward. This can only help our continuing efforts to eradicate domestic violence from our community entirely. This resolution serves as proof that the city of austin takes seriously the commitment to protect its central citizens by taking steps to protect its citizens from the place where they should be safe, at home.

[04:17:28]

[Buzzer sounds]

>> Mayor Leffingwell: Thank you. Councilmember spelman.

>> Spelman: I subscribe to everything that you've just said and everything I believe that you guys do. I suspect everyone else on the council does as well. But I would like some reassurance. The auditing reports that you've just describing sound like they're extremely useful products, which will help us make sure that we're providing the right kind of services to survivors of domestic violence. Reassure me if you could that you're also focused on prevention, on early identification and on the actions of the criminal justice system and the social services system along the way, not just at the end of this.

>> Absolutely, yes.

>> Spelman: Can we expect to see oughting reports or activities that are oriented towards early identification and prevention?

>> Yes, absolutely.

>> Spelman: I look forward to seeing those as well as the reports that we already have on the table. Thank you very much.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to briefly thank all of you for bringing this to us. I think it's certainly helped to educate me and make me think about domestic violence in a broader way and broader understanding, and so the work that you're going to going to help raise that awareness in the community, which is going to help us be a better community. Thank you.

>> Mayor Leffingwell: Thank you all. Gus pena.

>> Good morning, mayor, councilmembers. Mr. City manager and our city attorney. My name is gus pena. I am a native east austinite and proud marine corps veteran. Mayor, city council, city attorney, I'm here to speak primarily on item number 48. Item number 48

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>> Mayor Leffingwell: That has been withdrawn. 48 is withdrawn from the consent agenda.

>> Mayor Leffingwell: It has been withdrawn. Okay. The other item I don't want to speak on until we're ready for that. Thank you.

[04:19:37]

>> Mayor Leffingwell: I'll entertain a motion to approve the consent agenda. Councilmember tovo so moves. Councilmember morrison seconds. Councilmember riley?

>> Riley: I'd like to be shown as voting no on items 2 and 3.

>> Mayor Leffingwell: The clerk will show councilmember riley voting no on item 2 and 3. In favor of the motion say aye. Opposed say no? Passes on a vote of six to zero with councilmember riley voting no on items 2 and 3. So that brings us to

-- we'll consider items 19 and 20 together, pulled by councilmember morrison. Was.

>> Morrison: Thank you, mayor. I'm going to pass out amendments that I'm going to propose. This is an item to add some partners to the austin regional intelligence center, and when he a good discussion about it on tuesday and subsequently I had some opportunity to speak more with staff. And the issue is that what this does is add partners, but it also adds a new capability of negotiating and potentially adding an additional kind of partner, that is colleges and universities. And we had some discussion about they would have to comply with public information. The public information act, because of course we want to make sure that we maintain really high standards for transparency, limitation of scope and accountability. And I appreciate staff doing that. We also discussed the fact that we would want to ensure that they complied with the records retention because without records retention you wouldn't have any public information necessarily to produce if somebody asked for it. We also

-- I had a conversation with councilmember spelman subsequently and talked a little bit about the concept that while we're sure that those new institutions were specially talking about st. Ed's and concordia right now, while it might make sense for them and they'll agree to these kinds of things, we assume, an interest in ensuring that they really have installed the systems and have the culture in place to actually-- to actually implement successfully the public information and retention, and so we thought that really that could use a little bit more discussion, potentially have something like a requirement for a

readiness check where we could go in and double-check. Not only do they sign on the dotted line, but we could meet with them to be sure that they're complying with this. And the city of Austin and the aric overall when we first instituted it, there was a lot of controversy because there were other fusion centers around the country that had controversial about what kind of intelligence they were using and accountability. And we have been held up, as I understand it, as a national model for putting the constraints in place for ensuring that accountability. And I think that if we do a little more work on the partner equivalent capability that we're talking about, I think we'll be able to ensure that we really take that to the standard that we want to. So what I would like to do is I'm going to make a motion and I've passed out this motion, to basically go forward with adopting the new partners today that are listed, and then

-- but to amend what's in the backup, to delete at this point the ability to actually work with partner equivalents, those other universities, and ask staff to please go back and do a little more work on that, and bring it back to us as soon as you can, but I know that the work to get the proper reference to records retention will be worthwhile. And then also if you could give some thought to possibly coming back with a recommendation of how we could do some kind of readiness check and what that would look like. I also was thinking this morning that as was mentioned by staff, ms. Grace, she mentioned that the

-- this allows other colleges and universities to be added, and we're thinking of two nonprofit ones, but potentially some for profit colleges could start to be in the mix too. And I would like to ask that some thought be given to if there is

-- if we are going to talk with for-profit ones, does that really bring anything else into the mix? Do we ever get into a situation where there would be competing interests between the accountability and transparency we strive for and the need to make a profit? So I don't know what that would look like at this point, but I ask that you give some thought to it. So the amendments that I passed out, basically scratch out the reference to the additional capability for partner equivalence and both in the recital and then in the section two. And so before make the motion I see we have ms. Grace and Gray here and I wonder if you have any comments on that, the work that I'm suggesting that we do.

[04:25:32]

>> Assistant chief Gray over the investigations bureau. Good morning and we did meet with councilmember Morrison and Spelman and we do agree with the

-- actually adding the partners as she suggested and actually going back and ensuring that we had looked at all the information to make sure that we

-- as we move forward with aric partners in the future, especially in that particular area with private entities, that we have given it a lot of thought and have created the measures to ensure that we are the center that we stood up in 2010.

>> Morrison: Great, thank you. And just to be clear, will this postponement impact the work that you have going forward? I mean, is there a time critical need at all for the items we're pulling now.

>> No, ma'am. We'll be prepared probably in the next four to six weeks to come back with a proposal.

>> Morrison: That would be fine as soon as you can get back because I know that you are sort of starting to initiate conversations with some of them. And I do want to mention the amendment I passed out,

there's one other little item and that is on number 20, we would have to re-- I mean on number 19, there's three sections, one, two, three. I'm cutting out number two so you will have to renumber accordingly.

>> Renumber accordingly. The funny thing is on number 20 it was already miss numbered.

>> So now they'll be numbered correctly. Kerry grace, law department. I'll make one more tiny edit that I caught. In the sustain.

-- In the recitals, which is really some of the nonlegal language, the reference to APRIL 10th, 2014 ALSO Should not be there. So I would just

-- yes, that's the only minor change.

>> So we'll scratch that out.

>> Yes. That was stated only in one place where it wasn't supposed to.

>> So we should take out the effective dates.

>> Yes. In reality the legal language in the amendment later on makes clear that these will be effective once executed by all the parties. So down the road after all the partners have approved it.

[04:27:43]

>> Thank you for that claim. So mayor, that's my motion that we approve 19 and 20 as amended by the papers I passed out.

>> Second.

>> Councilmember morrison's motion is to approve with amendments that we've just gone through. And seconded by councilmember spelman. Could I ask you just to confirm. You don't have any problem with making these edits and going ahead with the resolution. It's clear in telling you what needs to be done.

>> Very clear, yes, sir.

>> Mayor Leffingwell: Okay. Thank you. Further discussion? All in favor say aye? Opposed say no? Passes on a vote of six to zero with mayor pro tem off the dais. So that brings us to our 10-30 briefing. 10:30 briefing. We have one briefing still on the agenda. That is on creative content.

>> Good morning, mayor, council, rodney gonzalez, deputy director for the subsidy's economic development department. As you know the economic development department is unique in north america. We have a swath of wide areas. One of the sectors we cover in austin is film and television. Council has been very supportive of the film and television industry in austin. We provide the hangers for low rent lease to austin film studios. The council voters have on two different occasions voted for improvements to the facilities used by austin film studios. Council has approved ordinances in the past toward to fee waivers and police security for traffic control. And today we want to propose another incentive program for the film and television industry. The film and gaming industry is \$1.3 billion sector in austin. And we think it's imperative to stay on the cutting edge with regard to supporting this industry. So with that I'm turn it over to natalie betts in our department and she's going to go over the proposal before you.

[04:30:02]

>> Good morning, natalie betts, economic development department. As council may recall in 2012, we commissioned an update to the economic impact of the creative sector study. And it had several important findings relevant to today's discussion. The first is what rodney mentioned that film and gaming together generate \$1.27 billion annually for the austin economy. It also found that the austin economy has creativity as a real competitive advantage across sectors, but that texas is at a disadvantage compared to its peer states in the film industry. Right now two of our main competitor states are louisiana and new mexico. They both offer a 30% rebate for the film industry whereas texas offers 22.5% as a maximum. These competitor states programs have been very successful in attracting industry to their states. In louisiana they saw their number of motion picture projects grow from one in 2002 to 119 in 2009. And as a result the wages for their crew members also increased from about \$7,000 per year to over \$50,000 from 2001 to 2008. New mexico also found that their program was successful, though not as dramatic a result, but with a number of major productions increasing from five in 2003 to 21 in 2011. And the number of worker days increasing dramatically as well from 30,000 in 2003 to almost 190,000 in 2011. So as other states adopt these aggressive and successful incentive programs, productions are being redirected away from the traditional motion picture and digital media hubs of los angeles and new york. And the graph on the bottom of the slide shows one example of this. In 2004, only 10 years ago, the vast majority of tv pilots were being shot in los angeles. You can see in 2010-2011 only about half were. And many more were being shot in other locations. Similarly as you can see in louisiana and new mexico those programs were very impactful for the workers in those industries and that has been true in texas as well. This slide shows how the wages for the local studio mechanics union have changed over time in conjunction with the texas movie image industry incentive program, which is the texas film commission's incentive. So in fy 2010-2011 when the incentive program at the state was increased to \$62 million, the wages also went up. And you can see that when funding was cut in the following year wages went down for workers in that industry. In 2013 the state legislature passed an increase again and we are seeing positive results from that locally with the first two quarters of fiscal year 2014 seeing very good wage numbers and it being on track to exceed the fiscal year 2010 numbers. So as an industry that is very driven by the incentives for its location decisions, austin risks losing production and the jobs that they create to communities in neighboring states due to the incentive disparity that I discussed in the first slide. Also other municipalities throughout texas and throughout the united states are enacting local production incentives to supplement the state incentives and increase their competitiveness in this industry. I think it's especially important that austin stay competitive in the industry because we are educating students in this field over about a thousand at u.T. Alone every year are being educated there, in addition to students at austin school of film and the austin community college's program. I wanted to outline a few unique characteristics of this industry, which influence how we structured our incentive program. First, this is a very fast paced and highly mobile industry. The average feature film shoots for about six to eight weeks and average television show shoots for four to six months. And as a result the decision making timeline for this industry is very quick as well. Television shows can be picked up in may and have to start shooting in july and they need to make a location decision within that time frame. The job creation in film and digital media is often temporary in nature and workers have multiple employers in one year. It's a heavily unionized industry and also an industry with a high risk investment landscape and a highly variable returns. To illustrate that last point we have here the four least and most profitable movies of 2013. The purge cost three million dollars to make, but

made \$83 million at the box office. The in an industry where the returns are very difficult to predict and can produce such different results, the producers and banks are looking for many different ways to lower their cost and lower their risk and incentives are one way that they're doing that. As Rodney mentioned, the city has been supportive of this industry in the past. Here are some of the policies that have been put in place. In '05 council passed an ordinance that waived fees for right-of-way permits for filming. In 2008 an additional ordinance waived fees for filming on city property and also provided up to two free peace officers for crowd control and traffic control. We also have our ties to the Austin Film Society and the citizens have passed bond packages for Austin studios and we have cultural funding contracts through our cultural arts program that do go to some film and digital media organizations. There are recycling programs for filmmakers and we also have staff in our department that are available for part of their time to navigate filming issues. However one of our main tools in our tool box is our Chapter 380 economic development program which as it is designed right now is not well suited to the film, television or digital media productions. And these are some of the reasons that that's the case. First, fiscal impact tools are not programs to measure the impacts of temporary job creation. They're really designed for permanent job creation impacts. Also, the firm-based incentive matrix that we use to evaluate projects have several questions that are not applicable to productions. Benefits in this industry are provided through unions rather than through the employer directly and we typically have a three to four month approval process, which is a challenge given the accelerated timeline that I spoke about. As we've been supportive of this industry in the past we are also called by Imagine Austin, our plan for the future, to support the industry. In priority program number three there is a provision to actively recruit and retain businesses that create blue collar jobs and there are many of those created by film projects, such as set construction, electricians, teamsters positions as well. And the priority program number five for the city is investing in the creative sector and including developing new financial resources and strategies to sustain and expand the creative industries sector. As a result our department is suggesting a new creative content program that is tailored to the film, television and media production industry. We are proposing these minimum requirements for the program. First that the production must be an approved applicant for production incentives from the Texas Film Commission. So similar to how we leverage Texas Enterprise Fund dollars at the state level for our Chapter 380 grant, this would also leverage state funds. In addition we would require films and games to provide an end credit to the city of Austin and use the Austin Film Commission's Made in Austin logo. Primary place of business for the project would have to be within the city's desired development zone. For film, television and commercial projects it would be required to pay at least union wages and ensure that workers are provided benefits at least equivalent to union benefits. To give a sense of what that means for the workers, union wages for crew, which includes set construction, are at least \$19 an hour for tier 1, which is the lowest budget tier for the studio mechanics union. And union productions must provide worker's compensation and the benefits provided through the union, which include health insurance and pensions are also extended to same sex partners. For videogame and video effects projects that is an industry not as heavily unionized so in that case we would require them to pay all workers at least \$11 an hour, to have health insurance benefits and extend benefits to same sex partners and their dependents. If a project met these requirements he would be eligible for a performance based grant equal to half the wages paid to local cast and crew. We would also recommend an additional bonus of a quarter of a percent for productions that either significantly promote Austin or are produced by an

austin-based company. And we're defining austin-based company as one that has the headquarters and the majority of its employees in city of austin and which has produced at least two other projects within the last 10 years here in austin. We arrived at those figures based on an analysis by texas perspectives, which showed that for every dollar of local wages, one-quarter of a percent are returned to the city in revenue. In addition, every dollar of wages induces 34 cents of spending on wages, which brings in another quarter of a percent of revenue. The major cost that we see for this program is the cost associated with providing peace officers for up to 15 days, which was passed in the 2008 ordinance, which is estimated at a value of about \$16,000. So we would subtract that cost from any projected revenues had when calculating the incentive amount to ensure all of these projects are cash positive for the city of austin. We have funding in the economic incentives reserve fund for fiscal year 14 and to sustain the program in future years we anticipate requesting allocation from the general fund equal to 110% of the amount granted in the previous fiscal year. We would request authority to approve grants that are below the city manager's spending limit, but would of course come before council for any grants that exceed that limit. In developing this program we reached out to a number of stakeholders in the film, television and gaming sectors to craft the proposal and to ensure that it would really benefit this industry, and those are listed here. We want to thank them for their feedback and their input. That concludes the presentation. So we're happy to answer any questions that you have.

[04:40:28]

>> Mayor Leffingwell: I have just a couple. We have one done one of these before, friday night lights. I don't know if they made all the requirements. My memory is they did not meet all the requirements and didn't receive all the incentive for their production period. But can you compare the incentive for the friday night lights program to what you're proposing here? By the way, I would add that one incentive is a good number, maybe even half of the cast of friday night lights, even though it's over, they live here in austin today.

>> Mayor, you are absolutely right. Back in 2006 we came to the council for approval of the friday night lights incentive. And that incentive was \$40,000 per season. And at that time friday night lights had intended to film 24 episodes in a season. Due to the recession period book then and some situations that they encountered with the series itself they were able to film 12 seasons during -- 12 episodes during the second season. We also encountered a situation where in their first season they did not provide the appropriate credits to the city of austin. And as you know, our incentives are performance based so when we saw that and we did not, of course, provide the incentives to friday night lights. At that time I think councilmember shade had brought back an amendment to the council to consider and at that time there was consideration given to friday night lights to lower the episodes from 24 to 12. And friday night lights then subsequently was eligible for incentives for seasons two through five. Phrasers so the incentives that we're talking about here at the highest amount is .75% of wages. So if you take a 10-million-dollar figure, for example, and that example is provided to us by john hawk enoughts, you're looking at \$75,000 that would be a performance based grant for film production. As natalie had mentioned, this is cash positive. We will look at the cost of the security provided to the production company. We will subtract that from the revenues and we will ensure that this is cash positive going forward. Does that answer your questions?

[04:42:50]

>> Mayor Leffingwell: I think pretty well. I do recall the issue that you raised. And it's in your presentation here. One of the requirements is to significantly promote the city of austin. And as I recall, that was an issue. And I just wonder how we can define that to make it a little bit less vague.

>> We can certainly look at what new york city is doing because they have similar program called made in new york as well. And we can look at some of their definitions. Right now it devil would be at the -- it definitely would be at the staff level to make that interpretation, but we can look at some guidelines to offer us some criteria, if you will, for defining that.

>> Mayor Leffingwell: I think guidelines would be helpful as opposed to strict requirements. Because there are

-- there are so many different ways to do this.

>> Yes.

>> Mayor Leffingwell: Any other questions? Councilmember riley.

>> Riley: First I want to thank all the staff who have worked so hard on this. I'm glad to see it moving forward. I want to thank all the stakeholders who provide input during the process n that regard I wanted to ask about what we've been hearing about the package that we're considering today. I understand that there was some outreach and we received input and feedback, but I haven't seen anything in terms of whether that feedback was positive or negative in regard to the particular proposals that we're considering. E I would say that the general feedback was positive. And it was helpful to have those discussions just to understand better for our perspective what the union structure is on film projects, what wages are paid typically, that kind of input was very helpful. How the texas film commission structures their incentive and how we could align with that. So it was really making sure that we got the details right so that this would be a program that fit with the industry as it is today. And would truly attract them while still reflecting city values. [One moment, please, for change in captioners]

[04:46:48]

>> absolutely. You know, it's our intention to look at the film and television industry every three to five years. This is an industry that evolves and changes over time. So we always have to look at what is currently being provided and ask the industry themselves, is that what really gives austin a competitive advantage and if not, what should we be looking at? We intend to look at this every three to five years to make sure our program is adequate and can provide austin that competitive advantage. So we may not be percentage percentage on par with some of these other states, but as natalie mentioned, austin has so many other assets that would bring to the table that would give us the competitive advantage.

>> That brings me to my last question that relates to that issue, with the other incentives we have, why are we offering any incentives when companies are so eager to come here anyway? Are we just giving away money for no reason? People raise that question all the time. If people were to raise that question with respect to these incentives is there any answer you might be able to provide in advance of providing these incentives. Is there any way of gauging whether the incentives that we are providing under this proposal, whether those would be going to companies that might be coming here anyway?

>> I think what we start with is the revenues that we're talking about which are new revenues which we don't currently have. We're using the revenues that they are bringing to the table which we otherwise don't have. So that's why the program is geared towards what are the revenues from this particular project that we're talking about. And I think that's really important. The other thing is that we're not going to give away current revenues that we have. This is cash positive. Using the new revenues generated from that project and rebating on a performance basis those new revenues.

>> As desirable as austin is as a location, that there are companies that would be inclined to go elsewhere absent incentives proposal like those we are considering today?

[04:48:57]

>> Yes. We have some examples. Natalie tracked down examples and the production went elsewhere. We can provide those examples as well.

>> Yes. I think an important point in general is this is such a highly mobile industry it's easy for companies to pick up and leave, unfortunately, if the incentives aren't there. So we are constantly in a competitive situation for these productions even when they may already be here. So I would also add that, for example, there are projects that were texas-based or had texas in their story so you would think we would be strong and competitive in bringing those here. For example, dallas buyers club was shot in louisiana. Killer women went to new mexico to shoot their season. Those are a couple of examples where we have lost projects. There are also projects that we don't hear about because our incentives aren't as strong as other states and they may not consider us.

>> Natalie, could I add something to that? I have had personal experience with this. It's nice to say that austin itself is an attractive place for the actors and the producers and directors to want to be, but the fact is these films are funded by people other than those, even though the producers and actors might want to be here in austin, they can't do it because the guys who fund these pictures and expect to make money on them expect otherwise. Building on council member riley's comment about new mexico and louisiana, our big competitors. I think to really be effective

-- competitive with, those are state programs. We have not had the kind of support from the texas film commission and for our program to be effective I think the texas program is going to have to become a little more robust. But there are things we can do, which you outlined.

[04:51:10]

>> Council member spelman. >>Spelman: I understand the question that council member riley was requesting and that the mayor has seconded. I believe your answer. If we didn't provide incentives we're going to get a lot less business than otherwise. I feel I need to point out that los angeles is the center because it was a lot cheaper than to film in new york. The movie making business was entirely centered in new york until 1914 and then it picked up to hollywood and new york hasn't gotten it back since because it was a lot cheaper to film outside of new york. I am concerned a little bit about the cash positive analysis because we are getting less information about revenues and costs than we usually do through the web loci. I want to make sure I understand the argument. If we're taking the wage rates and we're trying to estimate the city revenues that come from the wage rates, hockenyos estimated that

three quarters of a cent of each dollar in wages comes back to the city in the form of revenue in one form or another, property taxes, sales taxes, alcoholic beverage taxes, something like that; is that correct?

>> Yes.

>> I'm envisioning that in my mind. All that adds up to three quarters of a penny for every dollar in wages. Then we've got a base of support of a half a cent. That's the support line. The first of the cost lines. And that's less than three quarters of a cent. But that half a cent can go up to three quarters of a cent if the production significantly promotes austin or has a company which is more or less head quartered in austin, right?

>> Right. >>Spelman: If we have three quarters of a cent on the top line and three quarters of a cent on the bottom line in support, we are leaving out that rest of the web loci analysis which is what is the cost associated with providing services with the people providing us with the benefits? Why can we leave that out?

[04:53:27]

>> That can be left out because those costs are primarily associated in web loci with the assumption that people have to move into our economy in order to take jobs created. In this case these are temporary jobs. So for a four to six week job or even a four to six month job we don't anticipate we will be bringing in new people as a result of the new jobs created due to this project. There are new -- no new services.

>> We are not going to be opening up any pools or hiring any police officers. I'm with you. These people here are going to call 911, use our parks and making use of the services in a way those services would not be used as much if they weren't here.

>> You want to

--

>> let me try to help council member spelman. One very big cost we are going to subtract at a time cost for security which is \$16,800. I think that is going to be a significant cost to deduct. The other cost we are not deducting is because there were ordinances to waive fees. We felt council had made that decision that you didn't have an interest in recouping those costs for the city. To your point about yes there will be individuals calling 911, 311, then it becomes, okay, what is that factor that we use for when that happens and how often would we think that that would happen? I think some people would have a different opinion on how minimally that might be used. We are open to considering what might be a nominal figure in that regard, but what we are talking about is a temporary time period as low as four weeks to as much as six months. And of course it would vary by production. >>Spelman: Sure.

[04:55:36]

>> That amount would have to vary by that production time line as well. But there again, I don't think it's a large amount, certainly not larger than the 16,000 800 that we are going to deduct.

>> That's a fairly substantial cost. I don't know what numbers we are talking about. I'm not sure what a half of a percent of the wage bill for friday night lights would look like, but 16,000 is fairly substantial in

the context of that, I'm guessing. But we could piecemeal it and look at how many weeks and numbers people are going to look at. Our best guess based on a wage bill of 20,000 dollars or \$50,000, x percent of that is going to go to the wages provided to these people. I imagine that's a doable proposition that wouldn't be too complicated. What's the average cost of someone living here year round? That might be exactly the same.

>> We could certainly take that into consideration. We'll look at probably the average number of people employed by that production because that figure is going to be low and I don't think we will want to throw in any extra because I think it skews it unnecessarily. We would look at the number of people on that production full time and then we would look at the amount of time they are on production. It could be as low as four weeks, as much as six months. I don't think we're going to talk about a substantial sum of dollars here, though when we go through that exercise. That's why we have not proposed it because we don't feel it's going to be very substantial. >>Spelman: I would suggest we go through the whole web loci analysis for these projects because that would be a needless complication. And a rule of thumb is it seems like the right way to go. I want to make sure we have taken into account all the important costs and benefits. You are proposing an additional quarter penny for pickup truck

-- productions that based on austin, I get that. What is the public purpose associated with significantly promoting austin? Why are we willing to pay more if they promote austin?

[04:57:59]

>> I didn't hear you.

>> What is the public purpose associated with giving another quarter penny to a production if it promotes austin. Why is austin a better place if we are promoting on television or in the movies?

>> That goes along with our branding and tourism and recognition. We love our city. We want others to be aware of austin. You have seen the benefits of the tourism industry. It adds to the city's coffers and adds to a number of other revenues. It gets austin word out and drives more tourism to austin. That's the reason why new york city is

-- and these other cities have also engaged in incentives. >>Spelman: I would love for everybody else to love austin and come by austin, look around, spend a whole bunch of money, and then leave. And my only concern is if we promote austin too effectively a whole bunch of people look around and say I like it here, I want to stay and end up with more benefits and costs. We have a web loci analysis associated with that.

>> This is one tourism aspect, we have got the austin convention, visitors bureau year round, and I think it's for the purpose of driving more revenues to the city.

>> I understand. I suspect on balance that quarter penny and additional promotion will do us good in tourism, a lot more good than it might do in harming our growth rate. There is something I might ask of you or john is to verify that for me and reassure me we're not increasing our growth rates, we are doubling every 19 years instead of 20 years because of all the promotion.

>> Mayor leffingwell: I have to say that council member spelman has used my line that I have used many times urging people to come to austin, spend their money and then go home.

[05:00:02]

[Laughter]

>> we'll consider adding that to the tag line as well.

[Laughter] spelman it's only fair. You have been using my line about the civil war for years. I was the guy who actually did the math on that. But feel free to continue using my line as I continue to use yours.

>> Mayor leffingwell: Council member tovo. >>Tovo: I think this is an interesting proposal and it is not dissimilar from what I have talked about a couple of times with regard to our really large-scale events. So I want to ask a couple of questions about that now. We had talked about it when south by southwest was on the agenda, I had asked a couple of questions about whether the economic incentives reserve fund could be used for that and we got some information. I think the answer that was posted was pending, but then we talked about it in the council meeting that day. There were challenges. As you said, really it has the same issues that are true for the film industry. There are a good number of the jobs are temporary for large-scale festivals. It tends to be a short time-frame. All the things we have heard you present clearly today. This is a very interesting model to consider. Council member martinez and I were working on bringing something forward related to large-scale events and we referenced this last fall that we wanted the consideration of large-scale events as economic development. Investments rather than fee waivers. But my first question is when is this coming? I assume you're coming forward asking us for some kind of action? Can you give us a time-frame?

[05:02:05]

>> That would be may 1st, I believe.

>> Can you tell me what is maximum

-- I see how you are going to calculate the incentive but what is the maximum public investment. I see the 110% from the previous year.

>> The total proposed would be \$250,000 per year. Similar to the state's pull, once those dollars have been expended then there would be no more funds allocated. But it would be \$250,000 per year.

>> I didn't understand what you said.

>> Similar to the state's film incentive program where they have a certain dollar amount allocated per year. Once that money is exhausted they don't receive anymore applications.

>> You talked about the security fees. I see on here that our current policy allows for two peace officers. Is that where you're getting the 16800 figure?

>>> Yes.

>> Is it always the same cost per film? I imagine some are longer periods of time.

>> It allows for two peace officers up to 15 days. That's 30 days worth of an officer's time. Some could use less, some might not use it at all.

>> But there is a cap set.

>> By the other ordinance.

>> When you say it is going to be subtracted from the incentive will that amount go back to the austin police department or is it just subtracted from their total incentive?

>> Actually it's the austin police department as we understand it, they encompass that security within their current allotted budget. So it's not like this money would go back to them or there's no 16,800 set

aside. When a company asks them for that security, it's provided to them.

[05:04:12]

>> Thank you. So there's no

-- in the new scheme there's no contemplation of reimburse them. They factor that into their budget?

>> That's how council had adopted the ordinance was there was no money set aside for that \$16,000 per production. It was factored into the apd operation.

>> Do you have a sense of what that total cost is per year?

>> We can get that information. We don't have it.

>> That would be helpful and I would be interested if knowing there was a maximum security cost per year. If we had 100 production come forward in a year, would the police department then need to figure out how to absorb up to 16,800 for all of those productions or is there a maximum set in a resolution?

>> We have not heard comments from apd being overwhelmed by this provision, but we can get that information to you.

>> Because it would be

-- I can imagine that it would be a consideration for them whether they, you know, how they

-- if we adopt this program. As you have shown other states that did so had an increase in the number of film productions that came. That would be a budgetary consideration for the austin police department if that's something they absorb in their budget, they need to plan for it. I think the other thing that would be useful, you have given us the overall numbers how they went from louisiana to new mexico from your

-- year one to ten or 11. It would be useful to see that. What did it look like in three and four. For financial planning purposes I think it would be useful for the departments who might have to absorb additional costs to be clear on what those costs might amount to.

>> All right.

[05:06:15]

>> Mayor leffingwell: Council member martinez.

>> Martinez: I may or may not be done. I think that does do it for now.

>> Mayor leffingwell: Thank you.

>> I just have a couple of questions. So when we talk about union wages and ensuring that they provide benefits equivalent to union benefits, there's not a requirement in this that they hire union labor, is there? Or

-- I mean, I understand in austin it's mostly a closed shop union worker that does the film industry work because they are heavily unionized but that doesn't set any kind of requirement that it has to be union labor just that it meet those union wages?

>> That's correct.

>> What are the benefits equivalent to union benefits? What do you use as the baseline for getting those benefits?

>> We would look at what would be provided if it was a union production. And there are many different

unions that are involved in film production from the international alliance of studio and theater. And it's for studio mechanics. There's a union for camera operators. We would have to look at those various unions and their benefits. They do typically provide health insurance and pension and vision and dental, those kind of benefits. We would look at those and ensure that they were equivalent if it wasn't a union production.

>> I appreciate aligning our other economic development policies with the \$11 an hour, same-sex partner benefits as well, but I don't see anything in here as it relates to our economic development policies that ask folks seeking incentives that comply with our ordinance. Why is that?

[05:08:22]

>> This program wouldn't have any new construction associated with it. We would ask that any production or any kind of project that is about new construction that's it's going to comply with it to go through our other program. That's just an appropriate vehicle for that project. And I think another -- there's a challenge a little bit with timing on nbwb compliance. We felt that since these projects didn't have construction associated with it that it wouldn't go along with the ordinance's intent.

>> I guess what I would like to see. If there's an issue with minority participation in this program, I would like for that to be proven that there's an issue with that, so whether it's reporting requirements that come to council to show us minority participation so we may revisit this, I find it hard to believe that if you're going out and seeking folks to help you build your sets, help you do the production work, that you can't reach out to minority contractors and vendors that are within our current system that we can notice and say, hey this project is coming forward, would you like to bid on this?

>> Let me help answer that question, council member martinez, because it is a great question. And going to that point of reaching out to the vendors, our current requirements, say for instance on painting, is that you reach out to every single vendor. And those lists can be as many as 50. And what we're talking about is, number one, construction as natalie mentioned isn't a big component of this, but these are production companies who need a set painted like by the end of the day or by tomorrow. And to reach out to 50 vendors and then to get all that information back and then to assess it. By that time, they are going to exhaust the amount of time they need to do something as simple as painting. And so I think when natalie had expanded on this industry itself, how fast-paced it is and how quick and how they move their sets, I mean from within a day, they can move a set three, four, five times within that day. It becomes very difficult for them to engage in that process. What I would like to offer is that we can certainly reach out to the contractors associations and talk to them about the incentive program and ask from their perspective, you know, is this that big of a thing that they think they would need to be a part of. I don't suspect they are looking at this as a huge opportunity for them to participate in. But we definitely would be open to talking to them about this.

[05:11:12]

>> And I appreciate that. You know, I'm not looking at this on a large scale, I'm actually thinking about this from the perspective from a guy who owns a paint shop or a plaster shop that would probably work hard to be competitive and get this work as quickly as possible if they were given that opportunity. I just

-- so would you be opposed to adding some reporting back to council after the first six months so we can take a look at if there was minority participation what did that look like. And are some of these contractors out there really desiring to be a part of this program?

>> Let us see what that reporting might look like. At the front end which is key, and you understand this, is that even having that list of certified vendors, even given a list of common things they may come across so painting is one of them, that the production companies would have that at their disposal. We can talk to the contractors association and ask if that's something they would see as a good entry. We can look at the reporting. The whole purpose is to make it a simple program throughout the entire program. But we can look at the reporting and go back and talk to some of these stakeholders and ask them about their perspective of reporting and get some of that information as well.

>> I appreciate it. I want to make sure we're not missing another opportunity. We hear from time to time from some of these economic incentive agreements that compliance is too cumbersome and too difficult and therefore we're not going to take the incentives. If that's the case, that's the case, but I want all our goals and values and adopted policies to try to apply when we do incentive agreements. This is one I see missing from this. I want this on the radar screen. I will continue to ask these questions through the pbwb subcommittee and hopefully we can come up with

-- maybe there is some opportunity out there, but it doesn't mean we shouldn't try.

[05:13:26]

>> The last point when council member tovo was asking for the request, you stated it would be \$250,000 and in subsequent years you would come back with that 250, but wouldn't it be 275 the next year because you are asking for 110%?

>> We do anticipate on asking for 110% because we want the program to be able to grow and be successful. If the program is implemented in the way that we hope, which means more productions are coming here, we want it to grow. You are correct about that.

>> I appreciate it. Thanks, mayor.

>> Mayor leffingwell: Thank you very much. We'll see you on may 1st. Before we go on to our next items. Since mayor pro tem coal is out for the day, I need to designate council member spelman to be pro tem for the rest of the day, any time I'm off the dais. >>Spelman: Does that mean I'm mayor pro tem?

>> You are mayor for the time. >>Spelman: Fair enough.

>> Mayor leffingwell: Only when I'm off the dais. Don't let it go to your head. Let's go to item 25. And that was pulled by council member riley and martinez.

>> Thank you, mary.

>> Mayor leffingwell: Council member martinez, there are no speakers on 25.

>> This will be brief. Mayor, you and I sponsored the local preference policy and there are a few items on this agenda that allows us to impart that local preference policy because the second place bid comes within 3% of the low bid and is a firm located here in austin. With that on item number 25 I'll make a motion. I move to authorize award and execution of two 36 month requirement supply agreements for the purchase of tape and adhesive products for austin energy and the aviation department with tech line in the amount not to exceed \$63,437 for a total contract amount not to exceed \$380,622. And with

none electrical supply not to exceed \$20,943 with three-12-month extension items for a total contract not to exceed \$41,846 based on the fact that the local bidder offers the city the best combination of contract price and economic development opportunities for the city created by the contract award including residents of the city and increasing tax revenues to the city. That's my motion.

[05:16:39]

>> Mayor leffingwell: It sounded like there were a lot of different numbers. Can you furnish that to the clerk.

>> Mayor leffingwell: Council member spelman. >>Spelman: I wanted to know if I could talk to someone from purchasing to verify the obvious question.

>> Good morning, yolanda miller, deputy purchasing officer.

>> The original version of this we were going to have three vendors and council member martinez's we would have only two. Is moving from three vendors from tape down to two going to pose any problem for any of these departments?

>> No because the same requirements will be met.

>> Why did we go to three in the first place and not to two?

>> Let's see. Once we

-- we are making the orders per line items and when we enacted the local bidder's preference, it became two vendors because all of the ones that were originally going to be awarded to one of the vendors then was awarded to one of the two.

>> So we can get all the same materials from the two vendors that we could have gotten from three vendors. The question I guess was when we originally

-- before you did that and decided we could go to two, why is it that there were three vendors in the original rca?

>> I see. Originally they were

-- we were going to award just based on the lowest bid per line item. When we did the second analysis, we determined that the local bidder was within 3% of one of the bidders that then all of their amounts went to the local bidder. >>Spelman: You are looking at all the supplies we are trying to get, there's a long list of different supplies and you were going to parcel it out on the basis of a low bid but at 3% it turns out the local bidder will fit each of those items and there's no need to go to the other bidder at all?

[05:18:56]

>> Got it.

>> Mayor leffingwell: All in favor say aye. >>Aye. >>Opposed say no. Passes on a vote.

>> Item number 26.

>> Mayor leffingwell: Council member martinez.

>> I move to on item number 26 I move to authorize award and execution of for the purchase of rope, cord, and slings with stewart c. Irby company not to exceed \$51,900,000. Not to exceed \$17,197 per extension option for a total contract amount not to exceed \$103,182. And with tech line in an amount

not to exceed \$55,158 with three 12-month extension options not to exceed. For a total contract amount \$110,316 based on the fact that the local bidder offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award including the employment of residents of the city and increased tax revenues to the city. That's my motion.

>> Motion by council member martinez seconded by council member riley. Discussion.

>> Question.

>> In the previous case wildcat is in austin, that could be considered local or not. But irby is located in buddha? Did they look at anything outside the city limits or do you have to be located inside the city limits.

>> Yolanda miller. All the bidders must be within the city limits of austin.

>> That's the decision we made is within the city limits and even if you're adjacent to the city limits that doesn't qualify you.

[05:20:59]

>> That's correct.

>> We want your tax money. Thank you.

>> Mayor leffingwell: Council member martinez.

>> It's also governed by state statute. It's not a policy that we impose. The statute only allows us to take this option if another bidder is within the city limits and within 3%. Am I correct?

>> I need to look at the stats.

>> The city attorney says she believes that is correct.

>> If someone could verify that for me, I would appreciate that.

>> Gregory miller, law department. You are correct. City limits.

>> So it would be

-- council member martinez if you wouldn't mind, I would like to ask a question. It would not be appropriate for us to use that 3% factor to apply that to firms located outside the city limits even if they're located adjacent to the city limits?

>> That's correct they need to be in the city limits for the statute to apply.

>> Thank you.

>> Mayor leffingwell: All in favor say aye. >>Aye. >>Opposed say no.

>> Passes on a vote of 6-0. Council member cole off the dais. We'll go to item number 29. Council member riley.

>> I believe there is a speaker signed up on this one.

>> Mayor leffingwell: I called him. Is donnie clark here? Yes. Thank you.

>> Again, I'm donnie clark. I'm a representative of brenntag southwest. The lowest responsible bidder on item 29. When I viewed the council's agenda and I saw the wording of whether to award

-- something came in that said or. And so I didn't have a lot of clarity because there was someone that bid on this item which was the third highest bidder on this item that claimed local preference. And so when I came here today, we are currently the incumbent supplier that's used at the wastewater treatment plant. What I wanted to do was make the case of going with the lowest responsible vendor.

The other company claimed local preference. We, too, although not in the city limits, we are in the ETJs OF AUSTIN WITH OUR Facility. So having said that, we have been a supplier to the city of austin for numerous years, not only on this product or other products. I want to make the case for my company continue to be awarded this contract because we are lower. We are the lowest bidder by a tune of about \$34,000. I realize this was pulled by a couple of council members. I don't know why it was pulled, but I felt it was best that I make the case for my company to be awarded this contract. We do have operations and employees that work inside the etj of the city of austin, so I'm open to any questions about this or any way that I could better make the case for my company.

[05:24:30]

>> Thank you.

>> Mayor leffingwell: Council member riley.

>> Mary, I want to express my gratitude to brenntag southwest for their work with the city in the past. I understand the points that mr. Clark raised, but we do have a strong policy interest in supporting our local businesses that are here in austin to the greatest extent we can consistent with state law. And as discussed previously, state law speaks to at the local preference policy that applies to the benefit of companies that are located here within the city limits. And so within the consistent with that policy I'm going to make a motion consistent with what we just did on items 25 and 26 and that is to award the item to one of the bidders who, while not the lowest bidder, was within 3% of the lowest bid. And so with that context I'll make the following motion. I move to authorize the award and execution in an amount not to exceed. 706,275,000 not to exceed \$2 million based on the fact that the local bidder offers the best development opportunities including the employment of residents by the city and increased tax revenues.

>> Mayor leffingwell: Motion seconded by council member spelman. Is there any discussion? All in favor say aye. >>Aye. >>Opposed say no.

>> Passes on a vote of 6-0. Council member cole off the dais. Next I believe, if there's no objection we might be able to get through 49. There are six speakers signed up and all in favor of the item. So as I will call you up if you want to come up and try to talk us out of approving this item which would be on consent, you are welcome to do it. Gus pena. Stephanie thomas in the chamber. Hiwa solvitz. Jennifer McFail. David witty. Are you david witty?

[05:27:18]

>> I am.

>> David witty. All of these speakers are in favor.

>> Good morning, council members. My name is david witty I'm with adaptive texas and I use section 8 vouchers to receive public assistance in my housing choices. And recently

-- four months ago, I was looking for a public housing and/or assistance with housing in private housing developments and the departments that take the vouchers that the city of austin provides for assistance are very few and far between. And it occurred to me as I went all over the city looking for housing, I would see small places that were affordable or not accessible and other places that were accessible that

maybe not so much affordable for me. And through the luck and two extensions of time, and some intervention from the housing authority as far as getting the additional assistance, I was able to find housing, but it occurred to me there needs to be more housing for people in need of assistance. And just to have a current list of housing that's available, it's difficult because I tell you, there was housing options online and by the time I would get there in the afternoon, they were gone, taken up. The city, if it has any small pockets of property available, any small pieces of property that can be turned into affordable housing that's accessible and integrated for people like myself who need housing assistance, it would be great. You have pocket parks all over town. I see pocket parks and people enjoy them and utilize them. They enjoy the activities taking a break from their day. We have pocket parks downtown. One square block of a park is not really a large park, but it's a pocket that people -- they can't stick it in their pocket, but they can go there on their lunch break and take a break. This is the kind of -- it just makes sense. Really the question is not why should we support the resolution to have this ordinance passed, the question is why has it taken this long to find out the inventory of small pieces of property that can be turned into housing. I think it's kind of overdue. Thank you.

[05:30:12]

>> Mayor Jefferingwell: Susanna almanson.

>> Good afternoon, mayor and

-- good morning mayor and council members. I want to support this resolution. Back in 2000, this was the recommendation of using properties that the city owned to supplement affordable housing. And also, too, he actually went through all the data looking at all the properties that the city of austin owned and put together a program. At that time they identified all the commercial and industrial properties that the city owned that could be used for an equity land swap at that time. But there's been some surveys

-- and they actually put together and visited over 1,000 properties and did a description. Came back, put together a program and then gave a little workshop on that program how to navigate it. That should be in your files because some of that property probably could be converted to multi-family use or other things. I think this is a really great resolution. We support it. It's a long time coming. I think the city should have done it a long time ago and I'm happy to support reviewing those properties, identifying them, and making them available to the different affordable housing corporations. Because I think they're the ones that can do it. They can make it affordable and this way it could be throughout the city. I applaud you for putting this on the agenda and moving it forward. Thank you very much.

[05:32:16]

>> Mayor Jefferingwell: Jennifer, did you want to speak?

>> Yes, sir.

>> Mayor Jefferingwell: Jennifer McFail.

>> Thank you very much, I'm Jennifer McFail with adaptive texas. I'm supporting this effort because I have known from personal experience that it's difficult to find affordable housing that you can actually

access in terms of bathroom and different features in the apartment. I have lived at my apartment complex where I currently reside for about maybe 23 years, 24 years. And it's not necessarily because I love it so much. It's because there's so few options and I know that. It took me over six months to find the place that I'm living in now. So I can only imagine now with the market, the demand for affordability increasing so much over the years, what it would be like to be out there. And I'll just say when I was in MY EARLY 20s I BECAME ELIGIBLE For section 8 voucher and I lost it because I needed three extensions and couldn't find a place I could afford that was accessible to me. That was decades ago. So I can't imagine what it's like out there now. And I'm fortunate to live in the place that I live in because they're not trying to get rid of me and it's a fairly decent place to be. It would be nice to have options because nobody wants to stay stagnant in the same neighborhood because they're forced to. You want to do it because of choice. And right now we don't really have choices. If you're low income or a person with a disability and you're in a family that needs accessibility features and you're having to look that much harder, you are not getting a choice. The more choice we can give people

-- I value parks. I have advocated for access to parks for many decades, but I also value people having a place to live and not have to live in those parks. I don't want to create parks so people can live there. Thank you.

[05:34:28]

>> Mayor Ieffingwell: That's all the speakers that we have signed up. Council member martinez.

>> I want to thank the sponsor and cosponsors for this allowing me to sign on as a third cosponsor. This actually

-- we have kind of been doing this piecemeal. She and I started this conversation that relates to the health and human service campus back when we were debating whether to move the animal shelter over there in 2007. And we were able to carve out a parcel of land on that campus specifically for potential future affordable housing for the neighborhood. So I think this is very appropriate to look city-wide. I won't make an amendment but I want to make a comment that in our experience since 2007, we have found that other entities like aid, travis county, even the university of texas has surplus lands that where they once thought there was going to be a school sited in an area, it no longer is because of how the city grows over time. So maybe after this we can look at expanding that communication and outreach to those agencies where we have interlocal agreements. There is a substantial parcel of land that aid owns for a potential future school. We know that they already went beyond that and built gus garcia middle school because the population wasn't in that area at 183 and loyal lane. There could be other opportunities in partnering with other entities. I want to throw that out there as an idea moving forward that we may revisit this and expand that reach.

>> Mayor Ieffingwell: Council member morrison.

>> I appreciate council member martinez bringing that up. I guess I'll just use this as an opportunity to urge our staff who are engaged with the county and this and the school district and some joint discussions right now about shared facilities and shared resources. And so using this as a jumping off point to particularly ask them to focus on exactly the potential for housing as well as other shared resources that we have been talking about. But I appreciate the idea of pulling in other entities in town to be part of that conversation because there could be some real great benefits coming out of that.

[05:37:13]

>> Mayor leffingwell: Council member tovo. >>Tovo: I would like to move approval of this item. As some of the speakers have suggested and I know we had a conversation going on in our question and answer about previous work that the staff have done, we do have good information that staff has compiled over the years in terms of inventories of public properties. This resolution asks staff to narrow down of all of the options they know about, of all of the properties listed in our inventory, can they go through and suggest at least three, possibly more, that really meet some of the criteria we have identified. Aisd proposed closing a few schools. And one of the things we talked about at that time was the way in which the city and school district could work together. I remember a few of our elected leaders coming to neighborhood meetings and saying, if we have an opportunity, one of the things the city could do is identify some sites close to what the district has noted as underenrolled schools or underutilized schools. You will notice one of the criteria on this list is asking staff to look do we have properties located near some of those schools that might in upcoming years be threatened with a potential of closure. So this asks staff really to use the work they have done to help us identify a couple of sites that might be key for continuing to pursue for affordable housing so we can get hopefully see some action on this in the near future.

>> Mayor leffingwell: Motion to approve by council member tovo. Seconded by council member riley. Council member morrison seconds.

>> I would be glad to support the motion. My understanding based on discussions with staff is that efforts along these lines have been in progress for quite sometime and we would have been seeing something like this before long anyway. I think this provides helpful, additional guide -- guidance comes forward. I did want to note in a similar range that there is another item on the consent agenda item that refers to one particular piece of property that I would consider underutilized and that is a surface parking lot that currently serves the library. That's number 58. Our scope should reach further than that and should be looking to property that is used for some purpose but still is not -- but still might well be devoted to some additional purpose such as housing. And the current purpose that it serves might well be consistent with that same purpose. You can actually integrate, for instance, surface parking with housing project. In fact, I have heard from at least one affordable housing developer that that kind of effort is underway. The chestnut neighborhood revitalization corp. Is developing similar in size. I'm hoping we can take a look at that particular appropriate. We're not talking about just one property. If we are able to solve this problem and make use of a lot like that for affordable housing, the potential is huge. We have branch libraries over this city and they tend to be located in places that are very convenient to other locations typically. And often near commercial centers within easy walking distance of a range of goods and services. I wanted to let folks know that all of these efforts are underway and I think this resolution will be a helpful part of that effort and I look forward to see the results of all this work.

[05:41:39]

>> Mayor leffingwell: Thank you, council member. I don't want to create any false expectations here.

This is a list that's going to be put together of land that might be available for affordable housing. That does not mean that the land is free. Whoever develops the property as affordable housing or for any other purpose would have to compensate the city to purchase and use that property all in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 6-0. Council member cole off the dais we will go to item number 48. We have about 18 minutes so we will likely not get through the speakers, but we will go ahead and get started with item 48. I think the most fair way to go is in order of sign up. Nakesha phoenix.

>> She's not here.

>> Mayor leffingwell: Katherine stark. Morgan

-- are you katherine stark? Snuck up on you.

>> My name is katherine stark and I'm executive directors of the austin tennis counsel. It is safe, decent, fair, affordable housing. We have programs that assist tenants. We have the the affordable housing guide. We put together a booklet where when people are looking for housing they have it in one place. We also do fair housing enforcement and education. We look at issues that have to do with housing and limiting people's choice of where they can live. We did a section eight study about a year and a half ago and in that study we called all the units over 50 units and we kept the study simple. We said, what are your rents? And we said do you accept section eight? We found out about a large majority of them could support section eight certificates but only 7 or 8% would accept section eight. What that means is people were limited to that 7% or 8% that would accept section eight. We went on to map it and found the majority of those apartments are in the same neighborhoods that all the other affordable housing has been built. We are squeezing all the vouchers in the same neighborhoods and they are not spread across the town. People do not have choice and that's what this is all about. Thank you for your time. If you have any questions for me, I would be happy.

[05:44:47]

>> Mayor leffingwell: Council member tovo. >>Tovo: I have one question. I missed how you identified the pool of apartment complexes to call.

>> Anything over 50.

>> In the entire city?

>> We brought a comprehensive list and said if they have over 50 units we're calling them. That was our methodology is we knew we only had so much time and money. We hired a summer intern and he spent his summer calling and saying what are your rents and do you accept section eight? [One moment please for change in captioners]

>> spelman: The 87% was only in travis county. I didn't actually calculate the percentage for the other four counties in the metropolitan area. That percentage was considerably higher than 87. Travis county is more apt to give section 8 people a break than anywhere else in the metropolitan area.

>> Right.

>> Spelman: That's the impression I got.

>> When I first started doing this type of work, the tenants that I would see, most of them who had vouchers, a lot of them were living in duplexes, a lot of them were living in houses, a lot of them were living in apartments, and basically it was a decision based on what their needs were. Now we're seeing

that section 8, about the only place you can go these days are really run-down properties or if they have a tax credit city go bond money, because the city has said that, you know, you have got to accept section 8 tenants. So they're kind of getting squeezed into where we don't want them, you know? They have a section 8, let's move them out, let's save those units for people that need it that don't have a section 8.

[05:47:21]

>> Spelman: We do subscribe

-- the other thing I've been saying, which I believe is quoting some of your work, is that section 8 folks, as other folks who require affordable housing, do better if they are integrated with the rest of the community and not concentrated with other folks who need affordable housing. Is that accurate?

>> Yes, sir. If you look at how well people do in life, one of the main indicators is where they go to school. And, you know, good schools he wait good education, equate good, you know, abilities to earn and move forward in your life, and if you don't have those options, those options are taken away from you because you can't rent in those neighborhoods. What are we doing?

>> Spelman: Thank you.

>> Tovo: Mayor?

>>> Council member tovo.

>> Tovo: Thanks for mentioning that last point. I also wanted to say too that the research shows that children who go to mixed income schools also tend to todo bet academically, so it's another reason to integrate poverty into regular neighborhoods. Thank you.

>>> Next speaker also in favor is morgan morrison. Morgan morrison. Donating time to her is erica reed. And we have gus pena, also for

-- I would remind those of you signed up in favor that this item was on consent until it was pulled off by a number of speakers. So if you want to shorten your testimony, that would be

-- thank you.

>> I think I'll shorten my testimony by not speaking to other items. I'm a proud united states marine corps veteran. Let me be a little more honest, and I appreciate catherine coming up here. Let me tell you something. I'm a former discrimination complaints investigator. What I've seen throughout the city of austin/travis county is a lot of discriminatory practices against veterans. We have what is called the hud voucher, the veterans of supportive housing voucher. It's only to the tune of \$768 per month. Where are you going to get a unit that will accept a voucher, number one, and number two, a voucher that is for \$768 per month

-- excuse my bad english. That ain't going to happen. And another thing also that I have a problem with and I've been working with senator cornyn's office, cruz's office, lloyd doggett and lamar smith's office, on discrimination against veterans and especially the single female veterans with children. A lot of veterans are being discriminated against on housing. I will give you one phones, mayor.

[05:50:05]

-- For instance. You were at a press conference last year the mary lee foundation. That is one of the worst, most discriminatory housing initiatives that is here in austin/travis county. I had a good press

conference three weeks ago, all four major television station were out there. They covered it. Very discriminatory, rats, roaches, and people just

-- if you complained, was the statement from the property manager, max, okay, which is very discriminatory, and he was very discriminatory in going towards minorities, people of color. That is not acceptable, mayor. Another thing also they forgot evictions keep you from renting, backgrounds, criminal backgrounds and no income. We found with a hud based voucher, if you don't have an income don't even apply. I'll tell you this much. We had an agreement with secretary of hud, secretary of -- to have a summit in austin. Austin is popular for the president and everyone else. We'll have a summit here in june or july to discuss the problems we veterans are having in finding affordable housing.

Another thing,

-- I'll keep it short

-- I'll promise but won't keep the promise. But the issue is this, mayor. We have a lot of veterans that are homeless. We have a lot of

-- we don't have enough affordable housing. We are doing a bad job here in austin/travis county of providing affordable housing, true blue affordable housing for people. Now, when we had \$65 million affordable housing bond

-- I give you all the scenario

-- a scenario of what we would like to see in the community as far as what they charge people for renting and it's not happening. All I'm going to say is this, mayor. I'm a proud native east austinite, but you know what? I am very sad to see the sorry state of affairs that is occurring here in austin, texas as far as affordable housing for people. We have too many homeless people. Anyway, thank you very much and I hope we improve the situation.

[05:52:06]

>>> Thank you. Appreciate you keeping it short. Morgan morrison. Morgan morrison? Is morgan here? I've already called her. Bob thompson. Bob thompson. Donating time to bob is linda thompson. Is linda here? So, bob, you have up to six minutes.

>> Mayor and city council, my name is bob thompson. I'm a small rental property owner and a member of the austin apartment association. I'm here to oppose item 48, and I'm speaking just for myself. At the apartment association I do represent other small owners of rental property in town, and I'm expressing concerns which I think are shared by other similar small owners. The problem of limited housing for low income folks cries out for a cooperative partnership and a detailed stakeholder process. Unfortunately, this resolution as it's drafted promises a rushed-up, kind of a crammed-down ordinance and presupposes that they'll come out of the stakeholder process adding source of income as a protected class. That's not necessarily the case. I believe that the three-plus months which has been allocated to come back with an ordinance to council seems way too short for a serious effort as a mutually agreed solution, which is what I wish we would undertake instead. Source of income sounds innocuous. Why should the landlord care where the money comes from that they get? After all, the leases that we commonly use already, the texas apartment association leases, allow lease guarantees, for example, a parent can sign a lease guarantee for their child who's a tenant. The parent agrees to backstop all the financial obligations under the lease. That would include both the rent and any damages that might be

caused, but the child signs a one-on-one lease with the landlord. Is this what source of income envisions under this ordinance? No, it is not. Under this proposal to require acceptance of aca vouchers, the landlord must also sign a separate contract promulgated by hud with the housing authority administering the housing vouchers. This separate contract conflicts with in many cases and takes precedence over the landlord's own lease with the tenant, which is what makes it very problematic for property owners. The landlord must physically modify his property in order to pass hud inspections. Many small owners, property owners, are deeply philosophically opposed to being forced with a legal gun at our head to enter into a contract with a government agency and thereby cede control over -- cede control over that property to an agency. I thought I would outline just a few of the problematical features of the hapt contract, which we would be required to sign if we were forced to accept these vouchers. First of all, it's voluminous and very complex. I asked to receive copies by email of some of the documentation and I got back a megabyte file, which came to some 30 pages of fine print. It has inadequate protections for the property owner, and it's particularly -- these contracts are particularly hard for small property owners to cope with. We don't have staff to help us, you know, on-site legal counsel or that sort of thing. We just have to cope with it ourselves. One thing it requires is an onerous inspection regime. Both your physical property and also your confidential records have to be made available for inspection not at a time of your choosing but at any time of the housing authority's choosing. There are numerous items on the checklist which have to be satisfied before you will pass the inspection that you're required to pass, including a lot of arcane things that don't make a lot of sense. You have to have bathroom exhaust fans, whether there's anyplace to exhaust the air or not. If you have any cracks in electrical wall plates or window panes or any peeling paint, no matter how minor, you can fail the inspection. In these contracts hud limits their own liability. They are not responsible, it clearly states, for any of the tenant actions. We presently provide very well kept-up affordable property for rent to tenants. Our property is sufficiently low income. It would easily qualify as affordable housing. We expect our tenants to have some skin in the game and to feel appreciative of having a well-kept-up place and being willing to do their part to help keep it looking nice. There's no hud backstop if we have a tenant that's only paying 5% of the rent and is not feeling responsible for the property and they act irresponsibly and cause maybe thousands of dollars worth of damage. Hud doesn't pay that to us, unlike the lease guarantee that we might sign with a with a parent for their child, if their child caused damage the parent would stand behind the damage as well as behind the rent. If we rent to a family under the hud contract and the family breaks up, hud reserves the right to pull out and abrogate the agreement. That's not the way it works in a private contract. Everyone in a private contract is jointly and separately responsible under the lease. If one person leaves, the other person is still responsible. There are eviction constraints. I'll just conclude by saying that forcing owners to cede to hud control of their property is an extreme loss of liberty.

[05:58:48]

>>> Thank you, bob.

>> This is the sort of thing you might expect.

>>> You raise good points and the reminder is that this is

-- this only starts the process, and there will be opportunities to address those issues as it works through

the process.

>>> I just wish the process weren't so slanted from the start. Thank you.

>>> And the next speaker

-- the last speaker before our break will be stephanie thomas.

>> Hello, I'm stephanie thomas and I'm a member of adaptive texas. As you heard, on the previous slide many of our members use section 8 and some of our rental subsidies and have a terrible time trying to find places to rent. It's a huge huge problem and the thing david described about having to get multiple extensions to find an apartment, is not unique to him at all. Most of our members have to do that over and over. It is really an important, important piece of city legislation, and I totally commend for you going forward with the process of developing such a thing. I do want to say that it is important when

-- when source of income is defined in some way, that it would include

-- we often talk about section 8 and that comes up a lot, and obviously that's important, but it actually has another name right now, which is housing choice vouchers, and there are other similar vouchers that are available, such as something known as the tenant-based rental assistance and there are other ones too, and so it needs to be written in such a way that it would include all of those and that it would -- and also since they seem to change their names every now and then, that it, in fact, doesn't -- that kind of thing is coughed as well. But it is really an important ordinance. The other hat that I wear is that I am the president of the board of a very small cohoto called accessible housing austin. And we rent

-- in all but one of our units we rent to people on section 8. It is a very reliable source of income. We don't find the modifications and stuff required onerous. They're just normal kinds of things, and once

-- I think that assistance in helping people to understand what they mean might be a great thing for the city to do as well in this process and maybe help somehow with the paperwork, getting used to it or whatever, if that's necessary, but I know that for our organization it is not a problem at all and it is an excellent source of income, and I know from my adapt hat that for the renters it is a vital, vital thing. So I just really commend you and I strongly, strongly urge your support of not just this resolution but passing an ordinance eventually.

[06:01:55]

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: Very brief question. Ms. Thomas, you're in an particularly good position to answer the following question, and if it turns out you're not, the best person to answer, please feel free to pass on it. Since you're a landlord through uchoto and a constituent resident of people who have voucher, could you address the concern that holders of section 8 vouchers or any other vouchers don't have skin in the game because a lot of their rent would be paid through the voucher, not from their own, they would not treat the apartment or the rental property very seriously and they might trash the place.

>> As in any renter there are going to be people who don't behave correctly, but I think that's true of anybody. I know people from college that trash places that were paying their own rent. So I mean, it can happen no matter what. But to assume that people that are low income are going to be trashier than

other people is really quite

-- quite a thing to say, and quite disturbing, and I don't think that anybody that I know that's on a voucher thinks of it as, oh, they're just

-- and another thing, they don't consider them their parent, and that people that use those vouchers are not the children of the federal government. They're people in their own right who for various reasons have had difficulties in their lives and need assistance, especially in a town like ours with such high rent, and that they don't feel protective of their voucher, protective of where they live is really an unrealistic picture of the group as a whole.

>> Spelman: Just a quick follow-up, if I could, mayor. The [inaudible] voucher seems to be the critical point. If I have a voucher that's extremely valuable to me because it guarantees me housing in lots of places, not as many places as perhaps it should be, but just places I can go. If I lose the voucher, I'm stuck, and I have to pay a whole heck of a lot more money in rent and I might

-- I'm out a whole lot of income.

[06:04:11]

>> Well, quite honestly, for people in our organization, adapt, you're probably heading to some sort of nursing home or facility like that, or the streets. You're not going to have a lot of money from somewhere else to fill in the gap.

>> Spelman: The voucher represents your independence, and keeping that voucher, not having it taken away because of bad behavior, because you're simply not comporting yourself properly in some apartment, is a really severe threat. Is that right?

>> It certainly is. And if any of you all were living in Austin and read the Statesman back in 2006 when the voucher program last was opened up for people to sign up, you might remember that picture of the people lined up around the block for literally days at a time to get that assistance and to get that voucher. So to say it's valuable doesn't even begin to describe it.

>> Thank you, Ms. Thomas.

>> Thank you.

>> Mayor Leffingwell: All right. Council, without objection we'll lay this item on the table and go to our citizens communication, and just for your information, I would anticipate that we would not be taking this item up until approximately 1:30 after citizens communication and executive session. So the first speaker is Marcos de Leon. Is Marcos here?

>> I am here.

>> Mayor Leffingwell: So Marcos' topic is three-fourths of -- neighborhood 4th of July veterans day parade.

>> Good afternoon, mayor, council members, good to be here. I want to go ahead and run this for you. This is the pre-4th of July parade. There was supposed to be music. Is the audio coming up? Okay. All right. This is what we do. Here it is. We'll just watch it. This will be our third year.

[06:07:53]

[🎵 Music playing 🎵]

>> thank you very much. That's kind of an overview of what we have in the third year in a row parade. It's something

-- our way in our barrio of thanking those men and women who serve our country, whether they serve in combat or state side. We invite them every year to come by. We thought we could do a walk parade but what I realized, a lot of the veterans have injuries from the combat duty, they served our country, and so they really have to have their vehicles. So I asked colunga and his lowrider club to come and provide some of the rides, who have handicapped. We have a lot of volunteers to take them. Some of the veterans walk, but the majority cannot because of what

-- what they

-- what they're dealing with some of their ailments. So we're asking them to come. We have it on the 30th year, to invite the whole city. We have over 300 letters to all the people around the parade area, which is down cesar chavez, take a right, go down chicon and up fiesta gardens. Then we have a military service for all the veterans and their families afterwards. You saw brigadier general salinas who spoke and also we had several speakers, including the chief of police and u.S. Attorney robert pittman.

>> Mayor leffingwell: Thank you, marcos, looks like a great parade. Thank you very much.

>> Thank you.

>> Mayor leffingwell: Gavino fernandez, same topic.

>> Yes, council, my name is gavino fernandez and I'm here as will you lack district 12 director and we want to thank austin energy for partnering with us on this event. As commissioner de leon mentioned we want to instill the celebration of 4th of july and the significance to our community and illustrate our patriotism through this neighborhood parade that we have come about to put on every three years. We also use this opportunity to have information booths that come from all services, especially from the city, code enforcement, 311, healthy department, all this these information booths we have out there that serve our community so that we can educate our community on issues that we could

-- where we could prevent many issues in our community, especially in the area of enforcement. It is also a partnership with the austin fire department. We'll be canvassing the community two weeks before to

-- as the fire department will go out and distribute free smoke detectors to our homes in our community, and they also will be joining us with information at our community parade. So again, we invite the community, the veterans that have served our country, and we also use this opportunity to thank their families. Many of us are not veterans but have family members that are married to military, and we know the experience that they go through while they're serving their duty, the times they're not home, the times at christmas or holidays they're not home with their families. So we also want to recognize their sacrifice. Thank you, council, for your continued support. Council member riley, cole, martinez and the whole council, thank you and we hope to see you on that date. June 2, it will be at 9:00 a.M. This year, earlier, because it's extremely hot around those times. Thank you.

[06:11:23]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: Next speaker is levine. Topic is ride share companies. And you have three minutes.

>> So about a month ago I started a petition on change.Org, and we have over 3500 signatures on it now. The petition was to address grievances from both late night employees and patrons and covered three concerns: Poor late night public transportation, a shortage of cabs who also refuse service, and our downtown overnight parking situation. Out of that petition was born atx safer streets and we come to you now. Monthly alcohol tax revenues in the millions and pride ourselves on being the live music capital of the world. We boast more bars per capita than anywhere in america. The highest rate of dwis in texas and the number inc astronomically each year, with the biggest increases per year coming after september of 2011, when meters began running into saturdays, which confused and dissuaded people from parking downtown overnight. It's clear that our reactive strict policies on dwis have not dissuaded people from driving drunk, so it's time we start exploring proactive policies that encourage people to leave their vehicles at home at the beginning of the night. Of the 42 pages of comments we got on the petition, most of them, an overwhelming number admitted to driving drunk because they didn't have any other options. We cannot build an entire subculture in austin and then not support it. We are a 24-hour metropolitan city of innovation, technology, events festivals, conferences and the drinking that comes with that. We need to approach our future with that in mind. We have one cab to every 2,528 people, approximately, right now, which means of the 3500 people that sign that petition, only one of those people can get a cab. A 2009 berkeley study in d.c. Found for every hour bus service was extended, the rate of intoxicated fatalities went down by 70%. And a denver study found when they extend overnight parking their dwi arrests decreased. We ask that the focus turn to proactive means, not to reduce drunk drivers but commuters on the road. Bar and restaurant employees have few options other than driving when working late and they are but a small percentage of austin taxpayers similarly affected who don't work 9:00 to 5:00 jobs. We can widen the roads all we want but until we take a more environmentally friendly and cost-effective approach to our congestion our problems will never change. We've included in each packet much of our original -- and the packets we gave you, the original change.Org petition. The comments gathered, our proposed changes and a proposed map of changes to cap metro late night. We're also working on extending that so we'll have different maps up later. I encourage each of you to read through your entire packet but especially read the comments. These are your taxpayers' voices and there are too many of them to ignore. The signature portion of the petition was over 100 pages and it's available as a pdf on our web site. And as well as all the research that we have and any further things that we come up with, proposals. Thank you for listening to me today and I hope to work with you guys further. You can find anything you need about us at atx safer streets.Org. Thank you.

[06:14:40]

>> Mayor leffingwell: Thank you. Perfect timing.

>> I know.

>> Mayor leffingwell: May be a question for you, though.

>> Yes.

>> Mayor leffingwell: Council member riley?

>> Riley: I just wanted to thank you for all your work on this and I was glad to visit with you about it yesterday and as I indicated then I'll be glad to work with you on all these proposals going forward.

>> That would be great. I'd love that. Thank you.

>> Mayor leffingwell: Next speaker is bill oakey. The topic is austin affordability.

>> Thank you, mayor and council members. How many psychologists does it take to change a lightbulb? Only one, but the bulb has really got to want to change. So then how do you go about changing business as usual at city hall? Well, that's not an easy thing to do, but I'm taking a stab at it. One blog posting at a time on austin affordability.Com. I suggest that everyone visit this blog and sign up for the emails. You will not be bombarded but you will learn a lot about the second most critical issue in austin, texas, the first being the severe drought that we face. With affordability, as I mentioned in my recent american-statesman guest editorial, there are several challenges. One of those is truth in taxation. Now, I wouldn't want to be in your position, and I'm not running for office for that reason. It's a tough job that you guys have. But each year during the budget cycle, and this can be found on-line if people will just google austin property tax guide, or words to that effect, you will find an actual city of austin document that states that at the beginning of the budget process numbers are plugged in that would raise property taxes all the way to the legal maximum, which is 8%. But the way it is publicized, the tax rate is always mentioned and not the actual percentage increase in taxes for an actual citizen. So I am proposing that truth in taxation be adopted beginning this fall, and I realize that may not happen and so I'm working with all the candidates that are running for the ten one council to try to get them to adopt truth in taxation. The other big issue is that I agree with the american-statesman editorial board that for-profit organizations that hold major festivals should pay their fees. We should not be giving \$756,000 worth of fee waivers to sxsw when c3 presents that puts on the acl festivals pays their own fees and they also contributed several millions to upgrade auditorium shores. The human face of austin affordability is one particular thing that I would like for people to read about on my blog, because she's a real person and she's more important to a lot of people than facts and figures. And the other thing I would like to say in closing has to do with business as usual. That was an appropriate title for the landmark album by the rock group men at work in 1982. It was no.1 for 15 weeks, but here in austin in 2014 we can no longer afford business as issue at city hall. Thank you very much.

[06:18:17]

>> Mayor leffingwell: Thank you, bill, and I want to assure you that every year that I've been mayor I've brought up the topic of what is the effective tax rate. So that issue is and will continue to be thoroughly addressed.

>> Well, thank you, you have been the leader on that, mayor.

>> Mayor leffingwell:

-- see a budget proposal that requires a maximum tax rate increase.

>> Well, you have been the leader on that, mayor, and I appreciate it. I just think we need better disclosure on that. But thank you very much.

>> Mayor leffingwell: Thank you.

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Mr. Oakley, we also are required by state statute to have a very scripted announcement, and we're also required by state statute to publish those exact figures in local publications. The scripted

portion of it requires us to verbally say exactly what you're asking for, and in addition to that the actual amount of difference that it would be and the impact to the ratepayers. So I'm happy to provide you that information to see if that fits in line with what you're asking for, because it sounds like it may. And I just wanted to make you aware that there is a state statute requirement for disclosing that information.

>> And actually that state statute started on my old sears typewriter back in 1987, and I have a copy of that bill. But I would like to talk with you some more about that at your convenience. I appreciate it. Thank you.

>> Martinez: Happy to set it up.

>> Mayor Jefferingwell: Rae nadler-olenick. Topic is water fluoridatio.

>> I don't generally revisit prior territory. There's always so much new to cover, but recently while I was away for a protected period, someone in washington, d.C. Of all places sent me a youtube of emilio cronez speaking very eloquently right here on march 27. The clip was titled water fluoridation update and referenced the council meeting of february 27. That's the meeting where half the 30 people wanting to speak against the renewal of the mosaic toxic waste contract were arbitrarily turned away. I'll call this my update to the update. First, the youtube shows self-styled evidence-based councilman spelman looking pained as mr. Cronis challenges him to present some evidence of his own, evidence that would justify throwing out the precautionary principle and abandoning informed consent. Now, councilman spelman, you don't accept the evidence in the national research council's massive fluoride report, which you've only read parts of. However, back on february 27, you did state that you'd welcome any, quote, on point research anybody cared to send you. Well, dr. Neil carmen, who is a cell biologist with real expertise on fluoride toxicity, as well as a prominent environmentalist, immediately did send you some. He says you haven't ever acknowledged it, and he's very disappointed. Okay. Second, mr. Cronis was about to address council member morrison when he was cut off 20 seconds early. Not knowing what he meant to say I'll just add a point of my own. At the same lively february 27 meeting where councilman spelman declared himself the champion of evidence-based thinking, you, councilwoman morrison, stated that fluoridation in austin followed a february 1971 referendum with 73% voted in favor of it. Although you were trying to correct someone else's error, a whole other story -- you yourself got both the date and the vote wrong. So just to set the record state, the illegal so-called binding referendum you referred to took place on september 9, 1972, and the vote was 57% in favor. There is the council's own minute reflecting the vote, 16,900 for fluoridation out of 29,651 total. That's 57%, not 73%. Quite a difference. Both the entertaining videos of february 27 and the march 27th meetings are currently posted at www.Fluoridefreeaustin.Com. Everyone should check them out.

[06:23:04]

>> Morrison: Thank you, rae, for keeping us honest. I'll look for carmen's email and take a close look at it. Thank you for calling it to my attention. Next speaker is david carter talking on sidewalk improvement. David carter? David carter is not here, then the next speaker is joy pecoraro, speaking on mbe/wbe program and economic development. I hope I didn't mangle your name too badly, ma'am.

>> Good afternoon, my name is joy pecoraro, and I am the owner of a business development and public relations agency called the texas pros. Over the next few months I will be presenting about topics such minorities in austin, economic growth and education. My goal is to bring awareness and suggestions

that may be considered for implementation in order to create growth opportunities for austin residents. As austin continues to grow, it is essential that we take a proactive instead of reactive approach to the changes headed our way. After evaluation of what's currently in place, I have found that the problem and solutions are in the details. Not lack of policy or funds. You will each be given a folder within the next week, upon collection of contracts and other open records requests. In order to reference materials related to these topics. I suggest and would appreciate if you take a look at the data and provide feedback as these conversations continue to evolve. My observations are objective and require cooperation from various departments within the city. As an advocate for these topic, I wish to provide the knowledge and strategies necessary that will maximize taxpayers' return on investment. As corporations and city departments continue to receive public funds, it's essential that we encourage creativity and innovation in order to see the change we desire in other areas of the community such as poverty, education and neighborhood development. Today poverty rates in austin are higher than in 2008 and 25% of children under the age of 18 live in poverty. Today we live in a majority/minority city, meaning that anglos now make up less than 50% of the population. Today the number of certified mwbe firms total less than 1% of the minority population in austin, meaning that 99.9% of minority are not certified with the city, and since 2010 the number of certified firms has continued to decrease. Today central texas students are not educated about the importance of computer science yet we still continue to bring technology companies to the area. The most in demand profession can't be filled with our current workforce. As construction dominates our city it's essential that our outreach initiatives target firms that aren't aware government procurement opportunities exist. Outreach requires metrics to bring success and bring the change we want to see in the community. As technology becomes more vital to our community, we need to educate young students about the opportunities available in the computer science field. Students that graduate with this degree have a 97% employment rate and an average salary of \$78,000. Yearly summits educating parents and children within local districts may allow us to be a national working powerhouse thanks to the consistent delivery of this message. These are some of the suggestions I'll discuss in greater detail, although I am well aware that we can't solve all of the world's problems in one lifetime. However, if we don't set the stage now and pay closer attention to what's currently being done austin will eventually lose its flare. Minorities will continue to be pushed to the suburbs lick nateing diversity. Foreigners -- eliminating diversity. Inability to attract jobs will diminish which will negatively affect our economy.

[06:27:14]

>> Spelman: Thank you for your proposal. We'll take a look at it.

>> Thank you.

>> Next is robert reynolds, speaking on public transportation, particularly on the 801 bus.

>> I'm robert reynolds, and I'm retired from the united states air force and I was at bergstrom air force base from '82 to '88 and so I have a lot of invested interest in this city. I really have two things I want to talk about but I'll give you the easy one first. I noticed on all these marathons and different fundraising things we have on the streets, well, most of them take place on a sunday, which is not good, because that botches up traffic and it impedes people's ability to get to church on time, and to me it's really satan's way of getting at the church. And there's a good friend of kathie tovo who goes to my

church and she agrees with me wholeheartedly on that. But anyway, my suggestion is have those marathons and walkathons on a saturday, or now that we're well into daylight savings time, we're getting more and more daylight each day between now and june 22, have them on the evenings during the week. That will be good, but sunday morning is not good. So that's all I have to say about that one. Now, for the real big one is capital metro. I just started having to pay \$33 every month for my monthly pass. It was \$10 for many years, and of course I know the times change and I know that that's supposed to go up with inflation, but it recently went from 30 to 33, and I am not getting a doggone thing in return for it. If anything, capital metro is ripping this city off, because at the end of january they got that bus no.801. Now, we the people did not ask for that. It was not on the ballot last november, and I'm told that you have to pay to ride that bus, even if you have a pass, because the city has to pay for it. Well, too bad. I mean, the city didn't want that. And also for bus no.1 they CUT OFF THE Ls AND THE Ms, WHICH MEANS THAT COMES Less frequently now. And the bus no.100, which is the airport express bus, we've had for about eight years and just in late january we started having to pay for that. And -- because I put this pass through that little machine as you get on the bus, and it starts whistling, and then I found out the hard way at the end of january that you have to pay \$1.50 to ride that 100 bus, whether you got a pass or not. And this 801 bus looks real neat and nifty on the service. It is a nice-looking piece of transportation equipment, but don't let that fool you, because again, the pass is no good. You have to pay \$1.50 to get on there. Now, I know capital metro people are not city employees per se. I know they're under a private contract, but still in all, you know, they should be under your jurisdiction to a point when they're performing their work in this city. Is that my time up?

[06:30:45]

>> Your time is up, sir.

>> Okay.

>> Spelman: You should know that capital metro is a spraft agency to the

-- two of the capital metro board members are members of the city council. They've been watching what it is you're saying, listening to what you're saying and I'm sure they'll take it back to capital metro and make sure they're aware of it.

>> Okay. But I'm just not getting anything for those additional \$3 I'm paying each month for the pass, and if you were out on the street with me, you know, catching buses all the time, you'd see what I mean.

>> Spelman: I see your point, sir. Thank you very much for coming by.

>> Okay. And thank you all very much for your time and have a good day and happy easter.

>> Spelman: Council member riley, do you want to talk about that?

>> Riley: As one of the two members who does serve on the capital metro board, I want to thank you for your comments

--

>> are you talking to me?

>> Riley: Yes, sir. I want to thank you for your comments and I'll be glad to work with you further to make sure we address them. With regard to the 801 in particular, I want to assure you passes are available. In fact, I used a pass to board the 801 this morning on the way to work, and I have done that

many times and it does work just fine. There is a higher charge to get the -- a commuter pass or a premium pass. The local passes do not work on the 801 but there are other passes that will work on the 801 and you can find all the information about that at cap metro.Org, on the cap metro web site, and I'd be happy to visit with you about the other concerns as well.

>> Yeah, well, they have an office on 9th street where the old post office used to be.

>> Riley: That's right.

>> And they sell this pass?

>> Yes, 9th and lavaca. Yes, and those passes are available there.

>> See, because on the 801 and the 100 buses, if I could use the pass and not have to put a red cent in there it would be a whole different story. I wouldn't be standing here saying all this, but I'll get down and talk to them and see what they have to offer.

>> Riley: I'm glad to hear that and if you have any difficulty please get in touch with me.

>> Thank you you all very much.

>> Thank you, mr. Reynolds. Next is mike metschan talking about city of austin transportation.

[06:32:54]

>> Council members, the topic really should be traffic. I'm sorry, not transportation, but there are three main arteries going north and south in austin. It's loop 360, highway 183 and mopac, and as we all know these are congested quite a bit during the day, even in the evening. Many times it's very slow or backed up. Many times it's stopped, and so I don't have the solution to austin's traffic problem, but I have an idea that could help. And that would be to connect loop 360 to highway 183, which it already does. And then as highway 183 goes around the city, connect to ben white, when it already does. And then when ben white connects to

-- back to loop 360, which it already does, make a loop so that we would have a loop going around austin, take out the traffic lights on loop 360, highway 183 and ben white, just like the loop in san antonio and many other cities. You could get on loop 360 when you want and you get off. There are no traffic

-- traffic lights to slow anybody down. That's it. I have a handout if you all would like to read this or have any questions.

>> Mayor leffingwell: Great. If you would give your handouts to the clerk she'll pass them down.

>> Thank you.

>> Mayor leffingwell: Thank you. Last speaker is krista clark. Topic is safety of drinking water. Is krista clark here? Oh, you're krista. Okay.

>> I'm krista clark. Honestly I'm just going to wing this. I had some points and I'd really just rather speak from my heart. I was here in february and pretty reactive when a bunch of us spoke out on the slide concern. I'm not going to talk about that at the moment, but recently we have found sediment in our water, and I love austin, I moved here over the summer, and I have an interest in water, natural, you know, springs, all of it. Municipal water safety, and to know that we're drinking water that comes out of a tap and there is sediment and, you know, we don't realize that. This has happened in other cities, I know, calcium build-up they say. The city came out and they ended up flushing at 10:00 at night our neighborhood drains. Now, I'm concerned about that because I know that rates are increasing, it seems,

every year, whether in this city or abroad, and we're in a drought in this area, and to know that for -- it seems for an hour water is pouring all over our neighborhood streets being wasted. You know, there's some way where austin water can find a better way to make sure that the supposed sediment doesn't accumulate in our pipes, that would be less water wasted and eventually on their ends less expense they'll incur that we have to turn around and pay for later. And basically

-- I got to keep this short

-- back to the [inaudible] issue. You all spent \$2 million to basically make this purchase. I have been out and about in the community. I see some of you out and about at some of the events that I've attended, whether they're about community, political, things like that, and, you know, we're trying to stand up for something that we believe in. The obama speech. We were not allowed to speak because you all attended last week, and he's talking about people who have stood up through history, changed history. Water fluoridation may have started in the '70s here. Doesn't mean it has to stay. As research across fields of science come out and point to the detriment, you know, as you representing us, how come you don't make it more of an effort to really get in there and see what we're finding out, the damage? One part per million, I will follow up on that with you. I know we're all busy. But really, it's frustrating because we're trying to protect loved ones. You have loved ones and a lot of people may not understand the fluoridation issue, but because we care we're trying to help. 2 million could have gone to the -- you know, there's various arts programs, music, all kinds of groups have been speaking out in just the past two months, I've seen, and they have really great ideas for developing the community and just to see how funds are, in my opinion, misappropriated to other areas that really don't do us good. If you want to represent the people, if some of you are running for office in november, I wish you would be more authentic in your, you know, concern for serving the people.

[06:37:48]

>> Mayor leffingwell: Thank you.

>> We'll see you next month. Thank you.

>> Mayor leffingwell: All right. Those are all the speakers that we have. [Applause] so the city council will now go into closed session and take up one item pursuant to section 551.071 of the government code, the council will consult with legal council regarding the following item. That's item 69, legal issues related to afd hiring and collective bargaining, noting that item 62, 63, 64, 65, 66, 67 and 68 are withdrawn. So without objection the council will now go into executive session. (.

[[executive session]

[08:02:06]

>> Mayor Leffingwell: Council, we'll just go ahead and do our consent zoning items now and then we'll go back to item 48 s.

>>> Number 70, the applicant has requested postponement to may 1. Under 2:00 p.M. Zoning and neighborhood plan amendments, item number 71 is a discussion item. 72 I can offer for consent pore the property at 707 west avenue. The applicant requested POSTPONEMENT TO MAY 1st. Item 73, c14-2014-0007 is also a discussion item. 74, to zone the property to community commercial or gr district

zoning. Zoning and platting commission's recommendation was grant community commercial or gr-co and this is ready for consent approval on all three readings. Item 75, c 14 h 2014-0001, this is the baylor house at 1607 west 10th street. We understand the property owner as requested postponement to may 1st and the neighborhood does not object so I can offer that for postponement as well on cons MAY 1st. >> Mayor Leffingwell: The consent agenda is approve item 70 on second and third readings, to postpone item 72 UNTIL MAY 1st. And postpone item 75 until MAY 1st.

[08:04:19]

>> Mayor, on number 70, that was to postpone.

>> Mayor Leffingwell: Oh, I read the wrong information. Postpone until when?

>> TILL MAY 1st. So with that change, item 70 POSTPONED TILL MAY 1st. I'll entertain a motion.

Councilmember riley moves approval, seconded by councilmember martinez. All in favor.

>> Aye.

>>

>> Mayor Leffingwell: Passes on a vote of 5-0. Now we'll take item 48 back off the table and back to our citizen input. Speaker hiawa solowitz. Okay, coming down.

>> Good afternoon. My name is hiawa solowitz and I'm with adapt texas and I have one of those dreaded housing vouchers that we're talking about. Now, that allows me to theoretically have choice, but I've had my voucher for over 12 years and I've never had such a difficult time finding options of where to live. I lived in my previous residence for three years and I chose to move because I wanted more public transportation options. Now I'm considering if my former apartment complex has an accessible unit available to moving back there. And that would mean that I would be a steady tenant, that they would have a steady source of income, and I'd be reliable. And I find it offensive to consider that the department of housing and urban development as my parent. I'm a responsible adult, lived on my own since the EARLY '90s, ALWAYS PAID Rent, never been evicted, and I've only had my voucher since 2002. So this ordinance or resolution hopefully to be an ordinance would in a lot of ways level the playing fields. It would allow me and other people whether it be a voucher or others have various vouchers to decide where they live. Because all of us like to decide where we live. And right now in searching for a new unit, I came across a the look of places that said, well, we used to take section 8 but now we don't. So I had to choose better transportation and bus service over a more accessible unit. So again, I urge this council and the city to do the right thing and continue with passing the ordinance. Thank you.

[08:07:51]

>> Mayor Leffingwell: Thank you. Jennifer McPhale.

>> I'm jennifer McPhale and I'm also with adapt texas. And this resolution is very important, not only because it will serve the needs of the disability community and advance our cause, be quality and integration in the community a great deal. You spoke, councilmember spelman, about the need to be around other things within the city in order to succeed. That's even more true for people with disabilities. One of the reasons why I live where I live is because there are about eight different bus

routes available to me. And that's not even counting the u.T. Shuttle. So both types of things in addition to proximity to potential attendance, the ability to come here, do other things that make me active in the community, all those things come together and it very complex for a person with a physical disability to live in the community. It takes a great deal of work, and not only does this resolution kind of acknowledge that and acknowledge that for the overwhelming majority of us, we're very good tenants. We have no other option so we're not going to tear it up. I have no interest in tearing up the apartment that I live in because it took me almost a year and a half to find. So there's no reason for me to go then wreck it. I have a good thing going. I like the proximity to everything else that I have, and if I give that up, I lose my independence, and I value that too much to ruin it. And then the other thing, just a comment, I don't think that the gentleman who spoke before us actually meant anything offensive, but if you combine all the letters in both my parents' name, none of them spell hood. So I just want to go on record as saying I do not look to other

-- other people for the ability to take care of myself. I use what's available to me in order to do that myself. And the idea that as a renter you get away with paying only 5% of your rent as a tenant of h.U.D.'S program is just not true. The amount that you are expected to pay is 30% of your income. 30. That means I've got skin in the game. I've got more skin than the average renter because I have no place to go. Am I going to live in the park? Am I going to live under a bridge? No. I won't be able to do that. I'll lose my attend can't attendant services. I lose more than the average person if I give one thing up for the other or if I risk it. So just know that this ordinance isn't just about people with vouchers. It's about --

[08:11:17]

[buzzer sounding]

-- the

-- it's time we not base

-- for too long our society has done that and it's time for it to stop. Thank you.

>> Mayor Leffingwell: Thank you. Bill evans. And donating time to bill is andre lovamudro. Anybody close to that? Okay, you are here. Emily chenovart is here so you have up to nine minutes.

>> Good afternoon, mayor, mayor pro tem and council. My name is bill evans and I appear before you this afternoon in a couple different capacities. I am the president of the austin board of realtors, a member of the national association of residential property managers, I'm a residential property manager myself, and I personally own residential investment properties located within the city of austin boundaries. As you are aware, the austin board of realtors is a membership organization with more than 9500 members in the austin area. Our members are involved in all types of real estate transactions including residential sales, leasing and property management. The austin board of realtors takes great pride in its commitment to affordable housing programs. We certainly understand the challenges that are occurring in our marketplace right now and we want to be a resource to the council in furthering that commitment. Opposed to the source of adding source of income as protected class because it forces participation in a program that was intended to be voluntary. Please, I know you are aware that this ordinance could have significant impact on the typical business practices of residential property managers. For instance, as a participating landlord in section 8 programs, I sign a lease with a tenant,

but I'm also required to enter into a 12-page legal binding contract with the housing authority. If a problem with a tenant

-- with a tenant's activities or disputes arise, the settlements of these disputes is very difficult or very different than in typical tenant-landlord relationships. The unique nature of this agreement requires some education on my part in terms of maintaining the value of my client's asset in case of tenant damages. It's not to say that every section 8 tenant is going to cause damages, but what needs to be made clear is that the housing authority is not co-signing the lease. They are not being responsible for enforcing the terms and conditions of the lease. They are simply paying a portion of the monthly rent for the property. This disclosure to my clients should be made prior to participation in this program and will be very different or difficult if I am forced to participate. These are just some of the gray areas that we're concerned about and the austin board of realtors looks forward to helping and becoming a stakeholder in this process. Please let me assure you we oppose this resolution because of the restrictions, the mandates and the burdens it places on the landlords. This is very different than opposing the housing programs you are aiming to protect and we feel the city's time and resources could be better used developing a program of education, partnership and even incentives for all persons involved in leasing and property management. That includes landlords, tenants and property managers. Again, protecting source of income unlike most other protected classes is not about people, it's about programs. We support finding homes for all members of our community, but believe that processing decisions and tenant qualification decisions are best left to the property management professionals and their clients. As a property manager, I am charged with giving advice and counsel to my clients about market conditions, landlord's goals and objectives and what their motivation is for becoming a landlord. Be assured when you become a landlord, and I know many of you already know this you are affected by market conditions that all contribute to a bottom line profit or loss. My business is fee based and my policy has always been that if a property requires an inordinate amount of my time, I should receive an inordinate amount of income from that property. I do not like to work for free. I like to be paid for the services I provide. Whatever process is required by source of income resolution is a function outside the agreements I generally have with my clients and I expect compensation for that work that I do. Expense incurred by a landlord is going to be passed along to tenant. I personally participated in section 8 programs administered by the city and that was my personal choice. I have had satisfactory experiences and also unsatisfactory. My professional day to day dealings I'm called upon to make decisions that many times need to meet three criteria. Is it a good decision to be made for on behalf of the landlord, is it a good decision that will benefit the tenant, and is it a good decision that will benefit me. If the qualifying criteria and the decision I'm having to make can answer yes to all those questions, it's a no brainer, I am good with that. A landlord in austin, texas must be well informed and be allowed to conduct their business as they see fit. Instead of dictating by ordinance how a landlord will operate their business, it's my opinion you would be better off sharing the positive aspects of the voucher program and how the city can form a stronger partnership with the landlords that produce positive results for all parties involved in the transaction. I would respectfully request that you reconsider the source of income resolution and go forward with

-- forward with alternative solutions that will benefit all members of our community. Thank you very much for your time.

[08:18:03]

>> Mayor Leffingwell: Thank you. I'm trying to get my

-- will you call the next speaker, mayor pro tem spelman? I'm trying to get my computer back up.

>> Spelman: Susana almanza. Is david cortez in the audience? David cortez? Suzanna, you have three minutes.

>> Good afternoon, mayor and city council and mayor pro tem. I'm susana almanza with poder and I want to talk about the source income, I would like to you know, support it. Racial instability and resegregation are the dominant u.S. Pattern. However, stable racial integration has been achieved by neighborhoods, cities, large urban counties and even metropolitan scales. Stable integration does not happen by accident, but is almost always a product of fear, race conscious strategies, hard work and political collaborations among local government. Stable integration measures work best when local, state and federal governments and the private sector are cooperating with strong, multi racial citizens involvement and I know that hasn't been mentioned, but it's

-- that is one thing that really is out there also. But I also think that it's important that we know that poor people, the population in the suburb has grown twice as much as the growth in cities. And I think that we really need to look when we start the

-- or if the ordinance is passed with the source income and moving out to other areas that we also look at what are the economic opportunities and social supports and labor market connections for those people that will be spread out throughout the city. That's a very important thing because we have seen in other cities during the housing market when it collapsed and they took in the other source of income so those people were left without those accessibility so I want to be sure that we look at that also. As we begin to move people out and they begin to have different choices, that they are not left out there with any of the support that they are going to need. So I think you should support this resolution. Thank you.

[08:20:44]

>> Mayor Leffingwell: Thank you. David woody.

>> Good afternoon. My name is david woody and I'm still with adapt texas and personal tenant coalition of texas. I don't want to cover the information I mentioned regarding item 49 with my troubles and traves with trouble finding housing. I also want to mention briefly that even though the mayor's committee on people with disabilities does not have anyone here right now on this item. They have assured me that they do support the resolution in which to move forward with the resolution and the ordinance if it should come to pass. A couple things I do want to mention briefly, the previous speaker from the austin board of realtors is seeking an educational campaign, and actually I think that's a great idea, but I have to wonder why the board of realtors have not sought to have an educational campaign already without the city's assistance on that. It's not necessary for the city to get involved in schooling realtors and landlords on the necessity of affordable housing because house ing is their day to day job so they really should have capability of handling that on their own. I do want to let you know that this item will increase the availability and provide many more housing choices. You've heard that before. And that I already have and many people who have disabilities already have a guaranteed source of income that occurs on a monthly basis. This will provide a guaranteed funding source for the landlords that

oftentimes people who have employment may lose their jobs and they don't have necessarily as guaranteed a source of income as monthly subsidy provides. I think some of the members of the council earlier were talking about the problems that the current system provides or makes it necessary to move into poverty-stricken areas. We're forced into areas that may not be as well endowed as other parts of the city that are currently not taking the section 8 vouchers. And I was offended earlier, I have to briefly mention, then after this I'll talk less about the

-- I was offended earlier by this morning's assertion by a gentleman that I won't take care of the property. I have to take care of the property. I'm bound to take care of the property I'm renting by the existing texas apartment association lease, it's a

-- I have to allow an annual inspection by h.U.D. Not only for the property, what I'm doing to take care of the property and the landlord take care of the property that I'm paying for with 30% of the rent so yeah, I have skin in the game as well. Generally as you know, the taa contracts

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[08:23:58]

[buzzer sounding]

-- benefit the owner much more than the less or the renter and the

-- and if there's a problem with my rental or if the landlord is not happy with the way I rent or how I take care of the property, he doesn't have to renew my lease. Thank you.

>> Mayor Leffingwell: Brian McGiver. Donating time is jerry lock. So you have up to six minutes.

>> Good afternoon. I'm here to speak with you today as a member of st. David's episcopal church and a leader with austin interfaith. As you know, austin interfaith is a coalition of 38 institutions, churches, schools, unions that are located all over this city that represent more than 70,000 families in the city. I'd like to begin by applauding the city council for examining this issue today. This is very important. As you know, as you all know, austin is facing a housing crisis today. It has for a while. Now, the ordinance -- this resolution, what it proposes certainly won't solve that problem, but it is a very important first step to accomplishing that. I hope that you will pass this resolution and that you will follow through with passing the ordinance. Austin interfaith, our leaders were here earlier today to express support and I regret they couldn't be here right now to speak, but earlier today in city hall there were speakers including reverend john elford of united methodist church and reverend moore and reverend kathy wright of st. David's church and we had a letter of the bishop of the catholic diocese of austin. They all spoke officially in favor of this

-- firmly in favor of this resolution. We know that the need for this resolution is very real and I

-- there's some information that if you haven't seen it yet, it would be good for you to see. The austin tenants council last year released a report that demonstrates there are a little more than 78,000 units in this city that would be affordable to a person using a housing voucher. And through their research they found only 8,590 of those units will accept a person who is using a housing voucher. The rest of them, nearly 70,000, will turn you away simply by virtue of the fact that part of your rent is being paid through a voucher. Now, there have been other speakers before me who have expressed reticence about the city entering into this program. One thing you should bear in mind is that the language of this ordinance, as you undoubtedly know better than I, but maybe some people don't realize, does not require a

landlord to accept a person who is using a housing voucher. They can turn them away for any legal, lawful reason. They cannot turn them away by virtue of the fact they are going to be paying part of their rent with a voucher. For those of us who have gone to law school, remember the phrase good reason, bad reason, no reason, so long as it's not an unlawful reason. In the statement that H.U.D. Does not co-sign the lease, the

-- with the implicit suggestion that people who use housing vouchers are somehow inherently more risky tenants by virtue of the fact that they are using a voucher to pay their rent, man, I don't think I need to emphasize too long that is an offensive statement born of ignorance. Dozens of states and countless more municipalities have already adopted provisions virtually identical to this. And as far -- to my knowledge, not a single one of those jurisdictions has repealed it because in practice they found it was unworkable or that it imposed an unbearable burden on landlords. It hasn't happened. And I submit to you that some of the reticence that you may hear or see or otherwise be made aware of, like most discrimination is born

-- is the result more of lack of acquaintance, ignorance. In my experience, I think in the experience of society, most discrimination falls and recedes in the face of the simple act of making acquaintance with the thing that you once hated or feared. So that's all very elaborate way of saying that the people opposing this today, a couple years from now they are going to say, you know, it really wasn't that big a deal. Last thing to bear in mind is that we're not simply talking about a relative benefit between tenants who are using vouchers and landlords who may have to rent to them. Now, that's a discussion, that's a relevant discussion, and I think you can probably guess where I would say that that balance lands. But it's a much larger discussion than that. We're also talking about the benefit to the entire city from a program of this. I mean at some point you have to ascend beyond the competing interests of various factions and think about the city as a whole, right? And the city as a whole will undoubtedly benefit from a policy that furthers affordable housing because if nothing else what affordable housing does is it reduces poverty, which is itself a moral pursuit, but it also reduces burdens on municipal services and all the other problems that we see by virtue of the fact that people are living in poverty. So again, the fact -- I want to applaud all of you just for the fact you are even considering this. I think that that is a remarkable step forward.

[08:30:41]

[Buzzer sounding] and I hope it won't be the last.

>> Mayor Leffingwell: Excuse me, are you Kathleen Davis? Is Kathleen Davis here? Okay, so you actually have another three minutes if you need it. You don't have to.

>> I think I wrapped that up pretty well.

>> Mayor Leffingwell: Great. Thank you.

>> Thank you.

>> Mayor Leffingwell: Gus Viegas. Are you Gus? Donating time is Ray Shell Fisher. You are here. Dewayne Stewart. So you have up to nine minutes, Gus.

>> Thank you. Mayor, councilmembers, my name is Gus Viegas and I'm here on behalf of the Austin Apartment Association. The apartment association represents approximately 1,000 businesses that own, manage and service nearly 200 rental homes in central Texas. I personally worked as a student in the

rental housing interest for 15 years and managed as many as 2500 units in various regions and states but have always had a core group of properties in austin, central texas. The austin apartment association understands your call to action today and is happy to participate in conversation about how to increase the number of voucher ready units in austin. Mandating h.U.D. Program participation before that conversation bears out, however, is not something that we can support at this time. The austin apartment association therefore opposes item 48. As drafted, this resolution will eventually require property owners to participate in federal programs that were never designed to be mandatory. The h.U.D. Section 8 housing choice voucher program is a good program. It's not for everyone. There are benefits to participation, but those benefits come at a cost that should remain discretionary. At the federal level, our members have worked for decades with h.U.D. On improvements to make it more effective and attractive. Here in austin the housing authority is a reputable housing authority and very good to do business with. We do not mean to cast michael or lisa or their cast in a bad light. It's important to understand neither haca

-- and this exerts pressure on all aspects of life in austin. The snapshot performed by the austin tenants council cited in the resolution before us shows over 45% of surveyed units that had rents that exceeded voucher payment standards, when factoring in utility costs that number rises. This means at least half the units surveyed were out of range for voucher holders regardless whether the owner participated in the program. One-third of housing falls in range for vouchers. This reality that affects all renters regardless of status and will not be changed by creating a new protected class. Rent levels will subside when there is more housing on the ground and control cost for housing providers. A final neat on the study, the study was limited to properties with 50 units or more. We cannot be sure of the smaller impact however these properties are important to consider. Apartment association represents nearly 7,000 homes including single-family rental homes in this property size range in austin. Keeping in mind these totals do not include nonmembers. A few examples of how the programs affect operations, h.U.D. Requires the use of separate forms and contracts that could be cumbersome and at times problematic. This is above and beyond leases and denied today for property owners to protect their assets, businesses and residence. The rental application are longer and more ladder than for nonvoucher holders. Must wait for qualification and the unit must be inspected before being leased. We know of one instance where a potential resident owned a refrigerator but could not move in before taking possession of the home. The unit could not be authorized until it had a refrigerator in it. Whereas rent is typically due upon move-in, housing authority payment may not arrive for up to 30 days later. This has budgetary

-- there are also instances where properties receive lump sum payments for multiple voucher units which can be problem matic for accounting and become complicated if a resident misses or is late on rent. One member we spoke with recently said that our computers just would not communicate with haca's computers. These are all brief examples as to why the apartment numbers are worried about such a big step so early in this conversation. I hope today is not to put the voucher program down bull illustrate there are quite a few layers. We hope for an opportunity to fully consider those issues before making this federal program mandatory in austin. Thank you.

[08:35:34]

>> Mayor Leffingwell: Thank you. Nelson mock.

>> Good afternoon. My name is Nelson Mock and I'm an attorney with Texas Rio Grande Legal Aid. I'm here on my own behalf today. My area of practice is in housing and I can tell you that my clients are

-- often confront problems with the issues that we all know is a huge problem in Austin and that is affordability. And I want to thank the Mayor Pro Tem, Council, for considering this resolution. It's an incredibly important resolution. I want to make an important distinction and Bria McGiver made this distinction but it's important for everyone to stand, this is not a mandatory

-- the ordinance doesn't force landlords to accept Section 8 vouchers. What this does and what laws prior to this ordinance have done is open the door only. It doesn't require that the

-- the landlord invite the person inside. What it does is it stops what is

-- is prevalent through our city and that is the refusal at the very beginning to even consider an

application. And that is obviously what the Austin Tenants Council surveyed an extraordinarily difficult problem for many of my clients and many people who have a source of funding, have a way to pay for

their rent but simply are turned away at the outset. That's a very serious problem. The numbers are extraordinary, but even if the numbers were fewer, we're talking about an opportunity, we're talking about doors that are shut on families that are working families, on people with disabilities, the elderly, and we're talking about as a result of that those families, those people being relegated to very few areas and very few complexes and that's an issue. It's an issue for our city, it's an issue about how we want our city to look, it's an issue about where we want our families and our citizens to live. But I want also to echo this is

-- thank you to the council for considering this. I support it and I think it's an important step to addressing the issue of affordability in our city and it's a very important step to recognizing that people should have the choice, should have the opportunity to live where they can. Thank you.

[08:38:32]

>> Mayor Leffingwell: I have a question for you.

>> Yes, absolutely.

>> Mayor Leffingwell: And I think Mr. McGivern touched on this, both of you have been emphasizing this is not mandatory.

>> That's right.

>> Mayor Leffingwell: He used the phrase you could turn somebody down for a good reason or bad reason or no reason at all as long as it's not an unlawful reason. Tell me in a practical sense how it would work if a landlord just said I'm not renting this to you. I have no reason for it. How would it work?

>> That is how it could work. I don't want to

--

>> Mayor Leffingwell: How does that increase the housing stock available to people?

>> Well, no, I think the real problem that you see is that the 91% of complexes that are refusing to even consider those tenants. And so, you know, the situation can be like this. Someone applies. They are allowed to apply. They are not turned away because they have a Section 8 voucher, and then the landlord makes a decision I don't like your criminal background, I don't like your bad credit, those are completely valid reasons.

>> Mayor Leffingwell: The landlord would have to be more meticulous in coming up with a reason. Is that what you are saying? He can't just say we have a policy of not accepting section 8.

>> That's right. That's the whole purpose of the ordinance is just to open the door. And it opens the door only slightly for some and more for others, but the point is the door opens.

>> Mayor Leffingwell: Okay. Thank you. Kurt mitchell. Don't see kurt anywhere. Clifford spencer. Clifford spencer.

>> [Inaudible]

>> Mayor Leffingwell: Pardon? I'm just reading your name. You are donating or if somebody asks for your time they will be given that time. Aralia garza decor tests.

[08:40:41]

-- Cortez. Depends if that's spanish or french.

>> Good afternoon.

>> Mayor Leffingwell: Right now I have you for three minutes. Did you want to donate your time?

>> I don't think I'll need it but thank you, I can use it. Yes. I am a member of our lady of guadalupe catholic church and active with austin interfaith. I'm here on read a letter from our bishop, the most reverend joe vasquez. This is a letter from the office of the bishop of the diocese of austin dated april 15, 2014. And all of you will get copies of this letter in a few minutes. Mayor, mayor pro tem and members of the council, I am writing in support of your efforts to craft a resolution adding, quote, force of income, unquote, as a protected class to prevent persons using housing choice vouchers from facing discrimination in housing. In the catholic tradition, our first and most important social teaching is the life and dignity of every person must be acknowledged and respected. This principle states that human beings by virtue of their dignity have the right to live in a dignified manner, which includes the right to decent housing. There's a great need to increase decent, affordable housing for eligible families and individuals. Our cities are enriched by a wide diversity of people living here including diversity of income. By adding soarings of income as a pro

-- source of income as protected class we can assure families or individuals with lower incomes have access to available housing because they will not

-- because they will not face discrimination. Thank you for this effort to make affordable housing more available to those who need it. I support and applaud you for this. Sincerely, most reverend joe s.

Vasquez, bishop of austin.

[08:43:00]

>> Mayor Leffingwell: Thank you. Fred fuke.

>> Mayor, members of the council, I'm delighted to be here. I would like to respond. I'm an attorney with texas rio grande legal aid. I would like to respond to a couple of the remarks made by a couple of the speakers. Mr. Evans with the realtors association said that the settlement of disputes is very different with section 8 tenants. That is not true. The landlords use the same eviction process as private landlords currently do. They are allowed to use their own leases if the tenant violates the lease, the landlord can give a one day notice to vacate because most of them use the texas apartment association

lease, file their eviction and be in court. Disputes between the tenant and landlord are resolved the same way disputes are resolved with private landlords and that is between the landlord and tenant and if they are not resolved then they end up in court. Once in a while a landlord may decide to get the local housing authority involved. With respect to the comment by the apartment association representative that this is a more burden some, I would simply point out several things about the section 8 program where there are many misconceptions. That is, first of all, landlords get to use their own leases. They do have to use a tenancy addendum that the landlord signs with the local housing authority, landlords get to do their own tenant screening. Landlords gets to use the same eviction process. The only difference is when they file that eviction, they are supposed to give notice to thousandsing authority so the housing authority can decide in the particular case whether to terminate someone from the program so there's an extra layer of protection there. They are subject to a minimal inspection by the housing authority. They do have to sign a housing assistance payment contract with the housing authority. So that in one sense is a burden on the landlord and you have to weigh that minimal burden of allowing an inspection and requiring that they actually sign a housing assistance payments contract against the greater choice that this will give the voucher holders. And it's a minimal burden. As my colleague nelson mock said, landlords are also allowed to do their own screening and apply their own screening criteria. They get to set their own security deposit amounts. They do not have to reduce their rent. They get to set their own rent. If the rent exceeds the section 8 standards, then tenants aren't going to be able to live in such housing. The bottom line is that what this will do is increase opportunity and choice at a minimum burden on landlords and to the extent that you are being told otherwise, that's simply not how the program works. Thank you, mayor.

[08:46:15]

>> Mayor Leffingwell: Thank you. Edie clark.

>> Mayor Leffingwell, mayor pro tem and councilmembers, thank you for this opportunity to speak today. My name is edie clark and I'm a leader in austin interfaith and I'm a member of wildflower unfair universalist church and a retired public school teacher. My congregation is located only a few blocks from travis park apartments, and we have many families there. These are our neighbors and they attend nearby travis heights elementary. And I have done block walks with our congregation and we've met our neighbors, we've talked to them about the stresses on their families and we're very aware of the stresses they face in finding affordable housing in our city. Currently we have only one in nine housing units that accept section 8 vouchers. And these families are being forced to move further away from good schools and jobs. But this is

-- this is more than relocating to a different apartment. They are actually facing constantly moving, chasing affordable housing. And this is very disruptive to children. As a teacher, I have taught these children and seen the effects on their education when they are constantly having to change schools and move. It's very disruptive. They are moved away from their friends and they are placed in a brand new school and have to adjust to a whole new set of circumstances. In my faith, our unitarian principles call for justice compassion and surely finding affordable housing fits in this. When we see these families moving away from our schools, this is affect

-- this affects the student's learning. It also affects the school's funding. When schools lose enrollment,

they lose funding and that's very detrimental to our already underfunded and overburdened schools, public schools. We see this at Travis Heights elementary school which is near my church and where my neighbor's children attend. And so surely what we could do, this banning section 8 discrimination would open up and make many more opportunities available for these most vulnerable families. It would allow them to live in higher opportunity areas. And many studies show us that the best ways we can lift people out of poverty is just simply to provide them opportunities to live in mixed income neighborhoods. So I applaud you for bringing this item forward and considering this and I urge you to vote yes on item 58. Thank you.

[08:49:16]

>> Mayor Leffingwell: Thank you. Kathy Crenston. Is Kathy here? All right. Karen Pop. Oh, you are Kathy. Okay.

>> Good afternoon. I'm Kathy Crampton with Adapt and Personal Coalition of Texas. I just wanted to share another population that would be

-- benefit from this resolution to go forward as an ordinance. It's the personal care attendants that work for people with disabilities. We're another population that has been discriminated against because of our source of income. And if this resolution goes forward

-- goes forward as an ordinance also, this will help the direct care workforce that assists people in living independently. I don't want to repeat everything that's been said, but people with disabilities, and you all know this, housing is so limited for people with disabilities. It's also limited for us, the tenants, because we're poor too. Many of us are single mothers and we have children and we already receive assistance. And so with this resolution, it would assist our population as well. So we support it. So thank you.

>> Mayor Leffingwell: Thank you. Karen Pop.

>> Good afternoon, council, mayor, my name is Karen Pop. Thank you for considering this this afternoon. This is an opportunity to greatly expand the choice that lower income people in this city have. The map that was shown earlier with the dots is a map resulting from a survey conducted by the tenants council of apartment owners around town, and it shows apartment owners categorically do or do not accept a section 8 housing choice voucher. These are places that categorically say no, you can't come rent here. There are a couple of statistics that come out. One is the statistic of the number of units that are affordable if you have a voucher versus the number of units overall. And the second one is the number that are affordable and then the number that do accept section 8, and that's something like one out of nine. So if we adjust it or we added to our local fair housing ordinance, nondiscrimination by source of income, we would open up choices for thousands of

-- thousands of lower income Austinites all across town. That's

-- that would be a very helpful, good thing. Other jurisdictions across the country have done this, it's worked out for them, and I thank you for looking at whether we can do this and explore over the next several weeks if we can make it

-- iron out all the details and formally adopt it. Thank you again.

[08:52:39]

>> Mayor Leffingwell: Mayor pro tem spelman.

>> Spelman: We're asking for this to come back on

-- on or before august 1st so there's a little time for those conversations to take place.

>> Mayor Leffingwell: Marita hayden.

>> My name is marita hayden amy qualification for being here I'm mad. A mentor said get mad and stay mad. I'm mad at the bureaucracy and red tape that is used to discriminate against people with disabilities, especially hidden mental disabilities. Getting anywhere to be able to get out of the rain and get out of the woods is just such an incredible yes difficult process. And if you have a landlord who doesn't want someone who looks like me in their property, well, then, they are just free to do that. The more places that you make available, the more people that will get off the street. It's just simplifying the process. There's no reason to make this so difficult except for discrimination against people who have mental problems. And that's my point. Thank you.

>> Mayor Leffingwell: Thank you.

>> Any questions?

>> Mayor Leffingwell: Thank you. And the anchorman, bob cafska.

>> My name is bob cafska, organizer with adapt of texas. I also sit on the state promoting independence advisory council. That was created in response to the supreme court's homestead decision to have people with disabilities of all ages live in the community in the most integrated setting. It's very, very difficult to find the support services to be able to transition somebody from an institution, nursing home and others into the community and there is frequently long waiting lists for section 8 and other h.U.D. Housing programs. This ordinance would at least, once you are able to get that, to be able to transition out. Studies nationally have shown that the number one problem of transitioning people from nursing homes and other institutions into the community is housing, affordable, accessible, integrated housing. Even when your name comes up or if there is an opportunity, then the opportunity to find housing is limited because of the, you know, one in nine that accept section 8 and other programs. So that's why this resolution is so critically important for people of low income and almost everybody who is transitioning from those nursing homes and other institutions are on medicaid and by that if you have any idea of what the income qualifications for medicaid, you are certainly low, low, low income. Thank you very much.

[08:56:04]

>> Mayor Leffingwell: Thank you. That's all the speakers I have signed up wishing to speak. So the floor is open for discussion or a motion.

>> Spelman: Mayor, I

-- we've heard from a lot of people who are in favor of this resolution and are in favor of the ordinance which will presumably come from this resolution. We've heard from some people who are raising I think very reasonable burdens placed on landlords if and when we pass this resolution and ordinance. I have no doubt there would be some additional burden on landlords if we were to pass a source of income ordinance. There's more paperwork required. If you choose to rent your apartment or house to someone with section 8 voucher or veterans voucher, there's a little more paperwork involved with

h.U.D. To inspect your unit periodically. That's a burden. On the other hand, we have to balance that burden against the benefits to people who don't have a lot of money and who need to live someplace. Right now the section 8 program, although makes

-- although it makes available rental units, about 40% of all rental units by decide, 50

-- rental requirements, at or below the 40th percentile of rents in the metropolitan area, 60% are not. Of the 40% of apartments which are available for participation in section 8, 87% of those units are not available to people with vouchers because they just will not as a matter of policy rent to people with section 8 vouchers or veterans vouchers or other vouchers. They just won't do it. We also layer on top of that we've got a 2 or 3% vacancy rate in the rental market in austin, texas. I can easily imagine how we've with vouchers are going to find it very hard to find a place to stay. We can't let that happen. In other places around the country, you often find there is a turn back rate of about 20%. People have vouchers, this authorizes places to look to live and they cannot find a place to live because the vacancy rate is too low, because there are too many places that don't accept vouchers. Our voucher turn-back rate is considerably less than 20% largely because haca is so well organized they can set people up with a small number of apartments that will accept vouchers. They are pretty good at finding places for people to go. But there's a very limited number of those places. Those places have low vacancy rates as everybody else and I think it's a matter before that rate gets as high as other places around the country. I think we have to balance the burden to the landlord, which I think is real, against the tremendous benefits to people who need affordable housing. A lot of this has come out in discussion. I do want to point out one other thing and that is that every single landlord in connecticut, in maine, in massachusetts, in minnesota, in new jersey, in north dakota, in oklahoma, in oregon, in utah, in vermont, and in wisconsin has come to terms with this. In all of those states, that's 11 states and some are pretty big states and they are not all blue states. A lot of states have already figured out, have already adopted a source of income provision as we're talking about here and every landlord in all of those states have figured out how to come to terms with this. Every landlord in washington, d.C. Has figured out how to come to terms with this. Every landlord in chicago, cook county, ann arbor, michigan, philadelphia, memphis, st. Louis and seattle. Thousands of landlords around the country who are holding millions of apartment units have figured out how to make this work, then our landlords can figure how to make this work. And we have three or four months for conversations to take place between the apartment community, the real estate community in general and haca and city staff to figure out how we can implement this. If there are burdens that can be lifted or lightened, that's something that can come out in this conversation but I feel confident we'll figure out a way of doing this just as for millions of other people all over the country. Mayor, move approval.

[09:00:24]

>> Mayor Leffingwell: Mayor pro tem moves approval seconded by councilmember morrison. And councilmember morrison.

>> Morrison: I want to brief say a couple things. I want to thank my colleague, mayor pro tem spelman, for initiating this conversation and bringing this forward. I'm proud to be a co-sponsor. But I think -- and to thank the whole community for coming out to bring up all the issues that have been brought up because we do have some details to work out, although I think as has been mentioned when our

group

-- the task force or the study group was working on the citing policy to help us figure how to better achieve geographic dispersion, this was one of the recommendations that came out of it. And I think it's no surprise to anybody that it seems every single meeting that this council has, every single work session almost, we talk about the need for affordable housing as being one of the biggest challenges, biggest threats to the city of austin. And in that vein we need to keep in mind it's not just about bond money, federal money, it's about looking every way you can to promote the use of our affordable housing and achieving the goals that we have and this is one very important step in that. So I'm pleased to support the motion.

>> Mayor Leffingwell: Let me just say I'm going to support the motion also and keeping in mind that this is just a step forward towards drafting an ordinance and receiving a lot of public input such as what we've had here today. With an eye towards making sure that this is an effective ordinance because I think it's needed, but also to address the concerns that were voiced by those who are here in opposition. So that's what we'll go through in the next few months and I look forward to seeing a draft ordinance back before us that does those things, that's effective and addresses the concerns of the board of realtors and apartment owners and other rental property owners. Councilmember martinez.

[09:02:35]

>> Martinez: Thank you, mayor. I am also supporting the resolution. I may be the only one on the dais that actually has a rental home in the program and in haca's section 8 program and I can tell you it's been nothing but an incredible experience with those tenants because of the testimony you heard tonight. That it's hard to get housing. And when they get it, they are going to do everything they can to take care of it and be good tenants. As far as the process, I think I had to go to haca once to turn in a signature and everything else was done via email. And I had to meet the inspector at the house once and that was all that was required to get it into the haca program. So again, I'm not saying that everybody's experience is the same as ours, my family's and mine, but it's been an incredible experience and to have a single mother with two children who is living with her family at the time to be able to stay in her kids' neighborhood. She happened to live right around the corner with her mom, stay in the neighborhood, have her kids stay in their school, it's just been nothing but a rewarding experience. And so I wholeheartedly believe from a policy standpoint that this is heading in the right direction, but from a personal standpoint I have the experience that when I had tenants that weren't in the haca program they were much more difficult to deal with than the ones that have been most recently. So I'll be supporting the motion.

>> Mayor Leffingwell: Comments? Those in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais. [Applause] council, without objection, we will recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation, and miss spencer will take us through that agenda.

[09:04:51]

>> Good afternoon, betsy spencer. We have four items for you today which all I offer on consent and I'm available for questions if you have any.

>> Mayor Leffingwell: Councilmember martinez moves approval. Councilmember spelman.

>> Spelman: I believe we have speakers so I believe 1, 2 and 4 should be on consent.

>> Mayor Leffingwell: Will you amend your motion to say items 1, 3 and 4.

>> Second.

>> Mayor Leffingwell: Second councilmember spelman. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais. Let me get set up

-- three speakers on hfc 2. James price. James price. Second speaker is lee adams. Lee adams. Gus pena. Those are all the speakers I have signed up. Councilmember martinez moves approved seconded by mayor pro tem spelman. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0. That completes our agenda. Without objection, the meeting of the austin housing finance corporation is adjourned. And call back to order the meeting of the austin city council and I believe we are now at item number 71.

>> Thank you, mayor and council. Greg guernsey. This is for the property at 3215 exposition boulevard. This is a rezoning request from unzoned and family residential zoning to multi-family residence low density or mf-2. The planning commission recommendation on this particular case was to adopt the staff recommendation whic sf-6 co. That would limit the property to 20 dwelling units. That beginning within 75 feet of the property property line of exposition boulevard the building heights would be limited to two stories or 32 feet in height. And developments comply with subchapter f of the side walk articulation and that condominium residential uses are prohibited. Third, that the construction of a fence is prohibited along the property line adjacent to exposition boulevard and there's a 25-foot wide vegetative buffer being provided maintained along the eastern edge of the sidewalk along exposition boulevard. The property itself is just over two acres in size and it's surrounded basically by the state, austin state school. Originally this property was owned by the state of texas, austin state school and was auctioned off by them for development. The properties that are further to the -- would be the west of this property or single-family residences. There's also a religious assembly use. The majority of the property and the area is currently zoned sf-2 or sf-3. I think there are a lot of concerns over the density as this case comes forward. As the commission recommended, the density come out to be about 9.17 units per acre. The mf-2 zoning that is sought would allow up to 59 efficiency units to be constructed. If you are dealing with only one bedroom units, it would be approximately 47 units. If you had a 50/50 mix of one bedroom and two bedroom units, it would be about 42 units that could be constructed on the property. Just based solely on the elimination the zoning district has for density. If you were to look at sf-6 density, regularly it would be approximately about 27 units. I believe you have several speakers tonight or this afternoon that would like to address you and I can pause if you have questions later on. There is no petition that has been filed on the property. Like I said, there's only a small portion of the property that is zoned sf-3. The majority of the property is still left unzoned. From the time it was owned by the state of texas.

[09:09:56]

>> Mayor Leffingwell: All right. Any questions of staff? Councilmember morrison.

>> Morrison: Greg, could you speak to a valid petition? Is it correct if there is no zoning then the valid petition rules don't go into effect?

>> That's correct. This is not a rezoning. This is establishing zoning on a vast portion of the property.

>> Morrison: Valid petitions are only for rezoning.

>> Yes.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: You mentioned requirement of a vegetative buffer along the eastern edge. What's the idea with that. Sometimes when we talk about a vegetative buffer we talk vertical and obstruct line of sight.

>> No, vegetative buffer landscaping, these, that sort of thing.

>> Riley: Any restrictions, could it be a 6-foot hedge? What sort of

-- what was the idea? Is it's supposed to be just greenery?

>> Basically it's a green area. Like I said, there's a prohibition on having a fence along the side so sort of a natural buffer adjacent to

--

>> Riley: Just green space.

>> That's correct.

>> Riley: And no fence.

>> No fence.

>> Riley: There is an older, fairly narrow sidewalk along the site now. I assume there would be some requirement for improvement to the sidewalk?

>> Councilmember, when the other speakers come up, let me go back through and I'll take a look what the sidewalk requirement was. Off the top of my head I don't know.

>> Riley: Okay, thanks.

>> Mayor Leffingwell: We'll hear from the applicant. Jerry harris

-- are you representing the applicant?

>> Yes.

>> Mayor Leffingwell: And you have a whole bunch of people donating time. You have five minutes on your own and then you have 12 minutes donated, which would give you 15 minutes max. That would be your max. Assuming these people are here. Laura brolin. Steve brolin. And michelle james. Well, she -- she gets back in here, you'll be able to use her time. If she isn't back in here, you can't use her time.

[09:12:19]

Martha cantero: So right now you have 13 minutes.

>> Thank you very much, mayor. Mayor pro tem, members of city council, my name is jerry harris. I'm here representing the applicant in this zoning case this afternoon. Thank you for having us. My co-agent is alice glasco and she is here. The architect for this project, marching vaughnburg with dick clark associates is here to explain a couple things about the height and the layout of the project. Thank you

very much for hearing this original zoning case on this piece of property. It will hopefully obtain its first zoning. Back in 2010 in the neighborhood plan, it was basically decided by the council this tract would remain unzoned until an actual project was brought forward so the zoning could be expected in the context of an actual project. The applicant went back and studied long and hard on what sort of project should be brought back for zoning on this particular tract. In connection with imagine austin and other market work, they decided to come back with a senior housing project, a senior housing project meaning it will be limited to being occupied by persons who are 55 years of age or older. Taking a look at imagine austin, they pointed it out that imagine austin says the growing number of older residents age 55 and above has generated greater demand for services, different housing options and amenities for that particular group of people. In addition, imagine austin under the housing policies, the number one policies says that we should be distributing a variety of housing types throughout the city to expand the choices available to meet the financial and lifestyle needs of austin's diverse population. The applicant and dick clark then came up with a project that we will go through here very briefly on the power point. As you know well the site by now is outlined in orange there. We know it's a couple acres in size. We know it's located very near the intersection of 35th street and right on exposition boulevard. It's ideally located from a standpoint of senior housing because it's got pedestrian uses nearby, it's got a church right across the street. You all know the long exposition, there's many other churches just to the south there's a shopping center with restaurants and other facilities located there. It's just real near 35th street so if you go across 35th street and go over to the jefferson street area, you know there's numerous medical facilities and hospitals at that particular location.

[09:15:31]

[One moment, please, for change in captioners]

>> the dark areas show where we are needing the 40 feet height and three stories. The lighter areas is where we're going to keep the height to two stories. As you will see, this also illustrates the large parklike setting off exposition boulevard that we want to very much maintain for both our residents, the view of motorists driving by and for anybody who lives in the neighborhood. This slide I just want to pause briefly on and point out under the impervious cover label that we are maintaining a 40% impervious cover as required by the watershed ordinances in this particular area, the taylor blue south watershed. I also want to point out that we will be complying with all the city of austin's drainage requirements which are very strict and likewise the water quality requirements. I want to point out that there are no wetlands on this tract. We've had it examined and there are no wetlands on this tract and that's not going to be a problem. Even if there were small wetlands the city requires setbacks and that sort of thing. It shows our 34 unit in the one bedrooms 8, two bedrooms 18 and 13 three-bedroom units. Our parking will be underground. We have currently in the design six surface parking spaces for guests, but those can be moved underground if that's a desirable thing for the city of austin. Our request is for mf-2-co zoning and we suspect also that some of our commitments will need to be placed in restrictive covenants either public or private, and we did in january present a private restrictive covenant to the neighborhood association in case they would care to be a participant and be an enforcer of our commitment. We largely need mf-2 zoning to get 40 feet of height for the buildings on the rear of the property. And an architect will explain that a little more definitively later so you can get

that picture of why we need that. But we don't need it upfront and that's why we're agreeing to a 75-foot vegetative landscape set back, which is 50 feet greater than what's in the staff recommendation and the planning commission recommendation. We're committed to this being a senior housing project. We're committed to the 75-foot front yard building set back. We're committed also for the first 25 feet after the 75 feet to two stories in height only. And we're of course committed to at the rear of the tract to having three stories only, single level units with elevators for easy access. We're committed to one driveway to the property and we're committed to underground parking. The code supports us in saying that we are not creating a high density project. One member of the planning commission said the only thing wrong with this project, it's not dense enough. As you heard the staff say that under mf 2 zoning you could get anywhere from 40 to 41 units. Mf-2 as you can see in this slide, allows us to 23 units per acre. We are committing ourselves to around 15.5 units per acre, which means we're not trying to max out the tract, and that's why we need mf 2 zoning. We do not need that zoning to try to max out and get as many units as possible. The code also points out very vividly that multi-family residents

- if mf 2 is low density, it's not high density and this is a perfect site that as the code says here to have this project located near single-family neighborhoods or in an area for which low density multi-family is desired. This is a great location for this particular project. I point this out because in trying to determine what zoning you need and how much
- how many units you can get, it all depends on the code and what size are your units and how much land you have in your site. So this slide illustrates that
- here's some things that have sort of been on the table. On the left there is the sf-6, the town home and condominium zoning category. And you have to have at least 3500 square foot of site area for each dwelling unit. A straightforward, simple one, but you can see at the bottom that would result in a maximum of 27 dwelling units. In the middle category is mf 1 which is described in the code as limited density. And as you see there, it gives you a different amount of square foot of site based on the efficiency, one bedroom or two bedroom dwelling unit. As we illustrate there, if we were to obtain mf 1 zoning, we would get around 28 units. And the third category is our request, although it says you could get 41 units, we are committed to restricting ourselves to the 34 units. This is the site plan in sketch form which in the gray at the bottom shows a wonderful 75-foot set back. The next 25 feet in the is what we need this particular project. The trees are on the site and they will remain to the extent possible. This would not be the first multi-family zoning or project in the site. There are some other sort of scattered out throughout the tarrytown area. All of those are right up against single-family dwellings whereas we're across the street, we're setting back, we're trying to fit in and not overdensify the site. This drawing illustrates at the bottom what our project would basically look like setting on the site. A 25-foot set back and a two-story limit for the next 50 feet. Just needing five feet more on the three story units will be a much desirable streetscape and park like setting on the front than the sf 6 that is illustrated above. This is looking directly at the site. This is a park like setting for the trees that survived the drought and of course we will be landscaping and revegetating the site when we build the project. It could be a subjective judgment call, but we believe the parklike setting would be more desirable for everybody. This is just another view from the other house that actually faces the site and you can see the church there also. At this point in time I'll stop and ask you if you have any particular questions of me.

[09:25:10]

>> Questions from the applicant

-- for the applicant? Councilmember morrison.

>> Mr. Harris, could you go back to slide 10 for a minute, please?

>> Yes,.

>> Is this the one?

>> They are mollify zoned. Mark, can

-- they are multizoned. Mark, can you verify that? I can't tread here that those in the orange are some sort of multi-family zones.

>> I wonder if they're sf 6, mf or sf.

>> Alice glasgo, co-agent. The townhomes to the north were approved

--

>> she's looking at

--

>> the ones to the south of the tract in red of the tract in red multi-family. The ones to the north are zoned sf 3, but they were approved by conditional use permit in the 70's where instead of getting a zoning change you could just simply get a conditional use permit site plan approved without zoning, but today it would require at least mf 2 to accomplish the same density.

>> So on exposition

-- maybe you want to take a minute and you can get back to me. Along exposition there are three sets of townhomes, I think, that I was curious about. Because one of the issues is that the neighbors had brought forward is should it be sf-6 or mf-something. So I wanted to make sure which of these were actually had an sf on them or an mf.

>> I'll come back and clarify.

>> Morrison: That would be better. And mr. Harris, one other thing. Obviously luckily it was before I was on council back in 2007 the applicant was before council and at that point the council had settled on sf-6 with 20 units. You all at that point I think were at 27 units, is that right?

[09:27:29]

>> That's exactly right, councilmember.

>> Morrison: So there was still some discussion going on, but council had settled on that. Now you're at 34 units. Can you tell me what changed and why the

-- why the applicant has now gone and feels the need for mf-2 and 34 units?

>> Yes. The answer to that question is back then they did not have this project designed and studied and preliminarily engineered. After the 2010 decision to leave it unzoned until a project was developed, they went back and went much more detailed designing and coming up with a project that they would market and designed. The concept changed entirely.

>> Okay, thank you.

>> You're welcome.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I just have a quick question. It was my understanding that there was some discussion at the planning commission about affordable units. Is there an affordable component to this development?

>> Yes, thank you very much. Under our request at the 34 units mf 2-co restrictive covenant, we are able to voluntarily offer 10 percent of the units to qualify under the city's smart housing program which we understand that would be at 80 percent mfi. And it's our understanding that since it's 34 units it would end up being four units. That's our understanding at this time.

>> Tovo: Okay, thank you.

>> You're most welcome.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: I also want to ask about the cost of the units other than those that would be offered as affordable housing units. There's been discussion about several different possibilities in terms of the numbers of units on the site. It might be 34, 28, some other number. Is there a relation between the number of units set by a cap and the cost that we'll be charged for those units?

[09:29:44]

>> Yes. There definitely is. You're talking about the purchase price under some of those scenarios we've displayed up there. If someone were to be restricted to 20 units. The units would have a purchase price, each unit of between one million and a million and a half dollars. If the project were limited to 28 units, each unit would be limited to a purchase price of between \$600,000 and one million dollars. If the project were limited to 34 units, the price of each unit would be between 4 fist thousand dollars and \$100 million.

>> Riley: I notice in the ranges you mention each has a million in it with a 20 that is one million to 1.5 appeared it gets down with the 34 unit you had from 450 to one million. Is there any way to provide any assurance that in fact there would be some units available at that lowest end of the range with -- if you had 34 units, would we find that actually once it's all built that you actually charging at the high end of that range for each of the units? How could there be any assurance that there would in fact be some units at the lower end of that range? That's a big range from 450,000 to a million for 34 units. How would anybody be having assurance that in fact there would be some at the lower end of of that range.

>> We would be willing to enter into any sort of recordable agreement with the city as a public restrictive covenant and/or the neighborhood as a private restrictive covenant with disclosure reporting requirements in that regard, and particularly in connection with the city's smart housing office to make sure that gets carried out and it's audited.

[09:32:00]

>> Riley: Is that range attributable to the availability of different types of units? Are you picturing some units that might be efficiencies and others that would be three bedrooms? Is that where there's that billing a range between 450 and a million?

>> We're not going to have any efficiencies will. We will have one bedroom, two bedroom and three-bedrooms. Am I answering your question?

>> Riley: You are. And so do you have a mix in mind for each of those different scenarios?

>> No, but at that point in time we know financially what the cost
-- the give is to allow for those units to be affordable units at 20% mfi. It's been steve's always position that he wanted to work with whoever is in charge of affordable housing to make sure that that is right for them. Which units? You want them to be the 450,000-dollar units. That detail hadn't been worked out, but I'm sure it can be worked out. We're flexible on the point is what I'm trying to say.

>> Okay, thanks.

>> Thank you. Phrasers.

>> Mayor Leffingwell: We'll go to our next speaker, alice glasgo. Laura berlin donating time to you, but you can only donate to one person, so you have three minutes.

>> Good afternoon mayor and councilmembers. Alice glasgo, and I am speaking as a co-agent. And I'm also speaking as

-- as a property owner directly across the street from the site and here we go. This is the site. The map that is in front of you shows the church and two houses in yellow. I own the house that is to the north of the church and that house is the only one that faces the project and it shows that it's 220 feet. There's a distance to the point where the three-story buildings stopped. And having said that now I will turn into my agent and I will support the buffer and set back as a property owner who would have the direct view from that site to this project and support the conditions that are being offered. This thing is a little sticky, by the way. At the planning commission hearing there was a comment made regarding the prior proposal and the fact that we had indicated that 27 units was the number of units that could be accommodated on the site. What I want to correct is that at the time we were requesting mf 1 and under mf 1 as you can see under the site development regulation, at the time we were proposing two and three-bedroom units only, we did not offer one bedroom units. And with those calculations the maximum density obviously under mf 1 would have been 27 units. As you can tell, as you go into every different zoning category, you have a different requirement and you have a different threshold and maximum. So the point I was making is not that you can absolutely never ever be able to achieve any more than 27 units because obviously you can depending on which zoning category, just like if you're zoned d.M.U. And cbd it gives you more. So that was the point I would like to correct. Secondly the 27 units. In 2007 we had asked for mf 1 but the commission recommended ff 1 with 27 units. Council compromised at 20 units, however councilmember dunkerley asked us to go and seek resolution through dispute resolution and hire shun to help us reach the gap between the 20 and the 27. And we did hire carl bayer as the person that both parties accepted as the dispute resolution person. After three sessions of trying to come up with ways to get us to the 27, he declared an impasse. We were not able to resolve that gap and therefore that's the history between the 20 and the 27 and what happened or did not happen. Thank you. That concludes my presentation.

[09:36:35]

>> Mayor Leffingwell: Thank you. Mark ohmburg. Donating time is trevor dickens. Matthew duggin. You have up to nine minutes.

>> Hi. I'm mark with dick clarke architecture. Let me figure out how to work this. There we go. I wanted to clarify the design difference between the city staff's recommendation and our proposal. I want to use this diagram to very clearly point out that we are essentially trading the area of this shaded zone on the

staff's recommendation, which is the upper image, with the shaded zone of the proposed site plan, which is below. So we're giving up what is 50 feet wide and 32 feet tall, two stories at the front of the site, close to the street, for what is essentially five feet tall along the back of the site. From standing on the sidewalk, the angle of a 42-foot tall building is only 25 feet away is 47 degrees. And on our proposal, which is five feet taller, that angle is only 23 degrees because it's set back so much further. In addition to that, please look at the green line because as you can tell, the two-story portion, which could be 32 feet tall from our sidewalk actually would still be the highest point that you see. Now, from across the street you could see a portion of that upper five foot, but then you would be 200 feet away. I'm showing you that our proposal is less looming, to use the neighborhood's words. I'm also showing on here the typical compatibility set back on our diagram so you can see how much more we're setting back than the accepted standard between a commercial and a residential. I want to talk about our design a little bit. We are breaking up the massing into two buildings with a courtyard in between and we will have a continuous underground garage below. All of our parking is below the building. There are several reasons for this diagrammatically. First is to build a compact footprint where we will have as little impervious cover as possible because we're in a suburban watershed where only 40% impervious cover is allowed. This impervious cover limit is actually less than the 45 percent which is allowed for single-family houses. Second reason is we need to have our parking below the building where we can access an elevator and go directly up to the units. Single level is important for an over 55 population. Having flats with elevator access is essential. Townhomes do not make good elderly housing. Third is the courtyard. We've broken the building into two separate masses so we could fit the scale of the adjacent state housing behind us. Although we've made a compact footprint I think we've been very mindful of the neighborhood's concerns about looming and I think this early diagram of 25 feet versus 75 feet makes it a very good case. Last I want to talk about the site slope. Specifically I want to point out the amount of grade between the high and low points of the two buildings. So the high point of building a to the low point of building b is 27 feet. 27 feet. It's got a lot of slope on the back forth both from front to back and side to side. On the building a we have a nine foot six-inch difference. Building b we have a 19-foot difference. I'll go forward to this diagram. So this is a quick sketch of what that means on a three-story building if we're taking the lesser of those two slopes. On a nine and a half foot difference the average site grade is the average of the top to bottom. So that pushes the average site grade for and a half feet below our first level. We start measuring up from there our 40 feet for the buildable area. Without this 40 feet of height I have much less to work with to accommodate the slope and I have to staircase my building down, which is problematic for use with an elevator and an over 55 population. Due to the elderly housing, I don't just need one accessible unit, I pretty much need every unit to be accessible. So that's my presentation. Thank you.

[09:41:46]

>> Mayor Leffingwell: Thank you. The maximum height is 40 feet. I believe you alluded to that. It's the average given sloping terrain, it's the average

--

>> correct. So where you start your zero is the average between the high and the low on a commercial property. Not necessarily the same pace with a residential property. So on our commercial property the

high and the low you take the average of the two and that's where you start measuring 40 feet up from.

>> Mayor Leffingwell: So the 40 feet would be measured from grade about where you show what I presume to be an elevator shaft?

>> Roughly, yes. And it actually varies from the front to the back, but on that diagram, yes, it's kind of right where the elevator shaft intersects.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: I have one question about parking. Mr. Harris mentioned that there might be some willingness to place all of the parking underground instead of having six parking spaces on the surface in front. Would that

-- would there be space in the planned garage to put those six spaces or how would that be accommodated?

>> I think there would and we would have to kind of squeeze them under there. Currently we show about I think five or six outside of the footprint of the garage, thinking that those would be guest spots and that they would be more inviting if they were out front where you had easier walkup access. But we can also push those underneath if we need to.

>> Riley: Because there might be problem for delivery or visitors to find the underground spaces. Is that the idea?

>> Correct. A little more intimidating to go into a garage.

>> Riley: I also have a question about how the parking will be priced. That's probably a question for the agents and not for you.

>> It probably is, but I'll jump in anyway.

>> Riley: In particular I was curious since this has been proposed as senior housing, there are seniors who for whatever reason may not choose to drive.

[09:43:50]

>> Absolutely. Or share cars.

>> Mayor Leffingwell: Or may share

--

>> Riley: Or may share cars. Often with housing when you go to buy a condo it comes with a certain number of spaces, whether you want them or not. And since this is senior housing, in the interest of affordability, I wondered if you had considered the possibility of separating the parking from the units so that someone choosing to live here wouldn't be required to pay for a parking space that they weren't expecting to use?

>> Correct. We were going to decouple the parking from the unit sale so that if somebody wanted a three-bedroom unit, but only wanted one car space, they could do that. If somebody wanted a one bedroom unit, but needed two car spaces, they could do that as well.

>> Riley: Got it. That's what I needed to know. Thanks.

>> Thank you.

>> Mayor Leffingwell: I would just comment that based on what I'm hearing real lately, in five years time you might see autonomous cars driving around Austin, so there wouldn't be any question of whether you could drive the car or not. And one of the targeted populations for the autonomous car of the

future is the elderly population.

>> Absolutely.

>> Mayor Leffingwell: I've actually been in one. All right. The next speaker is macy morris. Macy morris, not here. Okay. In this case we'll go to john hawkins.

>> Thank you, mr. Mayor and council. My name is john hawkins, representing myself. As a more than 20 year resident of west austin I support the proposal that's before you this evening. I think it's a thoughtful and reasonable proposal as as has been discussed. I think it deals with a lot of the concerns that have been raised by some of my neighbors. I think it also meets an acute need for our community and I'll give you an example. In our first

-- when we first had kids we had the advantage of having my mother live nearby and actually provided care for our kids. She's now doing the same thing for my brother in houston. We anticipate that she's going to sell her house in houston and want to move back to austin at some point. So she would be exactly the type of person that would be able to access this type of housing. It's something that is not available in the neighborhood as we've looked around to date. Again, that would mean she would have to live further away and that would be yet either she or us, another car, at the intersection of 35 and exposition or trying to get to westlake over red bud trail. So this is exactly the type of thing I think that would help our neighborhood. I think we need to be reasonable about growth in our city. I certainly recognize the concerns with traffic and otherwise, but again as a neighbor who sits at the corner of pecos and cherry and sees the cut-through traffic and people running stop signs I'm right there at ground zero and I think this is a responsible way to deal with some of the needs of our community. So I appreciate your time.

[09:47:09]

>> Mayor Leffingwell: Thank you. Jerry converse.

>> Afternoon, mayor, councilmembers, my name is jerry converse. I am a resident of the area. I live about five blocks away on maria anna. I support the applicant's application. I think a seniors project, as you just heard, would be a great idea. It certainly provides a residential use that isn't available as such in our community. It will allow the residents to remain in the community if they already live there. They can sell their home, move into one of these units. They can retain the connections they have with the drugstore, the grocery store, the cleaners, the bank, all of the retail that's right there. It's walkable. If for some reason residents unable to amble, the bus stops are right there. They can use the public transportation. That would get them down to the library, get them to the tarrytown center and the dogs and all that that are running around over there, get them on down to the golf course if they want to. So it's a very well thought out and I think a very, very good project for you to look at. If the parking goes underneath I guarantee you this project will be a whole lot better looking than the back side of some retail thing that gets built on the state school site some day. And you know that this site will get incorporated into that if it's not developed pretty substantially like it is. The impact on the neighborhood itself from the standpoint of cut-through traffic should be zero, unlike my state where people think it's an f1 track, this is not generate that sort of traffic for the neighborhood. And finally, you heard a reference to the planning commission. I wasn't there. I was just interested and I picked up on it because I had the same thought. If you're really looking ahead at what the land use

-- this is a very special piece of land. There's nothing like this available anywhere in this area unless you do go start ripping up a neighborhood. So if you're going to look ahead, maybe think about putting a 10 to 12 story building on the thing, a vertical that has the 40 some-odd units and scale the footprint way down and make it a real show place in west austin. You have them on the other side of the freeway. Thanks very much.

[09:50:01]

>> Mayor Leffingwell: Thank you. Frank herrin. And donating time is john morris. Is john here? Not here. So you have three minutes.

>> Thank you, mayor and council. I have lived in tarrytown for more than 10 years, including the most recent five years. Tarrytown is also the only residential neighborhood in austin where I do farming in my real estate business. Not tractor and plow type, but I send marketing materials regularly into the neighborhood, so I've got a personal and a financial stake in keeping the neighborhood as inviting as possible. I think this project is exactly what imagine austin calls for and we ought to be looking for sites like this and developing them with as many units as possible. This is probably the least impactful parcel in all of tarrytown in which to build multi-family. As has been mentioned there's not going to be any commuter traffic generated. Those over 55 residents who still do work and are not retired will take 35th to mopac. The only traffic that could possibly be generated would be trips to the end neighborhood services like the randall's and the drugstore and so forth. Exposition is not a predominantly single-family neighborhood that needs preserving. It's a major commercialized thoroughfare. This site is about a thousand feet from a commercial strip center. There's an electrical substation in between. There's a gas station just beyond the strip center. And as you heard the only resident who faces this project is strongly favoring it. Imagine austin directs that our new citywide policy is to be more compact and connected and to obtain more density in a wider variety of housing options throughout the city. That's exactly what this project will accomplish on a small scale. To resist this project because this is the least impactful parcel, is to essentially exempt tarrytown from imagine austin. And from the goals and objectives of the comprehensive plan. If we're going to add 610,000 people within the city limits of austin before 2039, which is what imagine austin says we will do, we will have a project of this rate and density of a rate of about one per day every calendar day of every year for 25 years. There is substantial mf 3 in tarrytown and there's been condos and apartments built all the way back to the 40's. Those were rental projects now and now they provide a degree of affordability.

[09:53:18]

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[buzzer sounds]

>> Mayor Leffingwell: Vicky buy rum. You have three minutes.

>> Good afternoon. My name is vicky and I'm a resident of central austin and the owner of a business yellow door design, which is a residential interior design firm. As a designer I've worked with several clients in central austin who have downsized their homes over the years. I am speaking before you today in support of the 1522 residences. I became aware of this project several years ago and even signed a

petition against it. Since then, however, I have learned more about the acute need in tarrytown for clients and others who are selling their family homes yet are not ready to move into westminster manner. Westminster is a great, wonderful retirement community that has searched the needs of our community for over 50 years, but how do we serve the needs of our residents who want to sell their family home, yet stay in the neighborhood. I applaud steve berlin for his willingness to step up, to research and act upon the ever changing needs of tarrytown, the needs of our community are not the same as they were six years ago. As individuals continuously knock on people's doors asking them to sell their aging family home so they can knock them down and build larger ones, the gaping hole only increases. Where will our aging community go? As an individual and developer, mr. Berlin has listened to the members of his community who are asking for transitional walk and go residences. The blessing of the location of the 5215 exposition is that these residences will plan their days around traffic, therefore adding minimal footprint to traffic hours. They will pay taxes, but not enroll children into our crowded schools. They are traveling and will be members of our community who know about and care about the history of our neighborhood. As an interior designer who has lived in central austin for over 14 years, I've had the opportunity to work with several individuals and couples over 60 who want to sell their family home, downsize and simplify their lives. From their family homes in tarrytown they have moved to wood stone, which was built in 1973. To townhomes off of pecos this were built in 1980 to smaller houses in the neighborhood and into westminster. In every situation but one they had to remodel to bring their property up to date and plan for future needs. None of them wanted to engage in this remodeling. I had one client who moved into and then out of westminster after four months because they weren't ready for the life-style change. At 3215 residences been available to them when they were selling their family home, the transition from their family home to condo living would have been seamless. Every one of the above mentioned client's goals was to shop at the same grocery store, the same dry cleaners and pharmacy. They want to be near their church, children and grandchildren. They have a history of planning their days around the austin traffic and they already know how to avoid exposition when casis let's out. Thank you.

[09:56:38]

>> Mayor Leffingwell: Thank you. Brett framell. That's fine.

>> Good afternoon. Thank you for your service. My name is brett and I'll be brief. I'm throwing myself and my wife out there as end users of this project. We're both baby boomers over 55 and empty nesters. And have been looking for something for quite some time and finding the options in central west austin pretty limited. Elm terrace, this project gives us that opportunity and many other austinites a chance to stay where we currently work, live and play. Thank you.

>> Mayor Leffingwell: Thank you. Mike cummins. Okay.

>> Mayor and council, my name is mike cummins. I've been

-- I guess hoping that I could have gone a little earlier. I've crossed off almost everything on my list that I had to say. My wife and I strongly support this use. I think it's a very, very needed use. I do have experience with the 55 and over community, having worked with dell webb for many years. And I know that the service that it provides and the camaraderieship with your fellow neighbors is the greatest thing there can be. There's again no impact on the schools, which I think is great. And with all the mixed use

developments that are being done now I think it's wonderful that we have a 55 and older component that is really sort of the mixed use of casis villain. So it just goes perfectly with that and provides the rooftops needed to support our commercial aspect. We, my wife and I have talked about this quite a bit and we would love the opportunity to live there one day ourselves. I'm interested in the 34 residence or more just for the affordability aspect. I'm afraid that this is going to be built either way and if it's limited to such a small number that it will effectively out price those of us that can't afford \$1,500,000. So I think the 34 is a perfect number. The renderings, the buffers, the setbacks, it's absolutely beautiful. I think they've done a fine job in the unit mix, the product mix, the one, two and three bedrooms. So it will be something for everybody. And I like many of the people who spoke before, aren't looking forward to just having such a limited choice of sun city or westminster for this type of living. The underground park I think is an extreme benefit and I think the rest of the points have already been covered. Thank you for your consideration in this matter.

[10:00:06]

>> Mayor Leffingwell: Roxanne kaufman.

>> Hello, my name is roxanne kaufman. I'm a 40 year resident of tarrytown and I'm a huge supporter of this project. I believe that everyone knows that the housing options in tarrytown are sorely needed, especially those under 2300 square feet. And virtually no one in one and two bedrooms available in that market. The housing prices have doubled over the last 10 years and raised 10% in the last year, which indicates that there is a huge supply and demand imbalance. The type of property that the we're talking about, they can get this zoning, are single level with an elevator. I can't tell you how desperately needed that is in this air. I did a parameter search from mopac to lake austin boulevard, exposition to 35th. Within that area there's only 30 homes on the market. That's only three homes that are under 2300 square feet. Of those three homes they were built in 1949, two of them, and the other one was built in 1941. And I know that when we were before the planning committee earlier kathy kyle had mentioned that there were many properties under 500,000 available in tarrytown. I'm not going past mopac and I'm not going past 35th street or beyond lake austin boulevard. But there's not one -- absolutely one property under \$500,000 in that one area. The lowest price house is 675,000. That is the one that was built in 1949. So in order to build or buy, if you want to have a two bedroom or one bedroom, I've lived in tarrytown for 40 years. I was forced to move downtown just to have something new that was smaller. It wasn't available in tarrytown. I want to be back in tarrytown, but I only want a one or two bedroom and I don't want stairs. Townhouses, the developments at enfield, they're three stories. Nobody our age, my age anyway, is going to buy anything with stairs. I would love to be able to walk my granddaughter to castes or over the rainbow and be back in my neighborhood that I helped to develop and worked very, very hard in that community. Again, exposition is an arterial road with bus stops, traffic signs. I would think this beautiful project that you've seen the pictures of earlier would be a little easier on the eyes than the portables that you look at now from the state school. I think it would be adding beauty. It's not a hi-rise.

[10:03:24]

>> Mayor Leffingwell: John McKinney.

>> Mayor, councilmembers, thank you for letting me address you today. I'm going to start my timer here so I stay on time. I think if I could I would just remind roxanne's speech. I'm a resident, I live about 1900 feet from the site. I am for the applicant, but I probably differ a little bit with what the applicant is trying to do. I was more part of the team that developed the triangle with tom [indiscernible]. I helped write the uno ordinance. I wrote the design restrictions for uno. No stranger to introducing density to our city and the ramifications and just the discussion points that go along with it. And I find it perplexing that we're talking about 25 or 30 or 35 units when we should be talking about 50 or 100 for the exact same issues that she just pointed out. We all know that the post world war ii, three units to the acre design of cities doesn't work. We can't keep doing that. While we should picture it in areas like we did in uno with overlays in certain types and take the commercial corridors and introduce density and nice retail and higher density housing is a great idea, unfortunately we have spot zoning issue here and I think we should be talking about more density, not less. The land behind it could be a perfect town center some day, but I'm sure the residents in my neighborhood aren't going to like that either. One thing I can tell you from being a developer and introducing density in an inner city and not just austin, but other cities around the country, tom can tell you I'm sure that the folks that hated us in 2000 when we were trying to get the triangle approved, loved us in 2003 when we signed mandola's. Or my friends in pemberton who hated me because we would block their view of the tower said that actually worked out pretty well, guys. You did a good job. I think well planned development makes sense, but this idea that we shouldn't introduce density into the inner is crazy. I don't

-- I understand the political rally you guys face. You don't want to irritate everybody in the neighborhoods, but what generally gets built if well planned makes a lot of sense once it's done and everybody gets over that fear and trepidation that when it's being planned or talked about just scares them. So I hope you do that. The other thing is I know we can't do inclusionary zoning and I think legal staff doesn't like it here in austin, I wish we could do that. I wish we could require that all developers provide at least 10 or 20% just like we did in u.N.O. For the units there. Hopefully steve can agree to provide that here. I think I'm almost up. So thanks.

[10:06:25]

>> Mayor Leffingwell: [Inaudible].

>> Mayor and members of the council. Much of what I had planned to say to you today has already been said by my neighbors. I'll just make two points. I am frankly surprised at the number of my neighbors that have turned out today to talk to you about this issue. I think they are vastly representative of a great majority of people that live in tarrytown. We drive by this site everyday on our way north and again back home. And what we will see as we drive down exposition is very important to the people that live in tarrytown. There are beautiful grove of trees and a very natural setting. This proposal has an extraordinary set back of 75 feet to protect most of those trees. It has most of the majority of the parking underground. So what we're going to see

-- what we see today is what we will see in the future if you grant the applicant's request. I hope you will. You're going to hear from the the neighborhood association, which I think is out of step with the majority of people that live in tarrytown is they have concerned about having an mf designation along

exposition. They are concerned about the precedence that will set. Let me suggest to you that while they're right to worry about precedent, I think they've missed the opportunity and don't really understand what could happen if you grant the applicant's request. You have an opportunity to set a precedent of demanding a higher level of quality in exchange for a modest increase in density. By the conditional overlay that you're going

-- I hope that you will approve today you can set a precedent that this council and this community demands a high level of quality, extraordinary concessions in exchange for modest increases in density. And that will benefit our neighborhood far greater than whatever the first letter is in the zoning designation on the city's zoning maps. That really isn't going to matter. While we're at 34 units or 27, no one is ever going to know when they drive by that project. It will be absolutely indiscernible. But the presence of those trees and the absence of parking is going to be a qualitative difference that will make a real difference to the people who live in tarrytown. Thank you.

[10:08:52]

>> Mayor Leffingwell: Thank you. David yylund. Or wieland.

>> Coupe, mayor, mayor pro tem, thank you very much for having me here today. I don't want to just parrot what everybody else has said. I think what's really important

-- first let me satisfy I'm a resident of tarrytown. I've been there for about 10 years. I live about a quarter of a mile to half a mile from this site. I drive by it all the time. We desperately need this. My mother-in-law is 75 years old. If don't build this she's going to come live with me. [Laughter] I'm joking. I'm joking. But in all honesty, we need something that has an elevator in it to support this portion of the demographic. I mean, we just have to have it. I think as I look across what's in tarrytown and what's being built there, up and down enfield, which is close to my house, they're getting denser and denser, which I agree with john, is fantastic. It brings diversity to our neighborhood. It brings affordability. We talk about keeping austin affordable. We talk about keeping austin diverse. But not really when it's inconvenient and that doesn't work. Yes, could this potentially create a little more traffic? Maybe. It would be at the right time. Could it put a little bit more pressure on services? Maybe. Probably not because of this demographic. Actually, I think what's important is that we think about the greater good and all of us who have parents who are aging and all of us who eventually are going to be able to live here and have a little bit of forethought. I was standing at this podium in 2007 in support of this same project. In 2007 housing prices in tarrytown were two to three hundred dollars a square foot. Now they're four to six hundred dollars a square foot. So where are we going with all this? We've got to bring in affordability. The final thing I want to say is I have known steve berline for 10 plus years. I've gone to church with him. I've gone to retreats with him. I've done business with him. I've watched his developments. I know him as an individual. I know him as a family man and he's an exceptionally fine person. We could not have a pert person shepherding this project and a better person who has the overall interest of the community in mind. Thanks.

[10:11:36]

>> Mayor Leffingwell: Thank you. Moon almanza.

>> Good afternoon. My name is boone almanza. Thank you for giving us this opportunity to speak to you. I'm in support of this project. I have lived in tarrytown almost all of my 51 years. My family still lives there and my parents still live there. I think the importance to me about this project is, number one, it fits within the neighborhood. This is not going to disturb our neighborhood. I have walked or bike almost every piece of property there is in tarrytown in the last 51 years. This project fits within the concept of tarrytown. More importantly it's something I and my wife might be able to use in the future. More importantly my parents, who currently live four blocks from me, I live on the corner of stephenson and pecos. This is an option for them. There's not another option for them. They're either going to stay in their house until they die or they're going to move a long way from my family. That's not acceptable to me. This option makes sense. The other part of this that makes complete sense is despite the fact that austin or tarrytown was set up with big yards. There are few properties that have 75-foot setbacks. There are not that many of them. And the concept that this is a looming, overburdening project to me is nonsensical. All you have to do is go about three homes north on the southwest corner of exposition and 35th. That project is looming. It is huge. New house sitting there being built. How tall is it? Probably 25, 35 feet from the corner, from both corners. This project is 75 feet back away. The neighbors that talk about

-- most of whom are good friends of mine who I grew up with are against this project are generally against it because they're close to it and they're worried about it. There's a term for that called nimby. Essentially if council cannot approve this what you're saying to the city of austin is that tarrytown cannot be part of the imagine austin. That we're going to exempt tarrytown from what we envision austin should be. My wife and I would like this option. I'm probably a few years away from wanting to move out of my current house, but it's an option that would be available to me. And more importantly it's an option for my parents. I would ask that you support this project. Thank you.

[10:14:48]

>> Mayor Leffingwell: They could always move in with you. [Laughter]

>> sir, do you know my father? [Laughter]

>> Mayor Leffingwell: We'll go to those signed up in opposition. First is joyce [indiscernible].

>> [Inaudible].

>> Mayor Leffingwell: Okay. Next is dealie herndon. Did you want to speak first? All right. How about sarah marler? Is she here.

>> [Inaudible].

>> Mayor Leffingwell: Joyce basciano. And mary arnold. Mary, are you signed up? Okay. So you have up to nine minutes. And clerk, if you would make those adjustments, I would appreciate it.

>> Are you able to put that map up on the screen? Thank you. Good afternoon. I'm vivian wilson and I appreciate you taking the time to hear our concerns. I represent a very large group of neighbors. And I'm here to speak on their behalf. When this project originally came to us in 2007 the applicant asked for 20 to 24 units. It went to mf one and 27 units. We petitioned the property and were told by city legal it was unzoned and we could not have a valid petition. So we expanded our efforts and eventually collected over 800 signatures. We will need to take off one of them. The map of the immediate neighbors shows the opposition of the need neighbors to this project. Everyone who signed our speak

decision is highlighted in blue and the applicant property is red and red hatched. The city requests mediation. We went through exhaustive mediation, spent hundreds of hours in mediation, negotiation, mostly negotiation, working on this, different avenues. I would like to point out there was a mistake. We did not start mediation with 20 units. We started with 13 and they never moved any units down at all. The city imposed a compromise that was to be enacted on third READING APRIL 10th, 2008. The applicant withdrew his application that day and I would like to read something he wrote in his application letter. I am hopeful that this withdrawal allows the pen been fit of team to heal some of the divisions within our community this application has exposed and time for the various party to engage in further discussion within the neighborhood planning house currently underway for southwest austin. In order to assess the properties use and context of a community decision accordingly I will commit to active participation in that process and continue dialogue with my neighbors as well as the west austin neighborhood group. We went through the neighborhood planning process and that took another three plus years. I had participated so frequently I am now on the neighborhood planning contact team and listed in the back of the book of one of the people who had significant participation. Through that process we had several meetings where we discussed this property and even had a meeting specifically to address this property. Again, he failed to convince the neighborhood of the need for this project. The west austin neighborhood area has 23% of the land is owned by u.T. Or the state. The brack track and the state school property on which this sits on the edge of 95 acres that will some day be turned over and some day be developed. This is a precedent setting case for a much larger tract. So the neighbors largely agreed that what we needed is because of how we are land locked to the west by the lake, to the north by camp mabry, leaving

-- so the brack track development locks up lake austin boulevard, the opportunities for egress from our neighborhood for the remaining residents are westover, windsor and enfield. So we adopted a largely preservation neighborhood plan knowing that in the future it would be accepting very great density on those two tracts. It is not because we don't want density and we want to keep everyone out. That informed everyone's decision when they voted against the request for multi-family zoning multiple times. Rather than take that as a message of maybe he should come our direction, he comes back to council and asks for even more than he asked for me highest end last time. Seven more units, two zoning categories higher than what was agreed to by council last time. The site has severe limitations that are very important to point out. It is not at an intersection. It is on a very tricky spot of exposition and if you are a senior living there you need to be affluent or wealthy and very fit to make it to randall's if you're going to walk there. You will have to climb significant distances in those directions uphill. It goes up down, up again to randall's and then the same is on the way back. The property rises 40 feet. Everything on the east side

-- west side of the street is low-grade. Street is higher grade. The property rises another 40 feet to the right. Has 444 feet of unbroken frontage along exposition unlike any other residential property along the entire street. And that is the reason why we have the conditional overlays and the council imposed compromise that you see of having McMansion ordinance in the first 75 feet, 32 feet height, two stories and front doors facing exposition, which is in a restrictive covenant that didn't get pulled. There was also the great street eight foot green space, five foot sidewalk and then another 25-foot set back. The maps and buildings scale allowed with unrestricted zoning will allow for extremely large configure just mass of buildings that are unlike anything we've ever had in our neighborhood and does not promote a

transition and adequate architectural type or scale of transition to what might be beyond some day. It's a very dangerous rush hour traffic. It's actually completely backed up. You can't even exit on to exposition during rush hour without relying on someone's sympathy and then you risk being run into in the site when you actually make it across the street. I looked at the mayor's taskforce on aging conducted in 2013. 40% of the seniors satisfied have a caregiver currently. The majority said they would need a caregiver in the future. This project has parking that is essentially the minimum allowed. There are parking provided by code, but then there's a reduction for being in the urban core and then it shows that he is almost back up to the code with the parking he provides. I don't know where the caregivers will park. There is no off site parking opportunities that are decent at all. The parking lane is on the other side of exposition. Someone would have to park on neighborhood streets or on the parking lane on exposition and then risk life and limb to cross exposition to get to this project. Also in the mayor's survey according to the national complete streets coalition, 2010, seniors often cite the following problems while walking in their community, vehicular traffic is fast moving and intimidating just as it is on exposition. Narrow, uneven sidewalks or no sidewalks at all the sidewalks are treacherous and there is a wet land to cross and we have a disagreement about the wetlands. And cross walks do not allow enough time to cross before signal changes. This end of exposition is no place for a project like this. Page 207 of the imagine austin plan addresses neighborhood plans and their role within the large [indiscernible] of the code rewrite saying continued protection and preservation existing neighborhoods and the natural environment must be considered top priorities of comprehensive revision to the city code. The consequences of impact of additional density and infill and existing neighborhoods must be carefully identified and analyzed to avoid... Such as flooding. That's just one excerpt off of page 207 which addresses neighborhood plans. I want to say one other thing and that is that the architect showed that you can trade the square footage in the foot of the building and put it on top of the building. That isn't the case as far as I'm aware. The site has 40% impervious cover regardless. You can't stack things on top of each other. So it's -- that drawing suggested that sf-6 has more impervious cover somehow than mf one and two and that is not the case. I will let dealie have the floor now. Thank you.

[10:23:34]

>> Mayor Leffingwell: Dealie herndon. And donating time is george covert, junior. George? So you have up to six minutes.

>> Thank y'all very much. I think I'll be a little bit random because there are so many things I want to address. Vivian briefly mentioned the fact that alice satisfied that we started at 20. We started really at one. It was one house on two and a half acres. We knew that was ridiculous, so we really began to negotiate and we started at 13 for sf 6. And we went into mediation that way. And again, we did compromise. We are coming to you agreeing that the compromise that council came -- made when we were going through it the last time is something we'll live with. We're thought going back and starting with 13. And in effect they've come back with 34. There certainly are great merits in some of the things that people said here today in favor, but I think that there are also things that don't fly. A grove of trees, there's no grove of trees anymore. They're all dead. And have been cut down. We are not in any way afraid of reasonable growth and I think you've all seen the planning that we did, but

we totally agree that good planning is critical. That this can be a city center. This can be a vibrant, very dense area. It can be exciting. It can be complimentary to the neighbors on all sides. So we are not anti-growth. We have never been anti-growth. This was part of the discussion in 2007. And we just would prefer to see it done with a buffer in the right areas in the growth

-- the density going towards where the freeway is and where the access roads would be. We feel strongly this is a zoning case. This is not any kind of a judgment on the particular project. We need to focus on zoning because he's brought three different designs with three different purposes, three different city criteria that he's trying to address and there is absolutely no guarantee that this project will be built if it's approved based on what a nice design it is. It is precedent setting and that's our biggest concern. All along when the state school is developed as this plan shows, there's going to be a concerted effort. And the first thing they'll do is look at what's there. They'll look at the sf 3 neighborhood on one side. They'll look at that mf 2 sitting right there and it's going to be dumping traffic out there potentially in different numbers of cars and is going to be

-- it will be looming up over the neighborhood unless there's 100 to 200-foot set back of a green space which will be kind of useless land if that happens, if it gets too wide. There's a tracking parking and height issue all the way through this. The senior housing issue we see as a red herring, of course we need senior housing. I would certainly agree that higher is better for senior housing. You could have a lobby. It would be much more amenable for them to stay through the rest of their lives. But we certainly aren't going to say, well, why don't we just go do that when we're trying to have a buffer. Our neighbors that we've talked to don't believe that their senior family members would want to live here in the back of the state school, they can't walk anywhere. It's dangerous to walk down exposition. Specifically on that side of the street. And there's no amenity lobby or anything in what's planned. You addressed the cost issue. We were told when it first came back to the austin neighborhood group that it was \$400,000 for the one bedroom up to a million two for the larger three bedrooms. That in our view is hardly affordable and if you need a caregiver, a one bedroom doesn't do you a lot of good. So we don't really think that's kind of a red herring as well. It's not high density for code. It's clearly high density for our neighborhood in that location according to the neighborhood plan that has been approved. The density is along enfield

-- it's placed along enfield. There will be a ton of density and I hope I'm still alive to work with the density coming in here because I think this is a really, really exciting place to build out a city center. And I think it could be a great asset to the community. We have 700 to 800 neighbors who signed the petition as you saw from what vivian said, every single neighbor that we could walk to from this site signed up against it. So we just feel like that the merits of this stand on their own. It's a good planning issue and we ask you to look at this as a zoning issue and to deny the request and stick with the council's recommendation from before. Thank you. Does anybody have any questions? Probably not. But I do want to say thank you to all of you. It's been amazing. And I'm proud of austin. You all -- every one of you took the time to hear the issues on both sides. We appreciate that.

[10:29:14]

>> Mayor Leffingwell: Thank you. Lake tolette.

>> [Inaudible]. [One moment, please, for change in captioners] >>... That was the official vote. We see

staff recommendations to have sf 6 as being consistent with our plan. But we were a little disappointed that the recommendation that you all received doesn't refer to our neighborhood plan at all. And it -- it may be a surprise, but a little over three short years ago you all approved the neighborhood plan for the central west austin area. And three long years before that, we negotiated and met countless and tried to come up with a plan that envisioned how we're going to bring some growth, bring in some density, bring in some amenities. So I'm here to speak about the plan and how we think it will accomplish a lot of the goals of imagine austin and accomplish greater density, but do so in a way that's intelligent and protects existing family neighborhood. So we have the future land use map, which unfortunately it's going to be hard to see, but the property in question is in the upper right-hand corner. We in the plan talk about having the existing single family neighborhood protected but then you add density, you admissioned use, you add more intense -- you add mixed use, more intensity. Similar down at the brackenridge tract, that's a big part of our plan. That's how we hope to implement imagine austin, unfortunately this particular proposal we're afraid is inconsistent. In particular I just want to point to a couple of provisions from our neighborhood plan. We have a land use goal that says development of property as multi-family should be in accordance with the future land use map and should be appropriately scaled, buffered and oriented to protect existing single family homes. The concern here is this intensity is not accomplishing that. We have another statement in a land use goal that there is a particular interest in preserving harmony among land uses and ... Along exposition boulevard. We're talking specifically about exposition and lake austin boulevard. As we look the a the zoning guidelines that the city has published, sf 6 is specifically identified as being in a "appropriate and selected areas where it transition from single family to multi-family use as appropriate." Mf 2 in this case, the zoning guidelines does not identify mf 2 as appropriate in the same way. So again, in a general level, we think that the staff recommendation is consistent with our plan. And would promote more density here, but integrated, buffered and protected way.

[10:32:55]

>> Mayor Leffingwell: That is your three minutes. Didn't have anyone donating time to you.

>> That's close enough, thank you, sir.

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I have one question about the parking, specifically the six spaces of visitor parking that have come up. We have heard that the current plan is to provide the 6 spaces on a surface lot in front of the property, between exposition and the buildings. But we've also heard an offer that the developer would be willing to place those spaces under the building, underground parking. Does the neighborhood have a preference as between those two possibilities?

>> Let me state that I'm here on behalf of the neighborhood planning contact team and I don't know that we, in terms of the issues that we're supposed to deal with which is primarily land use and our plan have gotten into that level of detail. So I mean you can ask blake. In my own mind, I would expect that you could have underground parking with sf 6, also, although I'm not going to pretend to know the nuances of the code. But I would like to think a lot of the beautiful and thoughtful parts of this process, this project, might still be implemented with single family 6 but there's probably other constraints.

>> Okay. I'll ask Blake the same question.

>> Blake and donating time is [indiscernible], you have six minutes.

>> Okay. My name is black tolette, here representing west austin neighborhood group. If it means anything I have lived in west austin for 40 years. So if you would put that map back up there, please. Michael, would you before I that map back up?

>> Sorry.

>> First of all, the neighborhood association has voted and the board of directors would ask you, we do support staff's recommendation and we support the planning commission recommendation. The witness that says that someone during the planning commission during the hearing said this tract needed more density, he voted for staff recommendation. And so that

-- I think he was kind of joking. Again this isn't about a site plan, this isn't about pretty pictures, this is a zoning case. This zoning sets the tone for that whole tract. You know, if you look at that map, they were talking about those townhomes, you questioned about the townhomes, those townhomes are all zoned sf. The neighborhood association has worked with every church along

-- well, two things. We have worked with every church along exposition for their expansion plans, the episcopal, baptist, methodist, presbyterian, we worked with them for sf 3. They had to have variances but we thought it was very important that mf didn't come up on exposition. We steered, during the neighborhood planning process we steered the mf along enfield road. We said that's where it belongs. You know, this

-- the applicants have always said well this doesn't set a precedence, but it does. They cited precedent in their presentation, you complaint have it both ways. I have never quite understood that. What else? Is daily points out I think this is a great stunt to set the

-- to set the stone for a master plan for the state school. I think the state school probably unfortunately sooner than later will develop out, will be on the market. We envision the density to be along exposition and along 35th street. I know councilmember riley when we talked to him, he questioned what needs to be against mopac? Well, those buildings are going to be large enough envisioning that they can put offices overlooking mopac and put the residences on the west side. Looking in the town center. People that say we don't accept density, they don't understand. We are going to accept density whether we want it or not. I think we are going to look at this in a holistic manner. As far as the parking goes, again, that's

-- I'm not sure

-- I don't really have an answer because that's sort of designing the project for a developer who is

-- as it was pointed out, this came to us, this is the third iteration of this. There's no real guarantee. The senior thing is great. Except there's no real guarantee this will be senior, I mean, I guess that you could say, well, the owner of the property has to be 55 or older. That doesn't mean you can't sublease it out or can't have other people younger than 55 in there. I don't really know how that mechanism is going to work. Again, this is red herrings. This is a zoning case. This isn't a site plan. The site plan is real pretty, but we have seen pretty site plans on here before. We ask you, the neighborhood association asks you to please look back and see what the previous counsel voted for. There was two

-- actually three members of this council were on that council. I mean, that was the result, the compromise. It was a true compromise. That was

-- that was after hundreds of hours of negotiations. We would ask you to stay with what was decided

last time was sf 6, 20 units. They can do quite a bit with that. And let's go on. Thank you very much.

[10:38:27]

>> Mayor Leffingwell: Thank you. Mark nixon.

>> Hello, thank you, your service and your ears are much appreciated. I'm actually the were the neighbor that is highlighted on that map. I am the resident neighbor. There's another neighbor that was highlighted on that map but I think that person is a landlord. I would like to think this is really like deja vu all over again. As vivian noted previously the neighborhood negotiated in good faith years ago and gave a large concession to the developer. The council heard two readings of the bill and he pulled his request before the third reading. The zoning commission heard from mr. Buerlein again, that's a negotiation

-- his presentation is alive with enough buzz words to make any software marketer blush, empty nesters, baby boomers, housing diversity. I want to talk to you about housing diversity because I heard a very interesting discussion that you had before we came up here. It's a warm fuzzy feeling I'm getting when I hear about housing diversity. It implies a multi-cultural paradise where carpenters can live with lawyers, policemen, firefighters, grandmas who bake cookies. It's a community that I would like to live with. Unfortunately I cannot name any of these professionals that could live in this high dollar development. He should be lauded if he wanted to bring economic diversity to the housing stock in tarrytown but I think it's pretty office from his comments earlier that's not really his goal. It would be great to have our beloved casis teachers our beloved Casis teachers As neighbors, but I don't think that's the diversity that he's speaking about. I have some comments here that were to address the senior housing, but I think I need to skip those. You should note that if a senior were to walk from this development to the randall's, at some point they will have to step off the curb and walk in the street or the bike lane, where I'll likely be riding my bicycle and then step back on to the street because there is no the a sidewalk that will take -- not a sidewalk that will take them to the randall's or the supposed restaurant that I have there in my neighborhood. I'm looking forward to a fine meal and a glass of wine at a restaurant in my neighborhood, but I can't think of any of them without crossing mopac. Thank you very much for your time.

[10:41:18]

>> Mayor Leffingwell: That's all of the speakers that we have signed up against. And we can now here three minutes from-- rebuttal from the applicant.

>> Thank you very much, mayor, members of the council. Yes, this is a zoning case. And it's an austin zoning case. And in austin, we do a lot of things, we have conditional overlays, we try to be sensitive about every development and where it's placed and we always look for various restrictions to make it the best possible project for the location that is best for the project. This project is a low density multi-family residential project under the city of austin zoning ordinance. We're not even asking for the density that's allowed in that low density multi-family area. Mf 2 is designated as a multi-family designation used that's very appropriate near residential neighborhoods. I heard some talk about a buffer. I think the neighborhood is talking about a buffer on this tract that is a buffer between I guess

what's now is the state school and what will the state school become. What the state school will become is very speculative. I could almost tell you that what's on this tract is not going to be very significant as to what happens on the state school site, a 95-acre tract that can be master planned like mueller and other projects, if it ever happens. I think it's very speculative to try to put that too much on this 2.1-acre tract as to what will happen and when will it ever happen. It's not going to happen for a long time, that's for sure. But this particular tract, low density, multi-family, is the perfect buffer between what is there now and what will happen later. It's a very high quality design project, with conditional overlay setbacks, height restrictions, and it is a perfect -- a perfect project for this particular site. It will be the perfect buffer. It is not going to create more than about 112 traffic trips per day. You know, the city standard for a tia is 2,000. So it's almost a non--- non-factor as far as traffic is concerned. You have seen the design as laid out by the architect, with the 75-foot buffer. All that will be a vegetative area instead of just a 25-foot vegetative area that will occur under the sf 6. In addition, no you will not have underground parking with sf 6.

[10:44:38]

[Buzzer sounding]. I would be glad to answer any questions that you have.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Jerry, could you elaborate on that last point about why it would be difficult to do underground parking if you had sf 6.

>> We will be spreading the units out across the tract more and they will be setting 25 feet from the street. There will be the street and then there will be a 25-foot vegetative buffer, landscape buffer, not going to be hedges or anything, it's going to be green space and therefore that layout lends itself just perfectly for normal garage and surface parking. We will not be digging into the site like we will if we're setting 75 feet back digging in for the underground parking. It will not happen, it's not

-- it's not financially feasible to

-- when you start digging in the ground, you are talking about a large amount of money.

>> Mr. [Indiscernible] made a point about the underground parking in relation to the view from the other side of the property in the event that the state school is ever redeveloped and we really haven't talked much about what the view would be from that side, from the eastern side of the units. Have you considered that or can you tell us anything about what that would look like in the event that there is ever some significant development to the east?

>> Number 1 is under our plan, there will not be a parking lot back there. And we think that's favorable to whatever happens, if it ever happens, on the state school side. There will not be a parking lot. Which, you know, that's a good place for a lot of people and their projects, they want to put their parking in -- parking in back, no matter who is the next door neighborhood. This will be a very attractive three story building that they will be looking at, not driveways or a parking lot back there. We think that is favorable. Since it's a large master planned community, they will also have an opportunity to decide what they want between our project and their project and -- yeah.

[10:46:53]

>> Okay. Coming back to

-- to the western side, a number of points are made about the discussions about the previous zoning case and one of the components of that, I understand, related to having the front doors facing exposition, has that come up in connection with the planning for this project? Do you

-- are you committing to have any front doors facing exposition?

>> I'm going to have to ask the architect, I mean the units will, of course, be facing exposition. And of course the major entryways will be through the parking garage at the elevator site. But the units that are

-- their facades will be facing exposition because we want that to be very, very attractive. And there was some comments in the staff recommendation about side wall articulation, we are breaking the buildings up so

-- but the

-- the way into the project will all come from exposition and the way out will all be towards exposition.

>> Okay.

>> Oh, here he is.

>> Ask mr. Hoosh hornberg I would like to ask you about the front doors.

>> In our currently designed version it would be internal, internal access basically from garage up the elevator to an internal walkway or corridor that would get you into your unit as opposed to the previous townhome type of design where each one is an individual front door facing the street, stair steps down the site, I guess is what would would be.

>> Riley: So suppose somebody living at this place did want to

-- even in the face of all of the dangers that we've heard about walking on exposition, if someone did want to brave all of those dangers and make the trek over to, say, casis village shopping center or over to camp mabry for a jog or something, did

--

[10:49:00]

>> I think that -- that "front door" would come off of our sort of courtyard space that's between the two buildings. I think that's where like as a visitor would come up to you and

-- and bring the out-- ring the outdoorbell, let's say, that would be that location, that would be kind of the front door that faces the street, so ...

>> Riley: An image would be helpful.

>> So between building a and building b, is a large amenity deck. And I think that's what would be our front door and the path coming from the street for pedestrian or bicycle access would come up to that point. [Indiscernible]. Maybe somebody else

-- there.

>> Riley: So someone wanting to walk out to exposition would go out to the courtyard first and from the courtyard take that walkway out to exposition?

>> Correct.

>> Riley: Okay, okay thanks.

>> Mayor Leffingwell: So mr. Guernsey, are you around somewhere? You don't have to come all the way up. This is first reading only, is that correct?

>> Yes.

>> Mayor Leffingwell: Ready for first only. Okay.

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem spelman.

>> Mr. Hairs, at some point you had a list of conditions that you were offering to the neighborhood for private restrictive covenant. Some of those would be appropriate for conditionals in the conditional overlay, some of them obviously would not. But do you have those written down someplace where we could take a look at them?

>> Yes, I think if I can find it right here. In the early part of the powerpoint. I think it's the next slide here. So that's

-- the basic integrity of our project on those nine paragraphs there. They can be added to. And as
-- you are correct. Many of them you can put in a conditional overlay, all of them even though they could be put in a conditional overlay were put in the January 14th restrictive covenant that was drafted for the purpose of the neighborhood becoming a party to it.

[10:51:29]

>> Spelman: Okay. Thanks very much.

>> You're welcome.

>> Mayor Leffingwell: Councilmember Riley?

>> Riley: Actually, if it's okay I actually had a question for another one of the speakers, if that's

-- actually, I would like to ask a question of Mr. Tolette. I meant to ask Blake about that surface parking issue that Mr. Kinate deserved to you. As a representative of the neighborhood. We have heard two possibilities from the applicant in regard to visitor parking. You could either have a surface parking lot out in front with six spaces or you could take that parking and put it underground with the other parking below the unit, the down side of that would be

-- it might be harder to locate for people coming to visit or deliver something. Does the neighborhood have a preference between those two possibilities?

>> I don't really

-- we haven't really talked about that, it's something that I don't really know. Again the first iteration that they showed us of six underground parking, we assumed some of it would be underground. This was never brought up before.

>> Riley: Okay.

>> Yeah.

>> Riley: Okay.

>> Mayor Leffingwell: Councilmember Tovo?

>> Tovo: I wanted to ask a question of either Ms. Herndon or Ms. Wilson. Since we've been talking about parking, I wanted to address that issue for just a minute. It

-- it sound didn't sound like really the surface level parking was a concern for the neighborhood.

>> I don't recall any discussion of surface level parking. In his old scheme he had a kind of interior

courtyard, which is another thing that the architect put up [indiscernible] really a building in the back and a building in the front. So I think the visitor parking was handled in an interior courtyard and the townhome type of structure on the front had the -- had a neighborhood friendly look to it so people could walk out their front door and interact and be more neighborhood friendly. So I think the parking was handled in an inside interior courtyard. The courtyard did not sit in front of the building. Can I say another thing about the parking?

[10:53:52]

>> Tovo: Sure.

>> Just that we had underground parking the entire time that we negotiated with sf 6 before and the stated reason for wanting mf zoning was higher ceilings not because it eliminated the possibilities of underground parking. That was never discussed. And nor brought up at the planning commission.

>> Tovo: So because there have been so many iterations of this discussion, I just wondered if you could, I know you summarized this for us in your testimony. But if you could just take us through how the neighborhood position has transitioned through those phases. I think I heard you say during the first case that came to council the neighborhood entered mediation wanting 13 units and the developer requested 27.

>> They requested 27 at the time, yes. And during mediation, we went up to 17 units but they didn't move down on the unit number at all. And we've demonstrated I think why we have concerns about the unit number because it represents a 300% density over the density that we have. It's 20 units of density that's not there now. There's nothing there now so it's an improvement 20 on that. It represents a transitional density [indiscernible] and buffers appropriately toward the neighborhood. So the neighborhood position, they tore down one house and then when the property was up for auction, people didn't realize that the neighboring property was for sale. The neighboring one acre. Because the house is on the northernmost acre. And so when we became aware of the development and how massive and grand scale it would be compared to other residential properties, we became involved and wanted to have some sort of influence over the development. And so the neighbors moved up to 13 because I think that's what we reasonably could have been put there with sf 3. As you noted part of the property is sf 3. All of the land area on the other side is sf 3 and staff has twice recommended sf 6 because of

-- what's outlined in the code. As an appropriate zoning category. So we kind of started our discussions with an sf 3 density, but then we moved up to 17. But they stayed at 27. After moving up from 20 to 24 to 27, they stayed at 27. We moved up from 13 to 17 to 20, because we respected council's direction to have, for us to compromise. So we settled, we settled on 20 and when council told us that was what -- that's what the compromise would be we respected that and decided that was -- that was the compromise, the true spirit of compromise.

[10:56:36]

>> Tovo: Thanks for explaining that. I did wonder where you came up with the 13, that clarifies that you began at sf 3 and how it was that you came to that other number, thank you very much.

>> Okay, thank you.

>> Mayor Leffingwell: Councilmember Riley?

>> Riley: If there are no further questions, I would be prepared to make a motion.

>> Mayor Leffingwell: You have the floor.

>> Riley: Okay. I would move that we close the public hearing and approve on first reading only mf 2 zoning with the following conditions. The. First, actually I would suggest that we adopt the

-- a number of of the conditions that are recommended by staff. The 75-foot set back from exposition boulevard, the prohibition on the fence, the requirement of a 25-foot vegetative buffer beginning at the eastern edge, within the two-story restricted area, the recommendation as I believe supported by staff but also agreed to by the applicant is within 25 feet of that 75-foot set back there would be a two story maximum height and then three story in the area beyond there would be a

-- a maximum of three stories. Ingress and egress would be limited to one driveway at exposition boulevard. That restriction would not prohibit the provision for an additional driveway restricted to emergency vehicles. Parking would be all underground except for six surface guest visitor spaces. I would note since this is first reading, if the neighborhood were to discuss this further and decide that they really would prefer to keep that

-- that area more park like and avoid having surface parking there, then that is something that we could change on second reading. The finally the

-- that we would have

-- we would include compatibility subdivision, site plan per the city of Austin regulations. I would add finally with respect to affordability, as the applicant has agreed, that 10% of the units would be

-- smart housing and would meet city of Austin smart housing guidelines as voluntarily offered by the applicant. And I would also include a requirement that the parking be decoupled from the units. As also agreed to by the applicant for purposes of affordability. And if I'm able to get a second, then I would like to speak to that motion.

[10:59:11]

>> Spelman: You have a second although I do have a friendly amendment.

>> Mayor Leffingwell: Okay. Motion by councilmember Riley and I've got the list here of conditions, I assume that you have it, also. Seconded by Mayor Pro Tem Spelman. But I do have one question, I think of the attorneys. I assume that you're not putting the

-- a requirement for 10% smart guidelines, you're just noting that the applicant has offered that. This is first reading. I'm just a little reluctant to say that that is a condition of the zoning since that would

-- that would

-- that would verge on being inclusionary zoning prohibited by state law.

>> I only mention because it was voluntarily offered by the state. Or by the applicant. If there is a way to record that by way of a

-- of any kind of a covenant or overlay, then I would support that, but if not, then we will just have to hold the applicant to their commitment in public.

>> Mayor Leffingwell: Well, this is first reading and we'll

--

>> we'll work with the applicant.

>> Some way to memorialize that between now and second.

>> Okay.

>> Mayor Leffingwell: I think councilmember spelman has the floor still.

>> Spelman: Thank you. The mayor just addressed the first of the two issues that I had, which is I don't believe we can make a condition of zoning at 10% affordable housing requirement because there are other ways that we can do that, I think we should look at that between first and second reading. The other issue is a very small one, at this point the only place it makes sense to get in and out of this site one driveway on exposition boulevard with the additional facility made available for emergency vehicles. But at some point if and when the state school is ever redeveloped it may very well make sense to get access from the state school site as well. I would like to put a condition on that, up until the state school is redeveloped at which point we could consider ingress and egress elsewhere.

[11:01:17]

>> Riley: Absolutely. My staff noted that I neglected to mention one thing very important, I did not mention a unit cap. The applicant has committed to no more than 34 units so I would suggest that we include that as a unit cap. And if I may, mayor, I would like to speak very briefly

--

>> Mayor Leffingwell: More one question that's come up here. One of your co

-- listed cos was compatibility and that's an existing regulation and regulations so the staff is uncomfortable with including that, because that's complied with anyway.

>> Right.

>> Okay. So then you have the floor.

>> This is a

-- a very interesting and challenging case for me. I did

-- I know the site well. I did grow up in the neighborhood and know families on both sides of the case. I attended casis elementary and still bike by this site fairly often. I also know the context that we are in as a city with respect to the housing challenges associated with the rates of growth that we've been seeing in recent years. And I'm familiar with the

-- all of the discussions and thinking that went into our imagine austin comprehensive plan, which continues to be a guide for us in many of our discussions and I note that the very first housing policy listed in the housing, in that comprehensive plan is hnp 1, distribute a variety of housing types throughout the city to expand the choices available to meet the financial and lifestyle needs of austin's diverse population. That is a real issue for us. We have seen continuing problems associated with the lack of an adequate housing stock. It is obviously placed upward pressure on housing prices and continues to be a very serious concern for austinites. The situation we have here is an opportunity to actually provide some multi-family units in an area where they are not available to

-- to a great extent today and I've

-- I have to note that this location is one that is not only fairly close to casis elementary and a commercial center, it is also one of those rare locations in west austin well served by transit. The number 21 bus, as many of you know, the number 21 busings right by this site every half hour, every

week day and provides good access to the university and downtown. That to me imposes some pressure on us to consider the needs that we face as a city as we consider the use of this site. And in fact as we see how the considerations bear out on this particular site, what we heard from the applicant is that the more we try to bring down the number of units on that site, the higher we drive the cost of those units. That in fact if we come down to the number of units that were proposed, supported by the neighborhood, what we have heard is

-- well, if you got down as low as a 20 unit project, the price of each unit would be between one and 1.5 million and we would have no ability to offer any affordable housing units. Whereas with a 34 unit project, as I have moved that we support, the price of the units would be in a range from 450,000 to a million, still out of reach of many of us. But there would also be

-- hopefully an ability to commit the applicant to 10% of the units being affordable, consistent with smart housing guidelines. Which in this case I'm glad to say actually the requirement of those guidelines would be met, we actually would have very good service by transit. I fully understand all of the concerns expressed by the neighbors, but I believe that that actually, that this unit not only will serve the neighborhood very well but would be consistent with the goals of our imagine austin comprehensive plan. I believe we have a responsibility to bear that plan in mind with every decision that we make and I think that it dictates the results laid out in the motion that I have offered.

[11:05:36]

>> Mayor Leffingwell: Okay, councilmember morrison?

>> Morrison: First, I have just one clarification. I thought I heard you say that the first 25

-- the first 75 feet would be limited to two story, but did I hear that wrong? Because I thought it was a 75-foot front

-- set back and then the next 25 feet is two story, so you are intended

--

>> Riley: Yes, I'm sorry if misspoke.

>> Mayor Leffingwell: I erred it that way.

>> Riley: Yes.

>> Morrison: I guess that I would like to speak to the motion that it has been a hard case. And it is a -- you know, a listening to the project as great as it might be, but wondering about the, you know, what is the proper zoning, what is the proper step for a council at policy level to be here, and I guess, I think we need to keep in mind, I heard some comments about tarrytown thinks they are exempt from imagine austin, that couldn't be farther from the truth. There are going to be two dense nodes in tarrytown, the question that we're talking about here is what do we do about a piece of land that really needs to be part of a much larger thought process about what the land use is going to be there. Really part of a larger piece, that's why it was kicked down the road during the neighborhood planning process because it was like well, let's figure out what it all is. My concern about putting mf on here, I'm much more comfortable with sf 6. You think it's just one mf, not necessarily a precedent. But I think that because this is

-- I think as mr. Harris taught me this word, it's unflummed. I think it will serve as a precedent. I think that moving forward with mf along exposition for the

-- for the overall picture and I don't think that that's appropriate. I'm very concerned when I hear that we have to put every single unit, every place we have a chance to put it. That's not the way that I believe that we should grow in this town. There's plenty of room to put plenty of places for people to live and if we're going to always just zone to the max, then I think we're really in trouble and I don't think that that's what we should be doing. And then lastly I want to comment on the issue of pricing. Obviously, it's an expensive area. And I'm no economist, but my guess is that when these go on the market, they're going to get whatever the market will bear. And so I think that's probably

-- I mean it's great that there would be 10%. That there would be three or four at four units I guess, at 80% mfi or 120% for sale if that's what smart housing is. But my concern would be that we're really looking at, if the market is going to bear a million dollars, if there are 20 units, I would guess that the mark is going to bear a million dollars for a unit, even if there's 34 units. So that's

-- that argument doesn't really work for me. All to say that I think it would be more appropriate to

-- to use, to go with

-- with staff recommendation, which is pc recommendation and so I guess I'll make a substitute motion to adopt staff recommendation.

[11:09:19]

>> Mayor Leffingwell: Substitute motion by councilmember morrison to adopt the staff recommendation.

>> Tovo: I'm going to second that.

>> Mayor Leffingwell: Seconded by councilmember tovo.

>> Tovo: I just want to add a couple of comments to what's been said before. This case has been going on for a long time. I first learned of it when I served on the planning commission back in 2010. As I think has come through on our discussion here today, there has been some really concerted attempts on the neighborhood's part and many residents to sit down with the developers and really come up with a plan that worked well as a transition zone between the single family properties and what might be larger scale development on the other side and I think it's really clear that this is increasing the density level in this area and so I'm very supportive of the staff recommendation and I would just say there have been lots of bodies looking at this over the years and so these numbers have been pretty well, pretty well vetted and I would say there haven't

-- there have not been changes in conditions that would warrant a significant reworking of the previous policy directions. I won't say decisions because none of them really finished. But the policy directions that

-- that the prior council and various versions of the planning commission have provided.

>> Mayor Leffingwell: Okay. The vote on the substitute motion. Those in favor of the substitute motion say aye.

>> Aye.

>> Mayor Leffingwell: Those opposed say no.

>> No.

>> That motion fails a vote of 3 to 3 with councilmember riley, myself and councilmember spelman voting no. So that takes us to the main motion. Councilmember martinez?

>> Martinez: Thanks, mayor. This has been a long process on this one piece of land since 2007 and then through the neighborhood plan. I actually made the motion during the neighborhood plan to keep this unflumed, if you will. Because at that time the thought process was, I did it in opposition of wan's request. They were requesting mf 6. The actual property opener was requesting mf 1 at the time. I felt like there wasn't a real project on the ground. It was
-- category and if we kept it unflumed, we would have a real conversation when a real project came forward and so here we are, it's a real project. But unfortunately the consensus that I think needs to be achieved isn't there in this case, the intensity is a little too much. I wish we could come to an agreement on a level of density that would make the project work and that the neighbors would live with. I think the number of unit requests is a direct correlation to the price that was paid for this piece of land. It's not the market. It's what someone paid for it at the time. I think they probably paid too much. So without, you know, being able to come to a consensus and reduce the intense community, I won't be able to support the main motion.

[11:12:34]

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: The rob that we have a 3 -

-- the reason that we have a 3-3 impasse is because there's only six of us. I would not want to preclude further discussion

-- I will not move to close the public hearing. But I do not want everybody to come back and start all over again. But I do think that it would be appropriate for us to consider this when we have an odd number of our number, either one of us leaves and doesn't come back or the one who is not here does show up so we end up with 7 and we have at least a possibility of having a 4-3 vote. So mayor I move to postpone further action on this item until may 1.

>> Mayor Leffingwell: Substitute motion to POSTPONE UNTIL MAY 1st. Is there a second? Seconded by councilmember riley. All in favor of that substitute motion say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais. Let's see, we have 15 minutes. Go ahead with item

-- we'll get started on 73 anyway.

>> Mayor, would you like to possibly postpone a couple of quick things?

>> Mayor Leffingwell: On the public hearings, yes, let's go to that.

>> Okay.

>> Mayor Leffingwell: I think we do have several

-- several scheduled postponements and maybe some others.

>> That's correct. I can offer on the

-- for possible pon comment, number 79 and 78. These are amending sections of the city code. Varies sections of chapter 25 related to lake austin, the la district zoning regulations and general regulations for boat docks and show adopt development

[11:14:46]

[indiscernible]. Lake austin district zoning overlay, environmental protections from the I.A. Based zoning district to certain properties within a thousand feet of austin. I think there was a suggestion by stakeholders for may 1. Staff suggests may 15 because your may 1st agenda is very, very large. We would offer that as a concept item.

>> Mayor Leffingwell: We'll work on that, just like we did on this one.

>> Very good. Item no.81 is to conduct a public hearing and consider an ordinance amending chapter 25-1, 25-5 related to vested rights and continuing use rights under the texas local government code and amending chapters 25-4 and 30-2 relating to subdivision plats. Staff got a request from the real estate council of austin. With he do not oppose that

-- we do not oppose that item for postponement. Item 81 to your next meeting of may 1. So I would also offer that as a postponement on concept.

>> Mayor Leffingwell: Okay. So the concept agenda for our 4:00 public hearings is to postpone items 79 and 80 until may 15th and item 81 UNTIL MAY 1st. Councilmember spelman moves approval.

>> Second.

>> Mayor Leffingwell: Seconded by councilmember morrison. In favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 5-0 with councilmember tovo and cole off the dais. Do we have

-- we have got a couple with no one signed up. So item no.77, no speakers signed up.

>> [Indiscernible] plumber, office of real estate services. Item no.77 is a change in use on parkland. The legal fact finding is that there is no other feasible and prudent alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park. The mitigation for this particular change in use is a benefit back to the park so there isn't actually what you would normally see as a crash contribution, it's a benefit for the parks department.

[11:16:51]

>> Mayor Leffingwell: Okay. So there are no speakers signed up. I will entertain a motion to close the public hearing and approve the resolution, councilmember morrison so moves, councilmember spelman seconds. Discussion? All in favor say aye.

>> Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais? Jerry, you were going to make some comments?

>> I believe on item 82, we have no one who wishes to speak.

>> Mayor Leffingwell: I tell you what, we will go to that one next, but I want to make sure that I get this in. Councilmember spelman wanted to reconsider item no.47 for the purpose of adding a nominee. You have the floor.

>> Spelman: Thank you, mayor, I would like to no, ma'am gnat [indiscernible] [indiscernible]

-- nominate tom mason for the water conferring vacation task task force.

>> Mayor Leffingwell: The motion for number 47, add the name tom mason to the water conservation task force. Seconded by councilmember morrison. Discussion? All in favor say aye.

>> Aye.

>> Opposed say no. That passes on a vote of 6-0 with councilmember cole off the dais. Now we'll go to

82, was it, Jerry?

>> Yes, Mayor. Mayor and Council item 82 is c 20 ... This is consider an ordinance to amend title 25 of the city code to allow breweries to sell beer and ale produced for site for on site consumption. Senate bill 518 allows breweries to sell alcohol for on site consumption. That law took effect last September. In October the city council passed a resolution directing the staff to come back with a code amendment that would simplify the process for allowing breweries to comply with the state law, specifically to make sure that breweries operating within 540 feet of a single family residence that the permission to do this would be a conditional use permit, beyond 540 feet it would not. In summary I have an ordinance, a brewery zoned light industry may sell alcohol for on site consumption, however, if there is a single family use within 540 feet it will require a conditional use permit. The area where alcohol may be sold cannot exceed 33% or 5,000 square feet of gross floor area with the exception of the beer may be carried around the brewery during a tour and that this would not apply for an area where residential is otherwise prohibited. We also have a parking table to go with the new use, I'm available for any questions.

[11:19:44]

>> Mayor Leffingwell: Questions? We have no citizens signed up wishing to speak Councilmember Spelman moves to close the public hearing and approve the ordinance on all three readings. Seconded by Councilmember Martinez. In favor say aye.

>> Aye.

>> Opposed say no.

>> I'm sorry the motion is actually on the amendment

-- actually, I did

-- I did have an amendment that I would like to offer before we take action on that. Is the motion actually just not on the public

--

>> Mayor Leffingwell: The motion is to close the public hearing and approve the ordinance on all three readings.

>> Riley: Actually I would if I could pause and ask one more question for Jerry.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: Jerry I understand in the current ordinance before us there is a fixed limit on the number of square footage. The square footage of the area where you could actually sell the beer would be 5,000 square feet. At most. Isn't that right?

>> Correct.

>> Okay. I actually would like to offer one amendment addressed at that. I'll pass that out now. And the idea would just be that to allow some flexibility in the process, given that there are

-- we are talking about a range of sites, including some sites that have no residents nearby. When we are going through the cup process, I would suggest a possibility of having the square footage as one of the things on the table in the course of the cup process. Just that's not to say that we would ever be required to accept any more than 5,000 feet, but it would just be one possibility that we could consider in the course of that process and it would potentially open up conversations about what additional

benefits the

-- the

-- an applicant would provide to the surrounding area in order to secure support for a larger area in which beer could be served. So the language of the

-- of the amendment would simply add a paragraph e to provide that during the conditional use permitting process the council or planning commission may increase the square footage allowed under subsection b 3.

[11:21:50]

>> Mayor Leffingwell: Okay, I assume those are prepared friendly amendments to minor modification in b 3 adding a section e and renumbering.

>> Spelman: I have a question, if I could.

>> Mayor Leffingwell: Go ahead, councilmember spelman.

>> Jerry? I understand that there was a lot of negotiation which led to the terms of this ordinance.

Would adoption of a conditional use

-- a conditional use permit clause upset the delicate balance?

>> Councilmember I don't believe it would because we're talking still about a public process, so it would still be a part of the planning commission hearing if a person did want to slightly exceed that number or whatever it would still require the approval of the planning commission. And to clarify, the portion of this that says the city council, that is because of course the cup is appealable to the council by any group or party. To clarify the only way that the council would get involved if were an appeal of the cup and because it is still a part of the public process we feel that we could support this amendment.

>> Spelman: Should we readvise the wording to take the council out and say the planning commission may increase.

>> I think we left the council in there because there's the possibility of the appeal to council.

>> Mayor Leffingwell: So the word was to change that to read council on appeal.

>> Riley: That's fine. That was certainly the intent.

>> Mayor Leffingwell: Okay. That's acceptable to the maker and the second? Are you ready now, councilmember riley? All in favor say aye.

>> I have a question, mayor. Now I have a question. Now that there's an amendment.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Mr. Rusthoven, can you tell us just a little bit, I heard councilmember spelman's question about the delicate balance. This has gone through planning commission and codes and ordinances committee. Who are some of the stakeholders who are involved?

>> We had a meeting with the numerous craft breweries here in town, we did have a couple of meetings with them, I held a meeting with the executive committee of the austin neighborhoods council. We went to the codes and ordinances subcommittee, unanimous vote at the planning commission and now we're here today. Frankly before I have not heard any objection to this point to any portion of this ordinance.

[11:24:12]

>> Tovo: Was this ever -- was this proposal to increase the square footages or to allow for an increase in stooge through the cup process ever addressed in any of the earlier phases?

>> No, it's something that came up rather late.

>> Tovo: Okay. Were there concerns among the stakeholders about the size of the permitted use.

>> The size of the permitted use this number was actually brought by staff because we felt there should be some sort of a cap where we don't want someone gaming the system to try to come up with a bar that they call a brewery and not have to go through the proper zoning process. However, again because this is a part of the public process, that no one would be able to do this without planning commission approval and they could appeal to the council if they were unhappy with it. We still think that it's okay but the cap would still be in there and it's only if someone wanted to go through the extra step of going to the planning commission. It may not have to go to the planning commission if they are beyond the 540 feet, but they would still have to if they wanted to take advantage of this provision.

>> Tovo: Okay. It was accepted as friendly, right? We don't have an opportunity to weigh in on it separately. I would say the last several meetings we've had amendments that are pretty significant come up at the last minute. I think it's not a great practice generally if we have a process of planning commission review. So to the extent that it's possible to get the planning commission to vet those kind of things, I think that's preferable to thank you for the discussion.

>> Mayor Leffingwell: I will remember that you said that. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember cole off the dais.

>> Thank you.

>> So I want to make announcement that on SATURDAY, MAY 31st, AT 9:00 a.M. Until 12 noonish, it could go longer, there will be a special called meeting of the council and the agenda will be citizens communications. So with that said, without objection, we are in recess until approximately 7:00 p.M. The band has been together since 2006 and have been described as an extraordinary musical palate with unusual tunes and textures. They're said to be one of the most unusual bands in the last 10 years and they're fueled by deeply rooted desire to do away with paralyzing fears that prevent individuals from expressing themselves. So they thrive on the creation of sparse and powerful compositions. Please welcome the salesman.

[11:35:49]

[Applause].

>> This song is called new moon. [♪♪Music playing♪♪] music.

[11:41:39]

[Applause].

>> Mayor Leffingwell: So now you get a couple of minutes of self-promotion to advertise yourself and tell people where they can see you play and how to get your music.

>> Thank you. Well, our name is salesman and our website is salesmanmusic.Com. You can download a

few of our records there. We've got another record coming out this summer, so there's information on preordering that and staying in touch with us between now and then to get a copy. I want to introduce these gentlemen that I have the pleasure of playing with here. This is Grant Himler on the bass guitar. [Applause]. Clayton Willard on the drums. [Applause]. Aka Gun, that's our nickname for him. This is Patrick Patterson on the violin. Garrett Hummings playing lead guitar. [Applause]. And Danny Pruitt on the spirit. [Applause]. So we have a show tonight in honor of this day, which we're so thankful to be given. It's going to be at our studio, which is north of -- like the northside of town, Berkman Road and 58th Street. If you're interested in that you can visit our website and find out details about that show. But we'll be playing with some really great friends of ours tonight at the studio and I made a huge batch of Chile. After that we're taking a break to finish up the record and then the next show we'll be playing is on my birthday in July. It's going to be July 11th and it's at Longhorn Cavern State Park, which is up at -- near Inks Lake, so you go up northeast of Austin, I believe, northwest. It's about an hour away. >> Mayor Leffingwell: Northwest.

[11:43:39]

>> Thank you. And it's a beautiful spot to camp. It will be on a full moon. We'll be playing half a mile under the earth in the main chamber of the cavern, which is called the council room. So it will be an acoustic show, a really beautiful space. And we get to play with one of our heroes who is a very secret special guest. I can't tell you who yet. We're not allowed to. But that's going to be a really incredible show, I think. So keep an eye out for that over the summer. And so other than that just look for our records around town at the record stores and we're just so grateful to be here. Thank you very much. >> Mayor Leffingwell: Great. Thank you. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audience supports good music by legends, favorites and newcomers alike and whereas we're pleased to showcase our local artists, now therefore I, Lee Leffingwell, Mayor of the Live Music Capital of the World, do hereby proclaim April 17th, 2014 as Salesman Day in Austin. Congratulations. [Applause]. >>

[11:46:02]

>> Mayor Leffingwell: So a natural segue that music to talk about another kind of music that of course is very popular here in Austin and that's jazz. And of course our repertoire of bands spans the full range of different kinds of music, from good to bad and from jazz to classical. So it's my pleasure to read a proclamation in honor of jazz appreciation month. Be it known that whereas the Austin Jazz Alliance shines the spotlight on extraordinary history of jazz and its importance to the American culture and whereas through concerts, features, films and other programs, the Austin Jazz Alliance encourages people of all ages to attend concerts, listen to jazz on radio and recordings, read books about jazz, study the music and support institutional jazz programs. And whereas there is live jazz happening almost everyday of this month, visit the Austin Jazz Alliance calendar to find out where. Now therefore I, Lee

leffingwell, mayor of the city of austin, texas do here by proclaim april 2014 as jazz appreciation month in austin. So congratulations to you. We wish you the best of luck. We know a lot of good entertainment and I'll give you the opportunity to say a few words about it.

>> Thank you, mayor. This is the third year that we get this proclamation, and we're doing a couple of things different this year. There is a worldwide jazz appreciation event happening april 30th and there's going to be live streaming events from all over the world. So you can watch jazz live and be a part of it. We're having an event here at the brass house, which is one of the newest jazz venues here in town. So april the 30th we're having an awards event. We're honoring some organizations that support jazz here in austin and we're having a jazz jam, and that's at the brass house from seven to nine april 30th. And the other thing that we're doing that is very different this year is we're actually having a jazz cruise so if there's any of you all out there that like to cruise and like jazz music, we're sailing out of galveston in october for a seven-day jazz cruise and it will be workshops for musicians and for non-musicians. And what's unique about this particular cruise is if you're a musician you can bring your instrument and actually jam with the band. So it's a jazz jam cruise. So any of you musicians so I thinkers who want to get up and play with a professional jazz band you will be able to do that on the jazz cruise. So thank you very much. I hope y'all check out the website. It's austin jazz alliance.Org. Thank you.

[11:49:01]

[Applause].

>> Mayor Leffingwell: So I'm very pleased that tonight representatives of the american heart association are here to recognize the city of austin's wellness program which is called healthy connections. We all know that heart disease is the leading cause of death for both men and women in the united states, but we know that exercise and healthy eating can dramatically reduce that risk. Healthy connections, the austin program does a great job of supporting the health of our 11,000 plus city employees. The program is a recognized leader in the workplace in central texas. In fact, we were recently designated the second healthiest employee in central texas by the austin business journal. And today the recognition continues. I want to introduce jewel rice with the american heart association to present us, me, I get an award for a change, so welcome joel rice, please. Thank you. [Applause].

>> Well, thank you. It's truly an honor this evening to announce that the city of austin has been recognized as a fit friendly work site. For those of you not familiar with the fit friendly work site recognition program it is an award given by the american heart association, my heart, my life initiative. It is intended to be a catalyst for positive changes in the workplaces across america and right here in austin, texas. It recognizes work sites for making health and wellness of their employees a priority. The city of austin has been recognized at the gold level, which means that all employees have access to physical activity support at the work site, employees have a number of healthy eating options available to them. They have worked to promote a wellness culture and the city of austin has embraced at least nine criteria as outlined by the american heart association in the areas of physical activity, nutrition and culture. As a fit friendly work site you're a corporate trail blazer who has adopted the spirit of the initiative and has a vision to try improving the health and wellness of employees in the work site. I would like to highlight a few of the programs the city of austin has implemented. I think you guys will find them really fascinating because I sure did. One of the first ones is you guys heard about the healthy

connections program, but the city of austin's employee wellness program is called healthy connections and offers a number of opportunities for employees to walk for fitness, including challenges and walking classes. City buildings with stairwells have implemented a challenge to encourage employees to take the stairs and it is called the mount everest challenge and encourages employees to climb the equivalent height in stairs as the height of the world's tallest, mount everest. The right fit challenge is offered each year during nutrition month and employees receive a specially designed journal with tips and information on healthy eating. Then they also offer a tobacco cessation class which is offered every month and most employees are eligible to attend on work time. Employees receive free quit tobacco medication through the city's medical plan and that includes prescription medication, patches and gums. I would like to thank mayor leffingwell, the entire austin city council, mark washington, marc ott and sherri bailey for championing our application process. Congratulations for earning the award and thank you for leading by example and setting the stage to encourage all austin employers to take part in advancing their employees' health.

[11:53:33]

[Applause].

>> Thank you. Joel, we appreciate our partnership with the american heart association and I want to thank all of the employees on behalf of the 12,000

-- over 12,000 employees and health promotion team, our pe captains and our wonderful staff who certainly makes all of this possible. We recognize the importance of having a healthy workforce and healthy employees, productive employees. We continue to strive for the goal not only making sure our pe programs and our wellness programs are accessible, but we look forward to having 100% of our workforce participate. Right now we're about 50% participation on the wellness program. So we continue to strive to engage more employees. But we certainly recognize the importance of counteracting heart disease and cardiovascular disease and we look forward to continue a partnership with the american heart association. Thank you so much. [Applause].

>> Mayor Leffingwell: I'll just stay a couple of closing words. Obviously it's a high priority for awful us in the city, but particularly the city of austin. We have so many different programs. This is one of them. I would also put in a plug for another group that I've been associated with ever since I've been mayor and the organization precedes me. And that is the mayor's health and fitness council. Which is now an independent 501(c)3 group, but they meet here in the city and I'm a member of that group too. Every year we have a resolution run-walk for beginners, people are just

-- who are getting into this. So we promote this with the option to either run or walk and the distance is also optional. You can go anywhere from three miles to 10 miles. Totally at your option. We promote the healthy life-style in many different ways and we're very proud to receive this particular award. Thank you all.

[11:55:55]

[Applause].

>> Mayor Leffingwell: So I'm proud to be here today with two people, two prominent austinites. Adrian

moore of course everyone knows has been the leader of the cary organization for many years now, but also we're proud to have back with us chief stan knee who headed the austin police department for I don't know how many years. You can tell me.

>> Nine.

>> Mayor Leffingwell: Nine years. I bet it seemed like 25 or something like that. [Laughter] but obviously he's still active with seton security now and obviously very active in the community and participating in programs like cary, which is a youth violence prevention organization going into the schools and working with kids at that level to make the schools safer and make the kids more healthy and productive. So I have a proclamation

[11:58:12]

to read: Be it known that whereas the month of april each year is a reminder of the devastation of youth violence that stem from the april 20th, 1999 columbine high school massacre that left 17 dead and 25 injured. And whereas the council on at-risk youth, cary, was established in 1999 with the mission of helping youth promote safe schools and safe communities by offering delinquency and youth violence prevention training for serious school disciplinary violations and whereas contractual funding support with both the city of austin and travis county along with an effective collaboration with aisd has enabled cary to successfully provide services to more than 6,500 at risk youth resulting in significant reductions and delinquent and criminal activity and helped make both our schools and our city safer. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 20th through the 26th, 2014 as cary youth violence prevention week in austin. So congratulations to both of you. [Applause].

>> Thank you, mayor. I wanted to say it was 15 years ago I had been in the field of juvenile and criminal justice for a good number of years and had always felt we needed to go into our schools and do more work in the way of prevention early intervention with at risk kids. 15 years ago I was at a national conference in miami, the session broke in the afternoon, I went back to my room, turned on the television and there was columbine in full effect and the devastation that occurred there. And I made the decision then that indeed I was going to make a career change and move in to doing prevention, early intervention with at-risk kids. Since 1999 when we were established we worked with 6500 kids in austin who have been in the school district disciplinary system for activities related to assault, aggression, abuse, verbal threats, carrying a weapon on campus, possession of drugs. The research validates that these are the very kids who do later without intervention perpetrate some pretty serious crimes. We've tracked the arrest data over the past five years. School age youth 10 through 20 years of age, school age youth crime has gone down 36%. That's a very favorable reduction compared to the state of texas, the nation, to area metropolitan counties in the state of texas. We owe our success to the city of austin and to travis county, and for citizens like our board chair stan knee who have been behind and who have supported cary all of these years. I'm going to take one more second for self-promotion, mayor, and invite everyone out there, we do an annual fund-raiser with a distinguished speaker. This year we're inviting piper kerrman. I spoke with her yesterday, author of orange is the new black. She will be with us may the seventh at the at&t center. We would like to have all of you join that. With that let me turn it over to our chairman, stan knee.

[12:01:54]

[Applause].

>> When I was chief I had an occasion to have a community meeting in one of the more difficult parts of town and I can recall talking about gangs and drugs. And a woman, older woman in the back stood up and she said, chief, when children have limited or no choices they make bad choices. And I've never forgotten that. It occurred well over 10 years ago. And I can tell you that one of the things that Cary does is it gives kids choices. It keeps them in school so they can do, so they can become productive citizens and residents of this great city and this great state. And we are immensely proud to be supported by the city of Austin. In order

-- I think in order to achieve some of the best goals in this city, and that's to prevent youth violence, keep youth in our schools where they can learn and move on to be productive residents. Thank you all very much. [Applause].

[12:03:56]

>> Mayor Leffingwell: It's now my pleasure tonight to help celebrate the 90th birthday of United Way for Greater Austin. The 90th birthday. That is a long time. Probably none of you were here at the founding, that's my guess. United Way of course is the umbrella charity organization for our community that acts as a central point for gathering resources and disbursing them. And we saw United Way in action over the last few months as we implemented the Affordable Care Act. Having that facility available and the 211 facility available for helping to promote that program was invaluable to the success that we enjoyed here in Central Texas, which by the way has been recognized. And we appreciate everything you do. And hope you have many more birthdays to come. I do have a proclamation befitting this occasion, I hope, which reads, be it known that whereas United Way for Greater Austin is celebrating its 90th anniversary and despite Austin's changing landscape, United Way's mission has stayed consistent to make sure everyone in our community has the opportunity to thrive and whereas the United Way has answered more than two million calls for help from residents since 1924, conducted the first ever community needs assessment in the 1980's and developed a plan to change the landscape for the care of young children in the 2010's and whereas one out of every \$40 donated in Austin comes through United Way and the charity is committed to putting that philanthropy to work to make Austin greater. United Way plans to be a part of our community for at least another 90 years or until the work is done. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim the entire year of 2014 as United Way of Austin's 90th anniversary. Let give them a hand.

[12:06:13]

[Applause].

>> Mayor Leffingwell and the City of Austin, thank all so much for recognizing and proclaiming the year of 2014 as United Way for Greater Austin. We've been serving the community since 1924. Isn't that incredible. And this year we're celebrating 90 years and we have always been here to remove the

barriers to economic opportunity and ensure that our community thrives. We're incredibly grateful to austin, city of austin and greater austin and to the philanthropic supporters of united way. Because of you we celebrate this milestone. Thank you all so much. Since the 1930's we have really led the philanthropic

-- have really led the philanthropic charge to urge our residents to reinvest in their community. And so one out of every \$40 has been donated in austin. This comes through our doors and we ensure that those dollars are invested well. We make great progress to remove barriers to economic opportunity and do you know what? There's still more to do. United way will be here hopefully for another 90 years and I won't, I bet, but certainly united way for greater austin will be. And we want to ensure that our community will continue to thrive and to be resilient and innovative and philanthropic and creative and thriving place for everyone. I have with me today our current board chair, bill o'brien, and bill was the board chair 22 years ago and campaign chair during the 1990's. And so thank you, bill, for all you've done for united way for greater austin. I also have with me katherine morris. Catherine morris is the general counsel at samsung austin. And for those of you all, we have much to thank for samsung. Not only do they have many employees in this community, they have also invested almost two million dollars for young children in our community to help them 35. And those young families in our communities thrive. So we have very much to be thankful for samsung austin. Katherine is our incoming chair of united way for greater austin. Thank you all so much.

[12:08:50]

[Applause].

>> Evening. I'm austin city councilmember chris riley and I get to stand in for the last two items for our mayor pro tem, who is unfortunately out ill today. But that works out well for me because I'm very pleased and honored to be able to present both of these. The first of the two is an item relating to an activity that I've become more aware of just recently as a result of some activities that we've been seeing in wooldridge park downtown. If you go by wooldridge park on the west side of guadalupe between ninth and 10th street any second saturday between nine and 10 in the morning you will see some activity there that we don't usually see there. And it's people engaging in a wonderful exercise known as tai chi. And of course it doesn't just occur in wooldridge park. It turns out there are a lot of people very devoted to it and we'll observe that tonight with a proclamation. I'll go ahead and read the proclamation.

[12:11:12]

It reads as follows: Be it known that whereas the health and welfare of our citizens is a primary concern and we encourage all austinites to engage in good health practices. And whereas tai chi is a marshal art that provides health benefits for all ages, including stress reduction, improved coordination and flexibility as well as bringing people closer to nature and the environment. Whereas world tai chi and [indiscernible] day is a global event celebrated in more than 65 nations. And whereas citizens can learn tai chi basics and help create a wave of healing energy around the world by joining central texas tai chi practitioners at 9:30 a.M. At the great lawn of the new asian american resource center for the local

world tai chi day activities. Now therefore i, I lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 17, 2014, as tai chi day. It's my pleasure to present this to our much beloved city employee, vince cabalas. Thank you for being here. [Applause].

>> Thank you, councilmember riley and city of austin. We can do a lot just by ourselves, but when we band together with others in the city and others in cities across the world in over 65 countries, we can really make a difference in the attitude and the healing of the energy of the world. So I really encourage everyone to come and join us. We have over 15 schools that will 'there and the general public is invited. Everyone invited regardless of experience to come and join with us and try and send this healing energy out into the world. I've got a couple of the other school instructors here with me. I've got margie jackson of austin tai chi. And [indiscernible]. And I teach at ipson tai chi and these are just three of the many schools that are going to be represented out there at the asian american resource center. The asian american resource center is a great partner. It's really a privilege to be able to do this event there at the resource center which was just opened last september. I really appreciate the city of austin parks and recreation and the american resource center for providing the space to have this wonderful event. Everyone please come out and see us.

[12:13:57]

[Applause].

>> This is a dream come true. When we first worked with the community to plan the asian american resource center, one of the first plans we discussed was doing world tai chi day and we thought that's a wonderful idea. And so it's our great honor and really our extreme pleasure to host this event for the community. It's very important that we honor this tradition because I do believe that it is a tradition that will instill in us healing and world peace. And so I invite everyone to attend this event april 26th at 9:30 a.M. At the asian american resource center. And you can find that on our website on the city of austin website. Thank you. [Applause].

>> I want to say to community as the president of the asian american resource center nonprofit organization, been working with the city in last 10, 12, 15 years to make this dream happen. And we want to bring the world tai chi and [indiscernible] day to asian american resource center and make it home to the world tai chi day. And I was really happy and hope everybody can come join us on the 26th at 9:30. Thank you so much. [Applause]. I'll last, but certainly not

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[12:16:12]

>> Riley: Last, but certainly not least it's my honor and privilege to be able to recognize a genuine austin hero tonight. It's been one of my special privileges as a councilmember to get to know some of the heros in our community who still are with us and to be able to recognize them. And the one we're recognizing tonight is a truly amazing asset to our community and one who has served in a truly amazing role. I'm going to go ahead and read the certificate of congratulations that we're going to present tonight to marvin douglas who is here with us. It reads as follows: The certificate of congratulations, the city of austin is pleased to recognize marvin douglas for having been selected by kazi radio to receive

their lifetime community leader award. Mr. Douglas distinguished himself as the fourth african-american firefighter to be hired by the austin fire department in 1953. 53. Yes, that was over 60 years ago. And the first black lieutenant of any fire station in the state of texas in 1971. He has given back to our community through his volunteer activities, most notably as host for charity and scholarship golf tournaments. We join kazi in honoring mr. Douglas for his courage and commitment on the job and for his continued devotion to making our community better. Mr. Douglas, it's my very special privilege to present this to you tonight. Thank you so much for being here. [Applause].

>> Thank you very much, councilmember riley. And I hope mayor pro tem gets well real quick. It is a wonderful honor for kazi for bestowing this upon me. I could not have done any of this for the grace of god and my supportable wife maureen douglas and family. Huston-tillotson alumni have two things that we do every year to raise funds for the school. One is the blues and jazz. We've already had that, the third sunday in february. And at one time the golf courses were not integrated. So we had some fine gentlemen like marian

[12:18:35]

[indiscernible]. And this was the early 50's. So may the ninth we're having our 26th golf tournament at riverside golf course. Any information that you want to find out you can call mar sin douglas. Actually, the fire department september the 1st in '52 hired the first three black firefighters, (saying name).

Actually, I ended up as the first black fire

-- fire prevention in the state of texas. Now, kazi, if you're familiar with east austin when you go out oak springs, many years ago it was a framed building there that said community radio. And all of a sudden kazi is outstanding radio station. And now they give us nice information and we're very proud of them. Many years ago the type of music we're talking about now, it was not on the radio. We only heard it on the jukeboxes and live entertainment. So keep up the good work, kazi. And we thank you very much.

Now, people

-- I'm challenging a lot of people because community service we have a lot of organizations in the city of austin and the city of austin, I've been here since 1943 and I'm very proud to be a citizen here. And we like for you to kind of volunteer your services. I belong to the lion's club and it's one of the oldest african-american lion's club in america and I'm very proud of that. What I'd like to do is imparting words, thank the city, thank kazi again and there's an old great musician named duke ellington and his parting words was, I love you all madly. Have a good day and thank you. [Applause].

[12:51:00]

>> Martinez: Mayor, did you want to do the floodplain first?

>> Mayor Leffingwell: We're out of recess and we'll begin with item number 78. I understand there's been a request for a postponement.

>> Yes, mr. Mayor and council. The staff is requesting a postponement to this item to the june 26th agenda.

>> I'll sprain a motion to postpone this item until june 26th. Councilmember tovo so moves.

Councilmember morrison seconds. All in favor say aye? Opposed say no. That passes on a vote of five-

zero with councilmember martinez and cole off the dais. So now we'll go on to 73. And I want to say in advance I have to walk off at no later than 7:20. It's an obligation I made when I had no idea we'd be short on the council, but I have to follow through on it. We'll go ahead and get started and we do have a few speakers.

>> Our next item, item number 73 is case c-14--2014-007 for the property located at 2507 mitchell lane. This is a zoning change request that was amended after the planning commission action to sf-2. And originally it was a request for sf-3 that would have allowed duplex. The sf-2 does not allow duplexes. The property itself is approximately 3.79 acres in size and right now the property is zoned sf-co,. Planning commission was to deny the staff recommendation and to grant sf-2, but with a conditional overlay that would have limited the overall number of units on the property to 16. The applicant when they amended their request would like an unrestricted sf-2 zoning. Currently the property is surrounded on three sides by the city. To the north the property is zoned dr. To the west is zoned sf-2-co with limitations on access. And that's for the property known as the barrowly ranch. To the east of this property that is not owned by the property owner, zoned sf-2 as well. To the south is in the county. And there are single-family homes that basically surround this property. Access to the property is available from drew lane, which is to the south. I think I'll pause right there, mayor and council, if you have any questions. I'll be happy to answer them. There are I think one person here signed up opposed and several in favor. And the applicant's agent is here as well.

[12:54:18]

>> Mayor Leffingwell: First we'll hear from the applicant. Is the applicant here? You have five minutes to make your case.

>> Good morning. My name is bj corn neal just and we're here tonight representing the owner of the property. It's approximately 3.789 acres and that excludes his home site. The shape of the property that you see has the square cutout in the corner and that's because his home sits on that one acre and he's going to retain that acreage for himself. And so he has

-- he bought this property with the house on it 10 years ago and has lived in this neighborhood for 10 years. And at this time he would like to sell the acreage that he no longer needs and to let it to be a residential neighborhood. Originally we did ask for sf-3. We were wanting to do single-family attached residences. The platting and zoning commission came back with sf-2 with

-- and they debated on whether to put an overlay on a number of lots, and they finally did. The subdivision to the west is the borrowly ranch subdivision and it's zoned sf-2 with no limit on number of lots per acre. Our client has submitted a certificate that should have been in your packet

-- letter that should have been in your packet. It says that we're willing to accept the sf-2, but we would like to get rid of the overlay for the number of lots and just be sf-2. This property is going to be developed with a street, public street coming off of drew lane. All the driveways will be on that public street. They will be building a detention pond, a filtration pond. There's some large trees that are going to need to be protected and we would like to just let the land itself and the development codes determine the number of lots, instead of having an arbitrary overlay. If we were even able to get 20 lots on this property, it would match the borrowly ranch subdivision number of lots per acres. So we feel that we should at least have the zoning at this time that our neighbors have with not a restriction on

number of lots. Do you have any questions for me?

[12:56:49]

>> Councilmember riley?

>> Riley: Yes, ma'am. You mentioned that the property would be developed with a street coming off of drew lane. Do you have any kind of drawing that shows how that street would be aligned?

>> Yes. This is a very schematic layout because no one has wanted to spend the money.

>> Riley: And I was interested in particular if there would be any connection over to mitchell lane, which is currently just a cul-de-sac coming off of womack road.

>>

>> I have it upside down for you while he's changing it. Okay. Drew lane right now is on your left. It would be a street that comes in and has a hammer head to turn around. There will be no connection to mitchell lane. The one acre lot that has the house on it has a driveway to mitchell. So the only access point will be drew lane.

>> Riley: I'm sorry, is it just not possible to connect to mitchell?

>> No. Because the

-- as you can see mitchell is a small cul-de-sac and all the homes

-- this tract has a very small frontage on mitchell and that's the driveway for the one house.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Remind me, what was the limit on units that the zoning and platting commission asked for? 16.

>> Spelman: So effectively the difference here is between 16 and about 20?

>> Yes.

>> Spelman: Thanks.

>> Mayor Leffingwell: We'll go to our speakers. Are you signed up as bobby cornelius? So now also for we have bryan winterrod. And you have three minutes.

>> Mayor, council, mayor pro tem, thank you for your time this evening. So my name is bryan winterrod. I've been in austin for 31 years. A little bit shy of the 40 and 50 we were hearing earlier, but I do remember driving in to austin and seeing the city limit sign say 275,000. Sometime ago. So our little city has really changed. I really thank you for all you do as stewards of that trying to do the best for us you can. My wife and I purchased, as bj mentioned, this property 10 years ago. So we've been good stewards of it, good property taxpayers and all, but it is one acre

-- one home on five acres is a bit much these days. And so there are a lot of good reasons that that's just a bit of a luxury that we would try to make a better economy for.

[12:59:37]

[One moment, please, for change in captioners] the imagine austin program incentive has an infill component to it. That's in essence what this is. It's a nice little pocket of infill that is really needing something else to help us with our housing situation in austin. All right? So thank you all. Any questions?

>>> You're asking for sf-2 with no limitations?

>> Yeah, this is the very same.

>>> Same zoning surroundings.

>> Same zoning as what is around us.

>>> Okay. And we're not sure how many lots that will end up being but at least it would go through the normal.

>>> I think I just heard the number 20. 20 appears to be somewhat of a maximum, but by the time you'd get through the subdivision.

>>>

-- Much more than that.

>> Yeah.

>>> So now I want to ask, is billie boyd here? Billie boyd?

>> No, he had to go.

>> I couldn't figure out which column to put him in. He signed up neutral. We'll go to those against, which is one person, mike isick.

[13:01:44]

>> Good evening, mayor and council members. Thank you for listening to our against this proposal. What we're looking at is a piece of land that is surrounded by single-family homes. The homesteads to the north, to east and the south are one acre, half acre, one is four acres. They're old homesteads, and what they're proposing to do is

-- or suggest that they're going to make it like bauerle ranch, which is on the east, and that is a well-developed community. It has green spaces, parks, it has a road with sidewalks and even underground utilities, well managed. Not that this property couldn't be well managed, but it sounds to me like 20 lots or 20 residents on this configuration would be exorbitant. I believe that the 16 that was recommended should be the max allowed units on that lot, and we haven't even talked about the access of this property. Drew lane is nothing more than a trail. It's hardly a road. There's no markings on it. There's no drainage ditch, sidewalks. It's not even as wide as a standard road. The burden on that road would be double of what's existing on it. There's 15 residences on drew lane. 20 would be more than double. So we're concerned with the

-- the occupancy, the access, and also I live on beard ranch, and bauerle ranch

-- or beard lane, bauerle ranch, and we have a french drain that drains that property, so we actually alleviate some of their problem from that property. If and so they do build single-family homes, we'd like to see some buffer zone for us, seeing as we have this burden. We have on bauerle ranch, there is a park and there's animals, there's deer running around and there's majestic trees. I don't know if that's consideration of how we zone property, but there are some beautiful oaks in that area and a lot of wildlife that will be displaced. Anyway, that's

-- that's what I have, and I thank you for your time.

[13:04:43]

>> Mayor leffingwell: Thank you. Does the applicant have any rebuttal? You're entitled to three minutes to rebuttal. Hmmm? Billie boyd, a against?

>> I'm kind of neutral but against.

>> Mayor leffingwell: All right. 16 would be fine, but I'm concerned about so many oak trees that would have to be cut down when you go to 20, but it's not going to hurt

-- my property is right next door to that. I'm just

-- that destroys my privacy in my backyard, but 16 or 20 is not going to make a whole lot of difference to me. But I think about the oak trees and things, and that little road there is not too much, like he says, but

-- I can't say too much against it, you know,.

>> Mayor leffingwell: Well, the city of austin does have a tree protection ordinance, which would address those issues for protected and

-- or significant protected heritage trees in one way or another.

>> Well, they got a lot of trees about like this, 12, 14 inches, and that's just like weeds, they can come them right out of there, I imagine.

>> Mayor leffingwell: No, anything over 8 inches has to be mitigated.

>> Everything over 8 inches?

>> Mayor leffingwell: Right.

>> That's news to me. I appreciate that.

>> Mayor leffingwell: Okay. All right.

>> Thank you.

>> Mayor leffingwell: So now you can have your rebuttal.

>> Thank you. Again, we'd just like to point out that we have

-- even though we asked for sf-3 and thought that a higher density zoning and attached single-family would be a good use for this land, we are willing to go with the sf-2 and match our neighbors, and that's really all we're asking for at this point, and we will be meeting all of the current ordinances which the subdivision comes

-- when the subdivision comes through.

[13:06:51]

>> Mayor leffingwell: Great. Thank you. All right. So ready for

-- this is ready for al readings?

>> Mayor, this is actually ready for the planning commission recommendation. However, if you were to delete the conditional overlay and give that direction, it's very easy for us to simply delete basic part 2 of the ordinance and just leave it sf-2. So

--

>> mayor leffingwell: So it is ready for

--

>> it is ready for all three readings, whether you just go for what the applicant is requesting this evening or what the planning commission voted on.

>> Mayor leffingwell: Okay. So I'll entertain a motion.

>> Spelman: Mayor?

>> Mayor Jefferingwell: Go ahead, council member Morrison.

>> Morrison: Thank you. Greg, I have some questions for you. I'm trying to sort through things. The staff originally recommended 18, a limit of 18. Is that correct?

>> That's right. It actually would be 36 because sf-3 would allow two units per lot.

>> But it would have been 18 lots. 18 lots allowing two units per lot.

>> And then

-- of course. And then

-- why did you put that limit of

--

>> I think we looked at what the lot sizes were in the general area, looking at the density of Bauerle ranch, at one time was a ranch, not that long ago, and these lots that we're actually talking about were the small lots in the area because that was just one huge property before it came in. But we thought that will was a reasonable accommodation based on the types of uses that were nearby. It would have introduced a mix of housing, where you don't really have a mixture of housing. It's just solid single-family.

>> Morrison: And then zap wanted to limit it to 16 and make it sf-2, so now we're no longer talking about duplexes. Were you recount at all their discussion? Was it along the same lines of wanting to have the same relatively same size lots?

[13:09:02]

>> I don't know all the discussion. I don't know, Jerry, if you had anything. I know there's quite a bit of opposition to the duplexes, that if you look in the backup, there was even some that said if you would just build single-family homes we'd be more in favor of building single-family homes rather than allowing duplexes. I know there was concerns about traffic on Drew Lane because it's not that large a street

-- county road that kind of came into the city. So those were some of the issues that were raised.

>> Morrison: Okay. And then I see there is sf-2-zo to

-- Co to the west. DO YOU KNOW WHAT THOSE COs ARE?

>> Bauerle ranch when it was originally developed there was concern by the adjacent property owners of too much traffic so I think there's a street called Squirrel

-- the name escapes me, but there was a Squirrel Hollow, and so there was a condition that restricted access to Squirrel Hollow to emergency access, and there were some tie conditions that had to be addressed. But there was not a limit on a Co for the number of units per acre. It was

-- that was unrestricted in that. There's existing sf-2 zoning that is not restricted that lies to the east. The lots to the south are in the county, and frankly we don't have zoning control in the county.

>> Morrison: And then one last question. The gentleman mentioned that he has a French drain and actually this property drains to some degree on to

-- through the French drain. Can you tell me about the status of the infrastructure here in terms of drainage, storm water collection and all of that?

>> Guernsey: I could not. However if we're going through a subdivision process we'll be looking at water quality and some water detention. Since this is going to be under current code they would have to meet all our standards for a subdivision, and that would be at the next stage of development. So they will have to make accommodations for both drainage and retention with that new subdivision, however many number of lots come in at that time. The drainage would also have to take care of the road they would be putting in as well as an assumed amount of impervious cover.

[13:11:15]

>> Morrison: I appreciate they have to deal with the subdivision but we've had plenty of subdivisions where we're

-- we're dealing with that in some other neighborhoods where the subdivisions end up not really accommodating all the

-- all the

-- and they do flood.

>> Yeah. They would have to meet our minimum requirements set by our code. And the mayor is correct about the trees. This would be subject to our current tree ordinance. And so to the extent they would have to preserve heritage trees, protected trees and mitigate those trees that are 8-inch inches or under -- or over, excuse me, they'd have to be removed to allow construction of the road.

>> Morrison: Okay. Thank you for the information. Entert entertain a motion. Council member spelman.

>> Spelman: Ask council member riley if he wanted to flip for it. Move to close the public hearing and pass this as an sf-2 without restrictions.

>> Second.

>> Mayor leffingwell: So mayor pro tem, spelman motion is to close the public hearing and approve on all three readings sf-2 deleting the co.

>> Three readings is ambitious I realize with only five of us here, but you never know.

>> Mayor?

>> Mayor leffingwell: So

-- further discussion? All in favor of that say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. That passes on all three readings on a vote of 5-0 with council members mar cole off the dais. So I believe that completes our agenda for today. So without objection we stand adjourned at 7:12 p.M. By the clock on the wall.