

## City Council Regular Meeting Transcript –10/23/2014

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[04:06:57]

>> Cole: Good morning. I'm austin mayor pro tem sheryl cole. We will begin with the invocation. Please rise.

>> Let us pray. God of grace and glory, our majestic and sovereign and holy leader, a shelter of refuge in times of trouble. May your kingdom come and your will be done. We are in need of your grace, guidance and your understanding wisdom and stewardship. Bless both our nation and community and give us the collective clarity of thought this day that allows us to be the beacon of light for our country and our community. Help our leaders of this council who participate in this session demonstrate empathy, compassion, resilience and embrace differences in persons and thoughts and approaches while seeking the common good for our community. We pray that your goodness and your mercy may follow our city all the days of her life. We ask this in our savior's name, amen.

>> Cole: Thank you, mark. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on october 23, 2014. We're meeting in the travis county commissioners court. The time is 10:07 a.M. The mayor will not be in aten answer today. I will not be announcing his absence on each vote. I would like to thank the travis county commissioners and all the staff who have assisted us withholding our meetings in the commissioners court during the renovations of city hall. This will be our last off-site council meeting at the commissioners court. Very good. Before we begin, the following are the changes and corrections that I will read into the record. Item 1 and 8 are withdrawn. Item 19 is postponed to november 6, 2014. Item number 30 ad as co-sponsor councilmember riley. Item number 43 at a 4:00 p.M. Time certain a request to postpone to december 11, 2014. Item 44 at its 4:00 p.M. Time certain a request to postpone this item to november 6, 2014, will be made. The time certain items are morning briefings. There are none scheduled. 12:00 we will have general citizens communications. 2:00 we will have zoning matters. 4:00 we will have public hearing. And 5:30 proclamations. The consent agenda is items 1 through 32 and 55 and 56 with several exceptions that are pulled off that agenda. I will go through those in a moment. I want to read our appointments to the boards and commissions which will remain on the consent agenda. The downtown commission, meredith walker is nominated by councilmember spelman. The building and standards commission, melissa oren nominated by councilmember tovo. Councilmember martinez.

[04:10:35]

>> Martinez: I don't know if you read this, but on the

-- on my changes and corrections I show item 53 and 54 also be postponed at 4:00 p.M.

>> Cole: We can't announce it at that time.

>> Martinez: She announced items 33 and 34 that it will be taken up as a postponement item at 4:00 p.M. And I wanted make sure folks understood we take up 53 and 54 for postponement at that time.

>> Cole: We'll take up 53 and 54 for postponement at 4:00 p.M. The following items are pulled off the consent agenda by councilmembers. Item number 4 has been pulled by councilmember morrison. Item number 5 has been pulled by councilmember morrison. Items number 11 has been pulled by mayor pro tem cole, myself. Item 16 has been pulled by councilmember morrison. Item 15 has been pulled by councilmember riley. Item 18 has been pulled by councilmember morrison. And item 23 has been pulled by councilmember riley. There have been no items pulled off the consent agenda due to two or more speakers. Again, the consent agenda is items 1, 32 and items 55 and 56 with the items that I just called off that have been pulled either by councilmembers, and there are no items pulled by speakers. Okay. Item 23 has already been pulled by riley, to clarify that item, but it does have a number of speakers. 23. Before we entertain a motion on the approval of the consent agenda, we have one speaker wishing to speak on the consent agenda and we'll have a total of three minutes. Mr. David king.

[04:13:02]

>> Thank you, mayor pro tem and councilmembers. My name is david king and I live in the zilker neighborhood. I'm speaking on items 25 and 29. 25 is the city investment policy for 2014 through 2015 and my point there is that I hope that you will implement a requirement that the city cannot invest in any company that takes advantage of the unfair loopholes in our commercial property tax appraisal systems to unfairly reduce their property taxes. We should not be investing in any company that plays that game and deprives our city of taxes they should be paying. I hope you will put that into our investment policies. Item 29, sound permits for amplified sound on large events at parkland. I'm glad we have this resolution here. Events on parkland should fire the same requirements other events are required to follow and have a sound impact plan. That will help neighborhoods that are like mine in zilker that are close to outdoor events like acl fest. It's a reasonable policy and I'm glad that we have this today and I hope that you will support it. Thank you very much.

>> Cole: Thank you, david. We have another speaker who just signed up. Andrea lumbidara.

>> Good morning, council. My name is andre lumbidara. I got here with about half a minute to spare and I'm here to speak on item number 56. With the austin board of realtors and we just kind of want to impress on you that this is a significant change in current practices. That this would

-- this would

-- this item would establish an administrative process, but in addition to that it would shift the burden of proof on to the individual who is receiving the citation to prove with a preponderance of evidence that -- that they were not in violation of the code. And I think that's a significant change. For instance, sorry to conjure unpleasant memories at this early hour, but a couple years ago there was an incident where a

convenience store on 45th and duvall was cited for improper display of signs, which were flags. And so that was eventually cleared up. Under further review, but

-- but under this shifted burden of proof, it seems that the property owner in that case would have to go in and prove with a preponderance of evidence that they were not in fact in violation of the signage ordinance which definitely seems like that would be a challenge for them to do. So anyway, we're here neutral on this, but just asking you to consider either taking more time on this item to explore some of these issues further or perhaps to set a date, maybe make this a pilot, a one-year pilot so there would be an opportunity to revisit it, for the new council to revisit in a year perhaps with evidence -- or with a track record of data and performance reporting, which councilmember spelman mentioned on tuesday. So that's

-- that's

-- that's our position on this. Thanks.

[04:16:30]

>> Cole: Thank you. Questions, comments? Thank you. Those are all of the speakers that we have signed up to speak on the consent agenda. I will entertain a motion for approval of the consent agenda.

Councilmember spelman.

>> Spelman: He made a good point. A question on 56. We could pull it off consent and ask it later or ask it now and keep it on consent. It's up to you.

>> Cole: Let's go ahead and ask it now.

>> Spelman: Carl, I believe you are out there.

>> Good morning, mayor pro tem, councilmembers. I'm carl smart, director of austin code department.

>> Spelman: Carl, you were talking to us a couple of days ago about the reporting, how you were going to be reporting on the results of an administrative hearing, how many cases were going to be going to administrative hearing, what the nature of those cases was going to be, what the disposition was going to be. Are you still going to do that?

>> Absolutely sir. We'll be compiling reports on a quarterly basis and make sure that is distributed to council and the city manager's office for review. If we need to come back to council for presentation after a year or so, we'll be glad to do that, share that data with you so being review it and make sure that we're making sufficient progress in that respect.

>> Spelman: I'm not sure whether we're posted for that to be a formal requirement, but if we could have an informal agreement that's something you are going to do and continue to do what you said you were going to do which is post this in the quarterly report so the next council will have a chance to see how it goes and if there are any complaints about the process, my successors will be hearing them and have a chance to talk with you about them. It seems to me we don't need to make this a formal one-year pilot, but if you could keep open the idea this is something which is subject to some movement and you may want to talk about which cases go, how you deal with those cases, if that's something you are flexible on, I think everybody is going to be fine with it.

[04:18:38]

>> Yes, sir. Absolutely. Thank you.

>> Cole: Thank you, mr. Smart. Any further comments or questions? I'll entertain a motion on the consent agenda. Councilmember spelman has moved approval on the consent agenda and that has been seconded by councilmember morrison. Any further comments or discussion? All in favor of the motion say aye.

>> Aye.

>> Cole: Opposed say no. Passes unanimously on a vote of 6. Councilmember riley.

>> Riley: I want to raise one other scheduling issue with respect to item 52, the code next alternatives. I want to raise a question whether we want to consider postponing that given we don't have a full council and there are time constraints. I know it's not a matter of acting on it now, but if we expect we might postpone it, we might want to announce that now.

>> Cole: I think that councilmember riley has brought up an issue for us to simply discuss. We do not have the mayor here todayen a I'm sure he has a great interest in the item. I have not heard from any stakeholders requesting or not requesting a postponement. Colleagues, I'm open to your thoughts and discussions. Councilmember martinez.

>> Martinez: Yeah, you know, I look at the sign-up sheet and only see one speaker signed up but I'm pretty certain there's going to be quite a number of folks. One of the reasons I would entertain a postponement outside of the fact the mayor is not here, while we may not have heard from a bunch of folks asking for postponement, we've heard from folks on the different approaches to take and that's concerning because this is a major decision on our land development code and I would hope we could take more time and build some more consensus. We literally have neighborhood groups wanting no change or the brisk approach and, you know, other folks wanting a redo of the code and those are two diametrically opposed positions. I'm not sure, I mean we certainly can act and move forward, but it's going to be a divide council, I would suspect, or at least a divided audience as requesting what they would like to see in the approach. For those reasons, I wouldn't be opposed to postponing it.

[04:20:57]

>> Cole: Councilmember morrison.

>> Morrison: I think that, you know, I could see it either way. I'm a little concerned about the continued push of items which we're about to do on other items on to our limited number of meetings, but I certainly get your point, councilmember martinez. I spent quite a while yesterday speaking with staff, and I have to say in the discussion I became a lot more educated, and I dare say it could be very useful to pull together some of those opposing sides and to go through some of the topics that I got to discuss yesterday at a much deeper level. Because I think there are some things that came out that would be surprising to one side or another. In fact, after I learned some things, I couldn't believe there were certain people on one side or the other. So I guess I would

-- I would

-- I would support a postponement, but I wonder if staff would have the band width, the capacity, I'd be happy to work with you to try and have further discussion with the disagreeing sides at the table to get more education and maybe I could ask mr. Guernsey if that might be possible. Because I don't know that putting it off two weeks and just sparring in the media for the next two weeks is going to do us any

good.

>> Greg guernsey, planning and development and review department. It would be very advantageous to take action today because our schedule is tight and we have outside consultant that's here from out of town. But I think it would be helpful to get information out, even if you were not to take action today and then you would be able to hear from staff, also from the consultant and then perhaps make a more informed decision if you elected not to take a decision today at your next meeting.

>> Morrison: Under what you are suggesting is we could still hear from the staff. I could ask some of the questions and get some of the issues on the table that I had sort of got a further understanding of yesterday, and then either postpone the hearing or start the hearing, but not take action today.

[04:23:14]

>> Yeah, staff would desire to have the hearing certainly to take place today, but we understand if the mayor is not here and there's some reluctance on that. But we would like to at least get the issues out and have it heard by you.

>> Morrison: So I would certainly be happy to do that and not take action and have further discussion and maybe have some facilitated discussions to dive deeper.

>> Cole: We actually can't make the postponement until 4:00 and I think it would be helpful to give individuals who may be entertaining coming to speak some guidance on what we're contemplating. And I'm hearing you say, councilmember morrison, that you would like to just have staff make-presentation and you give some direction to staff but you would support a postponement.

>> Morrison: I would be happy to hear from staff and the consultant, hear from the public or not, and definitely postpone action. So that whether we hear from the public, that's, you know, I think it might be helpful to hear from the public today just to get that started, but it would help everybody to know if we're in the beginning if we're comfortable not taking ACTION UNTIL THE 6th. That might well be the best way. So go ahead and have the public hearing and not take action.

>> Cole: Councilmember riley.

>> Riley: That's fine.

>> I would like to add we need to keep in mind depending how many folks sign up, we may also contemplate limiting that testimony on the a certain number of minutes per side, I guess.

>> Cole: Councilmember tovo.

>> Tovo: Mayor pro tem, this sounds like a good plan of action. I think we should hold the public hearing open until the day that we're planning on taking action so people are

-- want to come down and talk on the 6th they have an opportunity to do so.

>> Cole: Okay. So right now we're contemplating that we will hear the item after our 4:00 time certain and we will hear a presentation from staff and we will hear testimony from the citizens that decide to show, but we're not contemplating taking any action until the 6th and so the public is aware of that and they will be able to speak today or at THE 6th, BUT NOT

-- Probably not on both occasions and we will limit testimony today also. Okay. That being said, we'll go to our first item for discussion, which was item number. Councilmember morrison.

[04:25:47]

>> Tovo: I'm sorry to backtrack us.

>> Cole: I'm sorry, councilmember tovo.

>> Tovo: Those not comfortable withholding that public hearing open, we probably should send that signal now. I would hate for people not to come down at 4:00 because they think they have an opportunity on the 6th and have the public hearing closed. If anybody has a strong objection I would ask you voice it.

>> Cole: I think the general sentiment is we should keep the public hearing open. Okay. Councilmember morrison has pulled item 4 and I'll call on you for possible postponement.

>> Morrison: That's correct, item 4 and 5 are the water and wastewater service reclasses and I understand we have requests from the applicant to postpone until we have a full council to consider them.

>> Yes, good morning, council, jeff howard, I represent the applicant on items 4 and 5 and we would like postponement till NOVEMBER 6th.

>> Morrison: I'm fine with that. I just want to call attention, we had postponed these in part because we were waiting for a recommendation from our environmental officer and I just want to call that to my colleagues' attention that it is available in the backup now, which is interesting. So I will be happy to offer a motion to postpone 4 and 5 UNTIL NOVEMBER 6th.

>> Cole: I'll second. All in favor say aye. Pass unanimously on a vote of 6-0. Then next item is item number 11 which I pulled. And I pulled this item because there's been considerable discussion about the waller creek project and this particular item as it relates to the 8th street inlet. I was going to ask mr. Robert good to give us an overview of the  
-- some of the memos he sent to us.

[04:27:54]

>> Thank you, mayor pro tem. If you would indulge me, I would take a few minutes to give you the background of this project and staff is here from watershed and public works. There's the main tunnel, the main at the park and outlet at the lake and fourth street is currently under construction now and the eighth street creek site inlet which is under consideration for you today for awarding that bid for construction. All those projects are on schedule except for the main inlet, and you know the issue with that is we ran into the capitol view corridor compliance issue and we had to pull that project, delay it and redesign it. That redesign work is underway. The joint venture that consulting team that did that design has stepped up and appreciate that. Their redesigning that project at their own cost and that would be compliant then with the capitol view corridor. The structural design of that element should be done by the end of the month. The electrical, mechanical and architectural design won'ting done until about the end of the year. With that redesign not being completed, we do not know the impact of those -- that change in construction in the project exactly. We have estimates, but we won't have final numbers until that design is complete and then the contractor gives us a bid for that work. So we won't have those numbers finalized until the end of the year. However, at this point we do have estimates. We have the  
-- the consultant team thinks there really is construction costs neutral. The contractor disagrees and

thinks that would be upwards of \$6 million. Even with those figures, we are still within our project budget to complete all elements of this project including this eighth street creekside inlet award today. This eighth street creekside inlet was pulled out of the project because it's not necessary for the operation of the tunnel, but it does add additional flood control reducing the flood level anywhere from one to two feet. That's the decision in front of you today is do you award the inlet, we believe it's within the budget and it's primarily funded from t.I.F. Funds which is interesting. We were at travis county courthouse today, they are partnering in those t.I.F. Funds. We appreciate their participation. With those funds available, we feel this eighth street creekside inlet you can award, within the budget, but the estimates at this point seem to indicate we'll be within budget. And mayor pro tem and council, available for any other questions. Joe can give you much more information on the value of the eighth street creekside inlet and howard lazarus can talk about construction management if you have detailed questions.

[04:30:53]

>> Cole: The additional flood control that you talk about, why is that needed? Is it vital for the t.I.F. Projections to work out for the return on investment?

>> A little of both. I will ask mr. Pantna to give you more on that.

>> Sure, joe pantna, watershed protection. The eighth street creekside inlet provides flood protection from about ninth street cross from stubs to sixth street. In addition, when you asked about the t.I.F., There was an economic protection done during the last

-- and there were a number of scenarios ran and one scenario focused on the

-- having just the tunnel in place without the creekside inlets. Another with the creekside inlets with enhanced level of protection from flood threat and did increase the value of those properties by having this eighth street creekside inlet in place.

>> Cole: So the economic projections we base the funding of the tunnel is contemplating the eighth street.

>> That's correct. It anticipated not only the eighth street but in terms of the master plan and the division developed by the waller cream conservancy.

>> Cole: Back up a little bit. We talk about the t.I.F., that's the tax increment financing mechanism, but the whole goal is take approximately 10% of downtown out of the flood plain and add those properties back to the tax rolls. And so if we don't do the amount of flood control that is anticipated, we will not get the same level of tax base added to the tax rolls. Is that correct?

>> With the tunnel in place, the flood plain is reduced by about 28 acres back to within the banks of the creek. The fourth and eighth street creekside inlets work together with the main to limit the rise of flood waters within the creek to four to five feet. That was the level of control deemed necessary and approved by this council, buoy the citizens advisory group and really pushed for by the property owners to really allow the properties adjacent to the creek to reach their potential in terms of redevelopment.

[04:33:21]

>> Cole: Okay. Thank you, joe. And I know we have a speaker, melanie barnes, would you please come

forward.

>> Good morning, mayor pro tem cole and city council. Thank you so much. I'll only take a moment of your time on this matter. I want to say two things. One is a public thank you to each of you for all the work you've done in partnership with the conservancy on this very, very key project for the city of austin. Two is to tell you that our partnership with your staff has been exemplary. We could not say enough good things about the work. Every department of your staff, joe, robert, are just examples of many, many professional people within your staff who have made this partnership the success that it is. We are looking forward to the day when the tunnel is open and we can start to put things on the ground so you can see how much work has been done. We have done tremendous amount of planning costing, budgeting, based on the tunnel design with the two inlet structures in place. A lot of cost and a lot of time will have to be repeated and there will be delay caused if we don't do these inlet structures. They are important. Think about the area between stubs and sixth street in terms of key redevelopment tracts. Both for public recreational use and for economic development. We need both things in austin. We need the economic development downtown, particularly east of congress, and we definitely need additional green space. And we don't want to stub our toe over something relatively small compared to the overall budget for this waller creek tunnel project and the improvements on the surface. So we would urge the council to pass the eighth street contract additions and to move forward to complete this excellent project. Again, thank you so much for all of your cooperation. We have so many good things ahead of us. Thank you.

[04:35:32]

>> Cole: Thank you, melanie. It's my understanding from that, robert, that there's really no connection between the cdc compliance issues at waterloo and the eighth street inlet or any of those contractors. Stack? That is correct.>> They are separate issues.

>> Cole: Waller creek is a bold statement this full council has embraced and is moving forward on it. We definitely have to deal with the code compliance issues and the cdc and we're doing that through legal channels. I'm confident at this point this project need to proceed and it is a bold vision for the city and we even have our new medical school contemplated as residing on this site. So with that, I'll entertain a motion for approval. We have a motion by councilmember spelman to move approval and I'll second that motion. Any further comments or discussion? All those in favor say aye.

>> Aye.

>> Cole: That passes on a vote of 6-0. Thank you. Item 15 was pulled by councilmember riley.

>> Riley: Thanks, mayor pro tem. Item 15 is related to the council's calendar for 2015. And I just wanted to raise a concern about one date on that calendar and it is the council meeting that's SCHEDULED APRIL 30th. This coming year, each year for a number of years now we've had a number of city staff attending the national congress for the new urbanism. This year cnu 23 is meeting in dallas, fort worth, from april 29 to may 2. I just wanted to note that it would be helpful, I expect there will be a number of cities who are interested in going especially since it is so close. This is the first time it's been in texas since it was in austin some years ago. And so

-- I expect there will be many city staff who would like to attend that so I would ask

-- I would as, I've checked with staff about that and what I would suggest is that we

-- we cancel the meeting set for april 30th and then the next week we currently have a budget work session SCHEDULED FOR MAY 7th. I would suggest that we move that budget work session to may 6th and go ahead and meet at a regular council MEETING ON MAY 7th. And so we wouldn't be dropping any council meetings and the spacing would work out pretty well. My motion would be to cancel the me APRIL 30th, CHANGE THE Budget work session to may 6th and schedule a council meeting for MAY 7th.

[04:38:27]

>> Cole: Is there a second to that motion for discussion? Councilmember riley has put a motion on the table and it has been seconded by councilmember spelman. Any further dicussions? Councilmember spelman.

>> Spelman: I'm not sure how many of us will be participating in the council in 2015, but it is dead certain most of us will not. And it seems to me that this is the sort of thing which would be best done by the people involved themselves. What opportunity, mr. Good, will the next council have an opportunity to reset these dates as they see fit?

>> If you would adopt this today, they obviously have a chance to change it at any time.

>> Spelman: Presumably they will not be able to change it until the 29th of january, but at least starting on the 29th of january, the rest of this stuff can be in flux.

>> It may be their first agenda item.

>> Spelman: I understand. Thank you, sir.

>> Cole: There's a motion and second on the floor. All in favor say aye. Those opposed say no. Passes on a vote of 6-0. Item 16 was pulled by councilmember morrison.

>> Cole: Thank you, mayor pro tem. This is the

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>> Cole: Thank you, mayor

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>> Morrison: This has been the subject of much discussion. I understand that there is a contemplated postponement from a few different points of view from the mayor is not here today. We also, I understand, and maybe we could have somebody from cedar park come up to confirm that you would be interested also in postponement because you have some discussions going on with the other parties that's been part of it.

>> Good morning, mayor and council. Yes, we do and would be interested in a postponement of this item I think along with range history is here as well.

>> Morrison: If you could introduce yourself.

>> Brenda evans, city manager, city of cedar park.

[04:40:28]

>> Morrison: Thank you. And the other thing is that I had asked a question that staff was able to rely to about what were the environmental protections that we have under the city of austin regulations just on the other side of the border and we were still interested in sort of comparing them to the regulations that cedar park has. So I think this would give us more time to take a look at that also. So I would like to

make a motion that we postpone this UNTIL NOVEMBER 6th. Are you available?

>> Yes, we are.

>> Morrison: Until NOVEMBER 6th.

>> Cole: Councilmember morrison has made a motion to postpone item 16 until november 6. Seconded by councilmember martinez. All in favor say aye. No? Passes on a vote of 6-0. Thank you all. The next item we have is 18 which was pulled by councilmember morrison.

>> Morrison: Thank you, mayor pro tem. Th is the item that staff had proposed for an expansion of the allowable hours for concrete installation on projects downtown. And there was a lot of concern about expanding it and staff had postponed it several times and then suggested postponing it indefinitely. But we've heard from so many people about the disruption of the concrete installation work, the pours and the work that goes along with it to the quality of life for the residents downtown, that I thought we really ought to take this opportunity to rather than expanding it consider a contraction of what's going on at least as an interim while staff continues further discussion. I had mentioned the concepts of the motion that I was going to propose at our work session and then I also had mentioned I posted it on the council message board online so if anyone is interested in looking at it there, you go to the city's home page and down at the bottom there's a link to the council message board. And go in there and click on it and you'll be able to see and I've attached here what I've just passed out to my colleagues on the dais. So I understand there might be some confusion because some people missed the

-- missed the discussion and thought it was still going to be postponed, although the folks hoping for indefinite postponement I think were going to be quite pleased by our consideration of these things here, so I would like to go ahead and at least contemplate doing this on first reading, possibly on three readings, but I'll leave that up to my colleagues for that because the folks that were encouraging the postponement were the ones that were really feeling impacted by the concrete pours. Let me go ahead and describe what my motion is and that is that the

-- it ajust what's in our backup. It amends the draft proposal. There's one correction that needs to be made to the section, section 9-2-21. There's a typo there. In section a where the original draft by staff had proposed leave the nonpeak hour period of 7:00 p.M. To 6:00 a.M. And adding to it not only cbd but also d.M.U. Zoned properties and p, public zoned properties that are in the downtown density bonus area. So my proposal changes to that section are the following. Number 1, and I think this is significant, I think it's workable and it's at least an interim step, and that is rather than allowing nonpeak permits, nonpeak hour permits from 7:00 p.M. To 6:00 a.M., My proposal is that we change it so that the nonpeak hour permits period goes from 7:00 p.M. Only until 2:00 a.M. And I should note there are many cities in texas and around the nation that do not allow any nonpeak hour concrete installation so I have to believe that even backing up to 2:00 a.M. Is going to be workable. I do want to add an allowance to allow it to go to 6:00 a.M. And under, quote, extraordinary circumstances of limited duration. So I know that, you know, we have the situation with the central library where it needed a 24-hour continuous pour, that would sound like an extraordinary circumstance of limit duration. So that's one thing. My motion also removes the expansion to d.M.U. But leaves the expansion to p, public, and renumber appropriately. Under subsection e that staff had added to expand notification and really help to add other tools to staff's discretion to help

-- to help notify and mitigate the impacts, I wanted to make a couple of changes. One, the way it was drafted it said the director may require a permit applicant to notify and do the following. I wanted to

change that to shall require because I think that it's important for the public to know that they will get notice, not just in some circumstances. And then in section e-1 where there is a new notification requirement, the way it reads now is the contact adjacent property owners located next door

-- let's see

-- next door or across the street to inform them when nonpeak pour will occur and the duration. I wanted to add to that so we'll leave that the same because I know that the community felt that was at least a step in the right direction, but beyond the adjacent property owners or the people next door across the street, there's a lot of other people that can be impacted so I wanted to expand it to the notification would go through representatives of property owners or residents within 600 feet. THAT MEANS THAT THE HOAs And all

-- it won't require that staff

-- that a notice be sent to every individual condo or apartment so I think that's reasonable. And then in section e-2, in terms of providing 24-hour contact information, that's the same expansion that was first supposed to go to 24-hour contact information for the individual with primary responsibility needed to go to the adjacent property owners located next door across the street and again there I would like to expand that to representatives of property owners or residents within 600 feet. And then lastly to ensure that we are really putting a priority on a very critical element to quality of life and that is being able to get some sleep. In section e-7, I wanted to expand the language. Right now it says take such other actions and the director determines are reasonably necessary to protect public safety and welfare and I wanted to add to ensure reasonable expectations of a sound environment that does not preclude sleep. So that would be my motion and I understand that some people were told that this was going to be postponed. I actually have the opportunity to interact with one person who has been very vocal on all of this who was writing for a postponement and I let her know I'm suggesting we not postpone it but that we contract it. And that person was very grateful so I don't think it would be unreasonable to consider this on three readings today, but I

-- I'll respect my colleagues if they think that we need to do it only on first reading. So I'm going to go ahead and jump out there with a motion to approve on three readings and if somebody wants to adjust that with a substitute to first reading, I would be happy to do that. But I really think that the people that wanted a postponement are going to be very happy that this is a step in the right direction.

[04:49:17]

>> Cole: Councilmember morrison, let me ask you, what type of out reach have you had with the neighborhoods? This looks very specific. Have you done that?

>> Morrison: With a few people I have and just in terms of general, I've had interaction with several people who are dealing with this who have had

-- who have been writing to all of us, I'm sure, but just back and forth about, you know, it's not feasible the things that are

-- in terms of I know the staff is making improvements in terms of moving the pumps and all of that. So for the people that I have had some outreach with, they are very, very pleased to see this kind of interaction, this kind of stuff.

>> Cole: We immediate a second for your motion to even discuss it further. Councilmember riley.

>> Riley: We do have two citizens signed up to speak on this item.

>> Cole: I'm sorry. David king and barry lewis.

>> Morrison: I would be happy to pull back my motion until we hear from them.

>> Cole: David king.

>> My name is david king and I live in the zilker neighborhood. I don't believe this is going to affect the zilker neighborhood directly but it affects friends I know and other people I respect and I'm concerned if we set a precedent here to even open up the doorway a little bit, although I do appreciate you scaling this back, just opening up the door a little bit more, there's usually a expansive interpretation by staff on these opportunities and they get kind of out of control sometimes. So I'm very concerned about that and about it setting a presence dense for other parts of the city where we want to make core centers throughout the city. I'm concerned about that. I'm also concerned about passing this on all three readings in one meeting. I think that's a bad precedent on any issue that comes up unless it's an emergency life or death issue. To me, if you really care about public input, you would never do that. You would give a full opportunity for people to provide input and to understand what's going on. So I -- I would hope that you would not pass this on all three readings. The other thing is that this is to me about profit for corporations at the expense of livability of our neighborhoods. Even in the central austin downtown, more and more people are living there. It's their home. I wouldn't tolerate this in my neighborhood if somebody wanted to do this. Why should they tolerate it in their neighborhood just because they live downtown or in the central business district. I think this is bad policy and I hope you vote against it. Thank you very much.

[04:52:10]

>> Cole: Thank you, david.

>> Morrison: David, I have a question. Whew is the expansion part you are concerned about?

>> Well, allowing more to pour overnight.

>> Morrison: You understand they are allowed to pour all night now and this is going to pull it back so they are only allowed to pour until 2:00 a.M.

>> Well she that's good then. I thought it was going to expand it so they could pour more. I'm for that. That's good.

>> Morrison: And there is one element of expansion, I just wanted to make sure and I understand it's difficult when I run through all of this, there's one element of expansion and that is right now it is allowed, we are allowed to get permits to pour all night in the cbd. Staff had suggested allowing it in d.M.U. And p. I am pulling out the d.M.U. I am allowing the -- leaving the p in, but just to be clear, that's p, so that's public and it's not about profit. Okay?

>> That's good.

>> Morrison: So we're not expanding any profits.

>> Thank you for clarifying that. I appreciate that. One final comment. What I would recommend, I would ask for further contraction of what the current policy is. Thank you.

>> Morrison: Thank you, david.

>> Cole: Thank you, david. Appreciate your testimony. Barry lewis.

>> Mayor pro tem, members of the council, my name is barry lewis. I live downtown. I belong to dana.

Councilmember morrison, the existing ordinance is awful. Your proposed amendment makes it less awful. What the staff had proposed makes it more awful. So I'm absolutely opposed to what the staff has proposed to you. I thank you for your consideration. So many of these problems have already been addressed in the code, but they are not truly applicable to this situation. City of Austin code section 25-3-86 sets up the design compatibility standards and specifies noise levels at the property line of 70 decibels. There are no noise standards in this 9-2-21 as it exists or as

-- as you are suggesting it to be. I think that's wrong. I think it's unnecessary. A little common sense and common courtesy says there should be some limits. Same thing with lighting. I was in the business 25 years. I'm not opposed to profits, I'm a big fan of profits. Construction lighting from tower cranes focuses downwards on to the site. The problem are light sets that are set up to focus across the site and into adjacent residences. Absolutely unnecessary. Unless the site is completely surrounded by residences, which is unlikely in downtown Austin. At least in the foreseeable future. Again, the design compatibility standards set up a standard of four-tenths of a foot candle at the property line. If it's reasonable for residence occupancy, then it should be a reasonable application for this. So I'm not asking you to reinvent the wheel. I'm just asking you to reach into the code and pull out those things that are relevant. As to notice, these permits are in the amplified sound section of the code. I'm sure it was convenient to put them there, but in the amplified sound section, there is a requirement for notice, and you have reinserted that requirement. The only thing I would ask is that you put some reasonable time limitations on it. Our experience has been that when we meet with downtown developers who are proposing high-rise developments and we ask them to limit their hours of operation, they have typically been

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[04:56:50]

>> Cole: Mr. Lewis, your time is up but let me ask you a question. What would

-- if you could tell us your opinion on whether you would prefer that we only consider this motion on first reading only. It sounds like you have a number of concerns that have not yet been addressed, but basically your testimony, I was thinking we needed to only consider this on first reading.

>> Mayor pro tem, that's a very difficult question. As I said when I started, the existing ordinance is just plain awful, and what councilmember morrison is proposing is an improvement. So on that basis I think it's good. But I think it should be revisited, but any improvement in the present situation would have to be a welcome improvement.

>> Morrison: I also wanted to add staff had wanted to do an indefinite postponement. I don't consider this the end of the discussion at all. I think that your idea about getting time limits on the notice would be appropriate. I think that we have to center on the table moving the

-- removing the concrete pour permit concept completely. And so I think there's more discussion. I think -- but I agree with you completely, between the awful, less awful, more awful, and I think that this would be a step toward

-- a strong step toward less awful because people like you that are experiencing 24-hour, or all night and really not being able to sleep, athletes you know you will be able to sleep by 2:00 a.m. So I appreciate your communities.

>> Let me also say your exception for extraordinary circumstances such as the foundation at the new central library, that's not unreasonable, but it's being applied wholesale and will be applied wholesale across the city as we continue to redevelop with compact and connected. This is not just a downtown problem. It's going to affect every residential neighborhood that is close to a transit corridor.

[04:59:19]

>> Morrison: That's right, and as I said before, there are  
-- you know, I don't have the list in front of me, but the major cities in the state of Texas do not allow this so there has to be a way to do construction without it.

>> Yes, ma'am. They've managed to grow.

>> Morrison: They've managed to do that. I just want to reiterate passage even on three readings gives us an opportunity

-- doesn't close the door to continue the work that we have to do on this.

>> Thank u thank you for your time.

>> Cole: Thank you very much. We have

-- that is the end of the speakers on this item. We have several other speakers signed up, six for and one against. Councilmember Martinez.

>> Martinez: I'll add Arizona a friendly amendment we just approve it on first reading only.

>> Cole: Councilmember Morrison has made a motion. To you wish to

-- and you withdrew your motion.

>> Morrison: Let me make my motion on three readings again. I understand

-- do we have a second.

>> Cole: You do not have a second on your motion.

>> Martinez: I consider my move friendly now.

>> Morrison: Can we just take a vote on that? I just want to see if that's the will.

>> Cole: Okay. I'll say that after the testimony of the speakers and also knowing my office informed some people this item was going to be withdrawn and not considered today, despite your saying what you did in work session and doing your message board, I am a little concerned some people may not have known we were considering it and in light of that I would move on first reading.

>> Spelman: Would it be appropriate to consider the substance of the motion before we vote on the motion? That was a rhetorical question. My apologize. I have a couple of things I would like to talk about before we come to a vote.

>> Cole: Let's see if we have a second.

>> Spelman: We had a second.

>> Cole: There's a motion on the floor that councilmember Morrison made and that was seconded by councilmember Martinez. Now we are discussing that motion and you have some substantive issues.

[05:01:26]

>> Spelman: I actually have two typographical issues. They are on the amendment you saying about sixth line down allows from 7:00 a.M. To 6:00 p.M. I then you meant 7:00 p.M. To 6:00 a.M. Since we

would be amending the code for what you have written down here, we probably ought to write it down properly. The second is the

-- the ordinance itself has a misspelling which may or may not end up mattering, but I feel more comfortable if we got the right word. The second to last section, e-4, identify where concrete trucks will cue. There's two ways to spell queue. One is queue the lights and the other is to line up. And this is the wrong kind of cue. I think the queue you had in mind was q-u-e-u-e as to line up the concrete trucks.

>> Morrison: I would except those as friendly.

>> Cole: Friendly to the seconder of the motion?

>> Spelman: My apologize for getting so far down in the weeds. I have a substantive question now.

What was the rationale for actually I could ask this either of two ways. I'll ask it both ways. What was the rationale for expanding this ordinance to include d.M.U. And then for councilmember morrison's point of view, what was your rationale for removing it? I would start with the staff if we could.

>> Greg guernsey with the planning and redevelopment department. It's an area where we now allow for density bonus. You would incur structures that you may have that are larger in size, that may be platform buildings, parking garages that have more substantial foundations. That was originally why that was in there. I've had a lot of folks that have talked about it. Councilmember morrison brought up in a previous hearing regarding the downtown plan and the sections that might be d.M.U.60. And it's one of the things I was going to talk with staff and probably retreat and remove some of those areas, which was also part of the reason I was asking for postponement today.

[05:03:59]

>> Spelman: What you are sa although there are some d.M.U. Areas, there are other d.M.U. Areas where we need not.

>> That's correct.

>> Spelman: And you would like to investigate which is which.

>> That was part of the reason why I was asking. The other reasons for postponement, I have not actually had a conversation

-- enough conversations with industry folks that actually pour the concrete and some of their constraints. I am aware and we even had a complaint earlier this week some of the buildings are not being built quick enough downtown and it's causing disruptions to other businesses with truck traffic. And so there are many sides to this issue that happen I wanted to hear and explore before I brought this item back to you. But I understand the needs that have been brought to you today.

>> Spelman: Cbd has always been the zone we've used for extremely large buildings, but with the addition of intensity bonuses, buildings built on a d.M.U.

--

>> we have very tall buildings constructed. Spring is in area that is not cbd that is a very tall structure. But that's not necessarily the only example.

>> Spelman: Okay. And the basic idea is tall structures require a massive concrete foundation are ones to at least consider a pour late into the evening.

>> There's more interesting depending on type of construction. Obviously if you are occupying a lot versus a couple lots that makes a difference as well.

>> Spelman: Okay. Last question. What percentage of the land is zoned cdb and d.M.U.?

>> I could not tell you off the top of my head however you have an exhibit which shows those exhibits that are d.M.U. And cdb and p that you could refer to quickly.

[05:06:11]

>> Spelman: I will take a look for the map. Thanks very much. Councilmember morrison, why did you want to take the d.M.U. Out?

>> Morrison: My thought is before we can find a way

>> Spelman: It appears the vast majority of downtown is on cdb already and the d.M.U. Sections are relatively small in size. Thanks. Mayor pro tem, although this is only on first reading, I would like to hear from my colleagues as to whether they think we need to remove the expansion to d.M.U.

>> Cole: Councilmember spelman, it's my understanding the motion and second was on all three readings. Is that correct?

>> Morrison: It was on all three readings. If I'm getting a sense without even -- without taking a vote that it will be better to do it on first reading only, I'll go ahead and change my motion to make it on first reading only.

>> Cole: Well, I said earlier that I think we had the comments from the speakers and I am a little concerned that my office had notified some people that we weren't going to consider it and we are considering it today.

>> Morrison: That's fine. I'm changing my motion to first reading only.

>> Cole: Councilmember morrison withdraws her motion for all three readings and restates her motion for on first reading only. And that is seconded by councilmember martinez. Further discussion? Councilmember spelman.

[05:08:15]

>> Spelman: I'll hold fire until I have further information, but my first reaction if we were to do this all three readings I would put forward an amendment to keep d.M.U. Part of this motion. But I won't feel the need to do that right now since we're going to be considering it later.

>> Cole: Okay. There's a motion on the floor and a second. Any further comments? All in favor say aye. Those opposed say no. That passes on a vote of 6-0. The next item is item number 23 pulled by councilmember riley. And we have speakers.

>> Riley: Mayor pro tem, item 23 is related to the proposed golf course in the decker lake area. And I would

-- the reason I pulled this is because I wanted to raise the possibility we might want to take some more time and postpone action on it 6789 I have heard from a number of people they thought this warranted further consideration and while there has been some input gathered, the point raised by the parks board is that this is really a matter that is of citywide interest given the scale of the park and there really ought to be a public input process that raises the profile for the whole community as opposed to just one geographic area. Just in light of those concerns from the parks board, I just wanted to raise that. I'm up for hearing the public input but I wanted to make sure that was my interest responding to concerns

by the parks board about public input.

>> Cole: Thank you, councilmember riley. We have several speakers and they are here and I believe we should hear from them. The first speaker is gary bellamy. Signed up for. Councilmember martinez.

>> Martinez: Before we start on the speakers, did we have changes from last week to this week? Is the proposal still exactly what it was or have we reached out to additional stakeholders, community members, have we heard from them?

[05:10:27]

>> Sure. We received additional letters. One against, I think three for. Various neighborhood groups have chimed in. Wild horse is in the immediate area. We've also had additional comments related to councilmember tovo's questions about community engage many and pricing and things of that nature. Really more about commitment to creating a citizens advisory group that will direct us through the process of more about the whole entire economic development not about golf, both. So other than that, that's where we've been. We talked a little more about mayor pro tem cole's question related to the economic impacts that come with a p.G.A. Tour event. That's somewhat in the future but we talked about those and get defined.

>> Martinez: Last week during your presentation you mentioned there had been meetings with -- geographically with the community that surrounds that area. How many meetings occurred and conversations and where did they sit on this issue?

>> Sure. I think there's some mix I think there, but we did a community engagement on may 6th which was a large area focused in on. But we've had additional meetings with -- tied to the neighborhood housing grant that

-- several meetings with the community colony park was the focus of those meetings. Additional meetings that have taken plays with the developer and community itself and I know some of those foams are here to speak for that project and I don't know if there are some to speak against it as well.

>> Martinez: Thanks.

>> Cole: Councilmember tovo.

>> Tovo: I have additional questions. I think one of the challenges for me is that we're posted to authorize negotiation and execution of a management license agreement, but we don't actually have that before us in our backup for the community to review or for the council to review, and I probably should have requested it through the q and a process to make sure it became part of the process. It's not anywhere in our backup.

[05:12:40]

>> That is correct, it is not in your backup and we have been working with legal and purchasing and contracting, all of those groups have been working together with the developer to make sure we're 99% in agreement on where we have with that. But it is

-- we are asking for a negotiation and execution understanding staff has been working a long time on those terms.

>> Tovo: I always feel more comfortable before approving execution of an agreement if we actually have

an opportunity to review it. I'll make that really clear.

>> Cole: That sounds reasonable.

>> Tovo: Imagine that. I apologize for not raising this earlier in the week, but that would have helped I think address the question I raised about last time about options for the immediately surrounding neighbors to provide a

-- get a steeper discount. And some of the other issues that were raised. I look forward to hearing the public testimony, but we are hearing from the public that they made need more time to provide input and as part of that I would really like to make that draft agreement available to the public and to the council for comment. Thanks.

>> Cole: Thank you. We'll go to our speakers. Mr. Gary bellamy.

>> [Inaudible]

>> Cole: Okay. David king.

>> [Inaudible]

>> Cole: He's down in

-- joe will get an additional six minutes. I'm going in order so I'll give joe an additional six minutes of gary's time.

>> Thank you, councilmembers. My name is david inning can, I live in the zilker neighborhood. This plan will set aside 735 acres for a high end golf course and I just wonder how many low and moderate income families are going to be able to go out and enjoy that high end golf course. Really, how many are going to be able to do that. Is this good public policy to set aside that many acres of public parkland for essentially a for-profit business. That's really what this is. Is that really the policy of this council to use our parkland to generate profits? To generate revenues to fund our parks? Is that what this policy of this council is. Park after park after park, more and more commercial uses, generate more revenue, plow it back into the parks or oher parts of the budget. How far will we take this policy. How many acres of our parkland. Why don't we have a policy that says no more than this amount of our parkland will be used for commercial purposes. And some of you are running for election and you know that's an issue out there in the public right now. And I don't think you really care, frankly, about this. I think you are more -- it's more about generating profits instead of making the tough decision to fund our parks out of general fund. You are

-- general revenues. You are taking the easy path and it's taking parkland away from the public and from the general park users. That is bad policy. And this is being fast tracked. One public meeting. One public meeting. And all this time that's been spent on this contract behind the doors. And the director sara hensley said she was told to move this forward. Well, I ask who told her to move this forward with one public meeting. Was it any of you on the council? Was it the city manager? Was it the developers? I ask you to ask her that. It's on the public record. She said that at the parks board meeting. Who really runs the policy for our parks department? Is it the citizens or is it the developers who are in it to make money? I hope that you will ask that tough question and I hope that you will do the right thing and opportunity our parks through general revenue instead of turning them over for commercial uses and set a formal policy on how far we take this strategy. Before it's too late. Thank you very much.

[05:17:07]

>> Cole: Thank you, david. Next we have warren hays.

>> Warren hays, mayor pro tem, thank you for your time and council thank you for your time. I'm an east austin resident. I've lived in east austin 25 years. I'm also one of the developers on decker lake golf. You know, the

-- I've been

-- I've been an entrepreneur since I was 19 years old. I've been living and investing, creating jobs in east austin. The first house I purchased or was trying to purchase in east austin, I lived there, my wife and daughters and they built a prison in my backyard. Literally built a state prison on my back property line. You know, since then I've seen the dumps, the power plants, I've seen all the negative development that happened. Then I find out we're in a desired development zone, that city of austin has chosen us as the future of austin. And you know, you know, we have this opportunity to create jobs now. Jobs prosperity, economy for our side of town. So I'm here speaking not as developer but passionate for east austin. I think we're making affordable housing more affordable. When you create jobs and create opportunities where if you have to move out to live in affordable housing but you get to live and work in the same neighborhood, you get to drive five minutes to work versus driving all the way into town, if you get to have a grocery store that's within walking distance to your house or maybe a five minute car ride, that makes affordable housing that much more affordable. So I am

-- as you see, I'm passionate about this. I've lived there my entire life. I'm scared to death of the negative developments coming our way. Before this council I heard where we could drain the lake, take 25 feet out of our lake. That's our lake. I've never stepped foot in zilker park, I'm sure it's a great park. 25 years in austin, I'm lake walter e. Long. That's my park, my lake, that side of town, that's my neighborhood, and this is going to help my neighborhood. This is going to create jobs and create prosperity and stop like what open air recycling center they want to put in my neighborhood. Why do I have to pick up everybody's trash and put it in my neighborhood? I'm ready for positive impact and ready for my neighbors who are going to stand up and speak in a little bit, they are all here behind us. There's nine or ten stickers behind me, they live in our east austin neighborhood. So please not only do I want this to pass, I need it to pass with a clean slate. I need a 6-0 vote. I need to send a message to the next council that east austin is not a dumping ground, that we deserve opportunity and prosperity. Thank you.

[05:20:28]

>> Cole: Thank you, mr. Hays. Christina hays.

>> I would like to defer my speak time to [inaudible].

>> Cole: Pete dwyer? Did you sign up? He's the last one. I don't know about that. That's pete dwyer. [Laughter] okay.

>> If I could give it to someone else.

>> Cole: You should. I'm just kidding. That's fine. Richard subtle.

>> Mayor pro tem, members of council, I'm richard subtle here on behalf of the group proposing this. I've been working on this probably better part of a couple years trying to come up with a way to solve a problem that has complications that are very similar to an issue y'all wrestled with in the last few weeks, purchasing bull creek. The city is limited by the way they can finance things. You are limited by your finances by the way you can do things, yet we sit out there with a decker lake master plan, you've never

figured out a way to do it. We brought the idea to the parks department. It was fully vetted. It's gone through the process and we've actually found a way to finance a golf course pursuant to the master plan along the same magnitude of exactly what you wrestled with on Bull Creek. It's been through the procurement process. There were really only two proposers. One was -- one was ours and one as maybe not so serious. It went to the parks board and the parks board said you haven't had enough reachout because there were folks in the immediate neighborhood that wanted to talk about it some more. The team went out and visited. I think you will hear some more today from folks in the neighborhood that think it's a good idea. I read the emails from the folks that don't think it's a good idea. They are not in the neighborhood, not near it and generally they are folks that don't like golf period. I'm not a golfer, I understand that, but we have a master plan and it's convenient to say that master plan is no good, it's tooled and that's not how we plan a city. I'm urging you to vote and execute. Councilmember Tovo's point is well taken, it's hard to ask execute something you have not seen a draft of, but I hope you vote today to bring it back before we change over because the way councils work, we change over in January, this project could start all over again and I can just tell you it's time does not bode well when you are trying to move something forward along this magnitude. There's been plenty of time spent, plenty of input and we ask for you to approve it. On a separate note, you normally in the procurement process have a no contact rule. That means detractors can email you, meet with you, they can call you and they can inundate you with either good information or false information and the proposer can't rebut that. We can't respond and we would ask you lift the no contact rule for both proposers. There's only two and just lift the no contact rule. If the other proposer would like to contact you, that's fine or contact us if there's information you would like. Thank you.

[05:24:01]

>> Cole: Thank you. Veronica Vargas.

>> Hi, my name is Veronica Vargas and I am in full support of the proposed golf course. I'm a third generation of my family living in East Austin. I have lived in the Woodland Hills subdivision, which is right around the corner from the proposed P.G.A. Golf course. Location for over five years. I'm very fortunate to live and work in East Austin. I work less than five minutes from my home. Most of my neighbors aren't so fortunate and have to have long commutes to their job. This project would bring an economic boost to East Austin by creating jobs. There are currently affordable housing in our community. If more jobs were available in our community, it would make our housing much more affordable and attainable. Our community spends a lot of time and money in long commutes to just doctors, restaurants or just to make a single trip to the grocery store. We need positive development to bring jobs. My hope is that you vote on this wonderful opportunity that would only bring positive to our community. Behind our subdivision lies a homeless shelter. There is jail, there's a look of undesirable businesses. East Austin has been a dumping ground. We need a balance in our community to be able to thrive and the proposed P.G.A. Golf course would do exactly that. Thank you.

>> Cole: Thank you, Veronica. Joe Ogilvie and you have three minutes donated by Mr. Gary Bellamy so a total of up to six minutes.

[05:26:07]

>> Thank you. I hopefully will not take six minutes. I'm one of the developers on the project. As I look at this, we are developing, we're funding or maintaining about 700-acre tract on parkland. That from a standpoint of a citizen of austin, we are fiduciarys of the land, for the parkland for the citizens, for the golf. We are fiduciaries ultimately for the people that will fund this project and that's a fairly broad group of people. The only thing that we know how to do and the only thing I know how to do is do the best possible job, create the best possible golf in an environmentally friendly way. What's interesting is golf has had a terrible reputation, and quite frankly a very deserved reputation for being so TERRIBLE IN THE '80s AND '90s. They thought golfers and the public wanted this green space with massive ponds and lakes and streams and, quite frankly, they are all fake. It's not sustainable. It's not sustainable for an environment standpoint, but from a golf standpoint and from a golf course, a guy who runs a golf course, it's not sustainable financially. We're not going to have that. We're going to let kind of -- we're going to certainly use water and we're going to use reclaimed water, we think, but we're going to let mother nature dictate the way the golf course looks, especially from the rough areas. We want this to be as -- we want this to be a showcase of what golf could be in the southwest. I think that that's what imagine austin is all about. There's certainly going to be people that are against this just on the surface of golf. And I understand that. And quite frankly, historically speaking they have every -- they have every right to be. We're not going to change everybody's opinion on this. But I do think that we are going to do the best possible way so people who are even against this look at this and say, you know what, they did this right. If we don't do it right, we're not going to be economically successful. I think we have a chance to do that. I think we have a chance to do it because it's austin. Because the citizens care so much about the environment. But also because of the people we're hiring and the architects we're hiring, they care. They understand that's the only way golf moves forward. The major golf organizations across the country, they understand the way that golf moves forward. They are interested in this project because of that. And because of the shared values of the architects. A lot of people in this room, and this city has. I think it's an interesting -- it's an interesting thing and we look at ourselves as not as -- we are developers, but we're looking at it more as a fiduciary duty. And so I hope you'll consider it today. I think as far as it goes from a timing standpoint, there's various reasons, but we would like to be open in 2017. We would like to be at grass and have the citizens play on it in 2017 because they think there's a pretty good opportunity in 2018 for a broader -- for a pretty big tournament. So thank you for your time.

[05:29:48]

[One moment, please, for change in captioners]

>> I know, council member, tovo, you talked about affordability. Our plan is to have a shortcourse, and we expect the short course to have a \$5 green fee. A short course is like anywhere between 8 to 13 holes, depending on how big it is. We expect them to have a \$5 green fee for children, where they might be able to pay \$25 to play unlimited or something like that. But that's in our model.  
>> Tovo: And I know we had an opportunity to talk about some of those points last time and again for

me it's going to be important to see how many of those are reflected in the agreement, especially with regard to water use and some of the other issues I know are of real concern. We need to make sure if this moves forward it does so in accordance with our community values, a strong one of which is to reduce use of water. The question about claimed water versus non-reclaimed water is important to sort out.

[05:32:13]

>> I agree 100%. I think we'll be the

-- I think we will use amongst the least amount of water of any golf course in the area.

>> Tovo: In the area, did you say?

>> Yes.

>> Tovo: I was hoping you were going to say in the country.

>> I don't know their golf uses as well as

-- but we will be a model.

>> Tovo: Great. All right. Thanks.

>> Cole: Next we have jeffrey schriever.

>> Council, it's an honor to be here. I'm jeffrey bore schriever. My mother's maiden name is blower, and her grandfather and grandmother built a small cabin on the land that you're considering today in 1876, and cleared the land and farmed it. And when I was only 5 years old the people of the city of austin purchased that farm, the majority of it, with a vision, and the vision was to create a park that would allow the public to enjoy this new lake that we built and the beautiful hills surrounding it, and to preserve that parkland. My great-grandmother martha built or chose to move at that location because she had a vision also, and that was that austin was moving east, and at that time in 1876 that was a long way from austin. But she was right, and austin has moved east. I think she would have thought -- perhaps she would have been surprised at the amount of time that it has taken. And perhaps the people of austin when they purchased that land almost 50 years ago may also have been surprised that it would take that long for us to begin to realize the vision of using that as actual park space for the majority of this land is ring fenced in chain link and barbed wire. It is not a park. It has the potential to be a park, and we have not found a way to make good on that original vision of the people of austin when they bought that land and to make it accessible to them. I have no interest in golf, but if this is a possible mechanism for us to develop that land in a way that gives our people access to that investment they made almost 50 years ago, then I think that has certain merit, and I know that we've struggled to find ways to develop this area. I work out very close to that area on the land, and I see people riding by every day now from austin, cyclists and people that are using that area. 50 years ago it seemed like that land was so far out of austin's conscience that we forgot about it, but now it's in our backyard, and I think that it's worthy of considering our options on how we can make good on that vision and to return that long investment that we put into that parkland and make it environmentally sound, but most of all make it accessible to our people. I thank you for your time.

[05:35:52]

>> Cole: Thank you, mr. Schriever. Larry beard? Larry beard?

>> Morning council, my name is larry beard and I'm a rare species. I'm an austinite, born and raised, in northeast austin, four generations, east travis county. You'd better believe I'm enthusiastic about something coming our way besides a sewer plan or a landfill or a prison. Seems like all three of those are located on the east side of travis county, in austin. So I encourage you to think about what kind of great opportunity you have. One of the greatest things has happened to austin was the heritage center, which I believe was developed in 1984 because I'm one of the original founders. The thing I'm trying to encourage, that's the second largest economic impact you have in austin, or sometimes third, depending on attendance. You have sxsw is number one, but that's a big economic drive out there. You have a golden gift out here, and there's more fence and barbed wire around this 800, 700 acres than there is the correctional facility down on 969. You can't get to it. Hasn't been used in 50 years. I've been on that property because I had a boat and I had the pleasure of bass fishing and raising my son out there. I live one mile from this property. In fact, I've had three homes over the course of 30 years out there, all within a mile and a half, I guess you could say I didn't go far in life. The bottom line is I live out there. I live, sleep, breathe, work, play. I have to have a permit to come east of austin. [Laughter] I really enjoy it out there, it's beautiful, and if you haven't had the pleasure or taken the time, if it's all the economic boon that it says it is, okay, I don't play golf, I've got a couple of horses I like to ride. The fact is it's not open to the public, and as you've already heard testimony, that was what it was bought for, austin parks and rec. You think austin

-- you talk about profit for this. Well, I guess acl didn't make any money, but that was the golden gift of zilker. I'm not putting that down. I'm just saying let us have our fair share of an opportunity here and you all can do it. I'm not so sure if we don't get it done pretty soon, I know that it was designed in 1968, two golf courses. Like I said, I've been out east, I've been promoting these. I broker real estate, pedal dirt, whatever you want to

-- peddle dirt, whatever you want to call it. I live out there. I know the neighbors, a lot of both sides, I live on 130. I'm pretty close. I don't have a traffic problem, I go straight out mlk and I can be there in 20 minutes when I walk over oaf out of here. It's a great opportunity. People are looking to go east. That's the only way austin has to be. You just annexed 2500 acres plus for growth of city of austin, for developments happening out there that I wa. Continuing on you to drive the tax base and hopefully some stores so I don't have to drive 9.2 miles to my nearest h.E.B. I think that's all I got to say unless you have any questions.

[05:39:06]

>> Cole: Thank you, mr. Beard. Barky lamb? Barky lamb?

>> Good morning, mayor pro tem cole and honorable members of the austin city council. I'm buckie lamb, chief executive officer of rodeo austin, and I come before you today to speak in support of decker lake golf and any opportunities that would bring further economic development to east austin. Austin is called east austin home for 30 years. Our organization partnered with the city of austin to build the travis county expo center on walter long metropolitan parkland. We've held our annual event known as rodeo austin at this site since the mid 1980s. Our organization owns and operates 40 acres of facilities off of decker lake road, adjacent to the parkland and the expo center. For the past 14 years I have

personally worked at this location. Rodeo austin, our executive committee and our 1500 volunteers support decker lake golf in their bid to build a world-class entertainment facility on the east side of walter long metropolitan park. We believe that this project could serve as a catalyst for additional economic development, potentially spurring the construction of restaurants, hotels and other businesses, all of which would hopefully create jobs for the local community. Recently the city council approved a walter long metropolitan park in and expo center feasibility study, which is jointly funded by the city of austin, travis county and rodeo austin. This study will further advance opportunities for growth in east austin. So in summary I'd just say that rodeo austin supports decker lake golf and that project. We believe that this project could complement our long-range plan, and it would hopefully advance the rodeo austin mission by just promoting youth education and preserving western heritage. We appreciate the city council and the citizen of austin's long-standing support of rodeo austin and our nonprofit mission of serving the youth of texas. I urge you to vote in favor of decker lake golf. Thank you for your consideration.

[05:41:45]

>> Cole: Thank you, mr. Lamb. Next we have roy whaley. You have three minutes, roy whaley.

>> I don't know which I have more. Howdy, you all, I'm roy whaley, I'm the conservation chair of the austin sierra club. Let's start out by saying this is not about being for golf or against golf. This is about being for open space and parkland. It's also not about whether we are for or against our neighbors and friends in the area. We're absolutely for them and having the services that they need. Also, there is not an overriding pressing need for you to deal with this at this time. Please postpone this decision and leave it to the new council. As you have heard over and over, this has been since the mid-'60s, for 50 years. Let's wait to make this decision. This is not do or die make or break. It is about parkland and it is about economics. Now, what do we have to gain from this for our parks? Pennies. A few million dollars over ten years, if everything works out the way it's projected. And let's look at some of those numbers. In terms of golf and what we can expect. We have to have it be successful to get the return. So how successful is golf? According to bloomberg business week, in 2013 golf lost 1.1 million players. A poll of millennials indicate almost zero interest in golf, in part from lack of interest compounded by the cost. Golf equipment makers report that sales are down, including tailor made, which is owned by adidas, which reported a 34% drop in sales in the first quarter. Fewer golfers

-- there are fewer golfers today than in 1990, despite a 27% increase of population. More people, fewer golfers. According to the orange county register, florida and california are losing golf courses and new ones simply are not being built. The traditional golfer is retired and losing interest. New golfers aren't interested at all. Furthermore, bloomberg goes on to say that in 2013 157 courses closed. They went out of business, while only 14 new courses opened. This is nationwide. Of those that closed, 66% charged less than \$40 green fees. So it's not really about affordability. It's about nobody wants it. And this is part of an eight-year trend. Going on, pga golf web site predicts this

-- this trend to continue. Now then, as I've gone to all the different council

-- or the election forums, if I could ask for t indulgence

-- 30 seconds.

[05:45:07]

>> Cole: Mr. Whaley, let me ask you, what is the sierra club's concern with the golf course? Does it have to do with reclaimed water? I

--

>> it has to do with it's an outstanding wildlife refuge. It's closed off. Open it up. We need grocery stores in the area. Instead of incentivizing multi-million corporations, let's incentivize some local business to move services out there. People should not have to drive 5 and 9 miles to a grocery store. If we can incentivize

-- waive fees for construction here from out of state, why can't we help our neighbors? Why can't we help our fellow citizens and offer incentives so that grocery stores will see that there is a reason to move out there. Golf, a dying, a dying sport, is not going to incentiveize growth in this area. It's not going to incentivize services in this area. When I went to all the different forums I heard everybody talking about needing more park space, more open space. Not once did I hear a citizen stand up and say, in my district we need more golf. More park space.

>> Cole: Okay.

>> And this is outstanding space that we already own and we're going to give it away in a lease that we may have to take back in a few years because it's a failing sport and it will be ruined? Open up the park.

>> Cole: Okay. Thank you, mr. Whaley. Thank you.

>> Thank you. [Applause]

>> cole: Next we have alfred mays. Alfred mays.

>> Good afternoon, name is alfred mays, and we've heard some good stories today. Good information was dealt with both ways, pros and cons, and I'd like to tell you I'm from austin originally, and I am born and raised here. I'm 62 years old, yes, and I've been here all my life, except for leaving to go off to work and watching i-35 being two lanes and to grow, watching east austin grow, watching the change. It's amazing to me, and I support on both sides of everything, but I think our thing is time element. Yes, we're talking about rushing things and waiting

-- you guys need time to think about it, yes. We need to make some decisions fairly quick now, because with the change

-- with delays come expenses and the money and the political ramifications. I've watched walter long grow from nothing because I worked there as a kid in high school, building the power plant, yes, the chilling towers. So with the golf course, I'm on track with the golf course. That will allow us to bridge into the community. Where I see it, through the schools, through the stem program, science, technology and engineering. How do you open the blinders on your face and see how that ties in. That ties in with the technology that's going to go into the golf course. The environment. That ties into water, the bugs, the snakes, the animals, the science park, the engineering and math, culinary arts. If there is to be growth in the golf course and hotels, the future, I think that's part of what we've been having a problem with in our city. With the growth, with being open-minded, to look forward, ahead to the next step and not stopping there saying, we want a golf course or we want to keep our environment the way it is. We need growth, people. And we need to look at it pretty quick, because waiting on councils to change, waiting on funding and money to come, we need to act. Yes, I know there has to be a plan. Yes, I know there has to be change, but we all need to pull it in and get this thing done. I live across the street from

the golf course. Again, all my life I've lived out there, and I claim it, right now, the golf course is there. I can feel it coming. It needs to come. It will help the community. It will help the city of Austin. It will help everybody. So it's a win-win-win, not a one-way, two-way win, you win, I win. It's a win-win-win, the city wins, the community wins and the businessmen win. I have not much to say, but we just need to stop and look at this, stop beating around the bush and talking about it. Thank you and have a blessed day.

[05:49:54]

>> Cole: Thank you, Mr. Mays. Pete Dwyer. [Applause] and time has been donated to you so you have a total of six minutes.

>> Madam Mayor pro tem, members of the council, thank you. Glad to be here today. I appreciate having the time to speak about this. When I was growing up there was a joke about the homely homekid, the kid that was so homely that the mom tied a pork chop around his neck to get the dog to play with him. [Laughter] for some of the members

-- and I thought we were going to have the scanner, so if I may approach the dais, I went out yesterday --

>> Cole: Wait till you're on the mic to talk. Wait till you're on the mic to address us. Those photographs that I passed around, I took

--

>> those photographs I passed around I took yesterday in the vicinity of the golf course, and they show that the drought has knocked off about 30 to 50% of the mature trees out in the area. And so it's curious to me that we have opposition being written in from SOS, because this plan to me seems like it is so consistent with trying to get growth, quality growth to go out into the desired development zone that I find it very curious that there's opposition. In terms of public vetting, and again, I'm sorry, I thought -- this is a campo area map of some of the roadways in the area. This shows highway 290 where we just spent \$650 million on the Manor Expressway. 2 billion on SH-130, and we've spent hundreds of millions of dollars on other improvements in the area, and it just seems like this is

-- our county commissioner for that area of Travis County and I have always thought about how Walter E. Long Park could be the Zilker Park East. And this is not the pork chop being tied around the neck. This is a T-bone. And I just can't imagine why we would want to look a gift horse

-- lick a gift horse in the mouth. We're halfway on the Austin Manor Trail. I don't know if you've seen it but it stops just inside the Walter Long Park property and we've worked with Travis County staff and city staff to get this

-- this would be consistent with quality growth in the area. The 2011 Travis County bond, the voters resoundingly approved over \$30 million worth of road projects that are on this map, the Parmer Lane project, the Wild Horse Connector, phase 1 and 2 project, Manor Road, all of them are ways to get people in and out of this area. Seems like it's a perfectly cited area to create another event arena. This will mean jobs. This will mean people will start looking at that area of the world, where right now there is

-- there's a nasty old chain link fence with barbed wire on it. Half of it is leaning over and falling down.

It's got violence all over it and you have to push the water moccasins out of the way just to get over and look at the fence. We do need to put attention on this piece of ground. It's a phenomenal

-- it's 4,000 acres. Decker Lake is named for the tributary Decker Creek, Gillo Way, which is the main

drainage way in the area. On the 2011 travis county bond there was over \$30 million worth of green infrastructure funding, most of which travis county is going to dedicate to acquiring greenway property along gilliland creek. This project would be phenomenally consistent with getting good attention focused on an area right now that has a bunch of dead trees and violence growing on it and you can't get in or out. So I'm glad we're having a conversation about it. I think some of the opposition is a little disingenuous. I think it's coming

-- johnny come lately, kind of we're just against everything kind of stuff, because it has been in the plan. We've been talking to staff about this for years. And, you know, we love having incentives to help get jobs and growth out there, and it just seems to me to be very consistent with opening up that part of the world to good high-quality economic opportunity and good high-quality growth. Thank you.

[05:54:43]

>> Cole: Thank you, mr. Dwyer. That is the conclion of our speakers on this item no.23. Are there any questions for staff? Would you like to come to the podium please? I do have a couple of questions. Well, I really have questions about the economic analysis. I'm real concerned about some of the statistics that have been cited about the golf as a sport declining in interest and our making

-- giving up parkland for this purpose. Can you speak to that?

>> Sure. Sorry, council member, kevin again, division manager for golf. Joe ogilvie spoke last week a little bit about the golf economy itself. We overbuilt and saturated the market in 2000, leading up to really 2000 when tiger woods certainly was a reason why golf continued to grow and that's dropped off to some extent. The national golf foundation says we're leveling out and the number of golf course closures has been a good thing for golf. It has actually dropped off at the lower income level of golf as far as green fee rates. The 20 to \$40 golf courses are what have closed more than the exclusive private facilities or the higher end facilities. And largely due to the fact that city municipalities aren't able to support those. So those closures that have taken place is largely due to the fact that the working person has maybe not played as much golf. And so while that economy of scale is changing to some extent, because of the fact we're closing more than we're opening, they are saying that the growth of the game is starting to bounce back. They're really focusing in on females and ladies as far as golf growth and junior golf as well as ethnic populations all across the board. They really are trying to focus on outreach. I think they're making up some ground, but we're not there yet. Once again, this golf course, it's really not about a golf course as far as the parks department is concerned. The ability to really focus in on economic development, just the first ten years of economic development would mean \$4.5 million commissions to the city. Beyond that, really it starts to get important. The ten to 20-year ratio is closer to \$15 million that comes to the parks and recreation department and to the city to increase the footprint of park improvements, and really what one of the things that our director has suggested as well is this would allow us to take out bonds in advance, knowing that you have the revenue stream to improve parkland in those areas now, not 20 years down the road, and I think that's

-- we really from a parks department, speaking for you, really are speaking more about the fact that it's an opportunity

-- yes, golf is there, but that's just

-- that's sort of the driver that's

-- we're not worried about the 11,000 rounds of out of town guests that they're proposing. We're not worried about the 11,000 rounds of golfers. That's a very low threshold. Our average golf course within the city of austin is running 33,000 rounds of golf and they're proposing 22, which is extremely low, I think, and all the numbers that we've shared with you are based on that \$22,000 threshold, 22,000 rounds threshold. I think that's extremely conservative, especially if the project is as successful as we think it will be.

[05:58:05]

>> Cole: Okay. Tara, I would

-- sarah, I would like your thoughts on how the park

-- the park needs in the area and convert this to a golf course takes away from those needs or could this land be better utilized in some fashion. We heard a few comments about that.

>> Sara hensley, parks and recreation. I'm glad you asked that question. This has been a real interesting process, and as you all know, I have been before you know

-- this will be my 6th year and one of my biggest issues has been infrastructure and the ability to maintain what we have. You've heard the speakers, most of them today, talk about the lack of attention to this area, and it will continue unless I get dollars to do anything. And the thing that I thought was such a win-win-win for me, although I know that's been used against me to some extent, was we look for ways to try to help answer issues around an area in a park such as this, which is a large metropolitan park. The answer to that, mayor pro tem, is that

-- this is a win for us and a way to help an area become redeveloped, not only the park, and this was not all the areas. You're talking 3,000 some odd acres of parkland, including the water, providing an opportunity to open this area up and have access to the water, provide a restaurant that will feed people, which if you've been out there, which I have a lot of times lately, can't find a place to eat, and it will give us an opportunity to actually create dollars to put back into not only walter e. Long park, but think about the residential and multi-family and single-family developments that could come from this that would create parkland designation fees that will help me put more money back into an area five miles away at colony park. Reason I wanted to move this forward was the very reason of the colony park master plan and the efforts that are focused there and the fact that those folks feel disenfranchised and there's nothing happening, to have an opportunity to create the economic impact that I believe this will take and take hold of, will help me do the things that needs to be done out in this area, not just me, but will help us to answer the questions regarding housing, will answer the questions regarding redevelopment and business, like a restaurant and other entities that need to be out there, will help us better partner with our friends at the rodeo in creating a full plan that will help enhance the park that sat there for years without any kind of help, and I'll have an actual funding mechanism to put back in there. I'm also a realist, and I know that we need to take care of the environment. I agree with roy. I agree with david. I am not

-- and I want to say this again because this is getting

-- I get called out every time on this. I'm not selling parkland. I will never sell parkland. What I'm trying to do is create something that will help bridge this future for us. Otherwise, I will be here five years from now without a park maintained, without a park redeveloped, and I'll have nothing to show for it and the

citizens will come back to me saying, when are you going to do this? And without a bond program, which we all know is based on voters, I'll still be sitting there without money to be anything other than mow it occasionally or a chain link fence that keeps everybody out other than people in a boat. So for me it's about doing the right thing and proposing to you something that I think will help move something forward and help create economic development and redevelopment. It's also about getting help for something that needs to happen in a park. A golf course of this nature that has an audubon certified component, that looks at reclaimed water, that looks at giving back to the community to the tune of possibly \$9 million a year in charity and nonprofit donations if a pga tournament occurs, to me is the best thing I could do for a park and for the people that live in that area.

[06:02:02]

>> Cole: Thank you, sara, for that speech.

>> I'm sorry. [Laughter] [applause]

>> cole: It was an impassioned speech for the parks department and the lack of funding that we have not been able to give it. So I do appreciate that.

>> Mayor pro tem?

>> Cole: Council member martinez.

>> That may have been a lecture to the council more than

-- [laughter] than --laugh.

>> I didn't mean it to

--

>> I fully take it. Well said. I have questions. I want to make it crystal clear if we can at this point. One of the concerns I have, has already been raised is we don't see a document in front of us. And that's a big issue. But I want to ask a few questions and then maybe make a motion that can move us forward.

What, if any, city resources will be used to create this golf course and then

-- or any amenity that exists in the future and then what city resources in ongoing o&m will be used after it's built.

>> Cole: Staffing, of course, we will be there side by side so there will be a little cost there from a general fund staffing, and we'll probably assign a project manager so that we can make sure that we're sitting at the table with them.

--

>> martinez: You're talking about as you negotiate or

--

>> cole: As it's being built, you're going to want to assign that,.

>> Of course.

>> But from a general fund, there's no resources required from parks and recreation other than sitting at the table and working through this and being a good partner. I would also say, though, we will be asking other city departments to be with us, economic development, housing, other things, because we want to make sure this is a full approach. Also at the table, though, will be our friends that have asked us to make sure that we have that happen. The friends with the colony park, our friends at the rodeo and others. So it's not just some city resources from a general fund standpoint, it is our partners that will

have to be with us throughout this, but they're

-- the rodeo is already there because we're looking at feasibility study for the rodeo grounds. But other than that we're not out there going to be expending city general fund dollars. That's the beauty of it, and we're not putting money into this.

[06:04:09]

>> Martinez: So we will spend no city tax dollars to build any amenity, whether it's a restaurant, golf course, water

--

>> that's correct. The one thing also within the contract itself, it does speak to permitting. All of the costs associated with all of that leading up to the beginning as the negotiation continues, it's all on the developer. It also states that we have to be involved in that and we can't issue a notice to proceed, even within the parks department without reaching that threshold, including reclaimed water, or the water source or all those point. That's all within the agreement. Absolutely.

>> Martinez: So you mentioned that you're contemplating some type of advisory committee.

>> Yes.

>> Martinez: So that they would be an ongoing not necessarily governing body but vetting public input type scenario where as things evolve and potential future developments occur, they can be a part of that decision-making process as well?

>> We've had success with the

-- it's the grant group, and we call them the grant group, but I think they're already

-- lakeside, cavalier park, lbj, andy roddick foundation, all those groups are already in this group that does help as advisory committee. We'd like to partner with them, going through this process, and the proposal

-- not only the proposal but the agreement itself, the proposal that the developer turned in, but the there's an exhibit on how that takes place, the threshold of meeting monthly and all the things along that process.

>> Martinez: So would you, I guess

-- would you be supportive if there was a motion made to go ahead and negotiate and then once that negotiation

-- it sounds like conversations have been going on for some time, so negotiations may not be that lengthy, then be able to put that on-line for the public to consume and discuss and then for us to see as well, and then come back for an execution at a later date. Would you be opposed to something like that?

>> I think if that's the direction the council is going to send us, we'd be happy to do that. I think the thing we want to do is try to get this wrapped up, and yes, I did say expedited, because I wanted it to tie into the colony park master plan and move something forward that would be seen by this council. But I know that we're anxious to move this forward, and we're anxious to get started because you're talking about 2017 before we'd see anything occur. And quite frankly I'm getting a lot of pressure to do something out there, make some things happen. So if that's the will, I would say I would hope we'd be able to have something wrapped up and back to this council within the next month.

[06:06:44]

>> Martinez: And the reason I'm asking that is because we

-- you know, I'm hearing from one colleague over here saying, we need a little more time, which I don't disagree with, but if we

-- for me, if we just postpone this item and just postpone it to postpone it, I still don't have that executed document to look at to determine whether or not this is something that the community can get behind and that this council can get behind. So I would want us to button this thing up so that we could put it out there into the public realm and discuss it and then ultimately bring it back for us to decide upon. So if you're not opposed to that, I'm going to make a motion that we move forward with this item

-- that we approve the item but only to negotiation, to not execute and then come back to council for the final execution vote.

>> Second.

>> Cole: A motion has been made by council member martinez to move forward on this item for negotiate only, and that has been seconded by council member spelman. Council member riley?

>> Riley: Sara, we have heard from the parks board that they think that additional input would be appropriate, and one thing that I've heard is that they felt like that the public input that we've been getting was really focused just in the immediate area around the park and they felt this was a significant enough project, we ought to raise the profile and get some input from the city as a whole. Is there anything that you could do during the time that you're working on negotiation

-- is there anything that you could do that would be responsive to the park board's suggestions that we get more input from the city as a whole?

>> We actually did do a little more working with the recommended group, is they had another meeting that was open to the public, but they also put all the

-- if you've seen them in city hall, like we did when we were working on seaholm, laid out sort of an idea of the plan so people could come and look at it. We can continue to leave that out. We can send out more information saying come and look at it, give us your thoughts and continue to do that. And I think -- and I'll just be really frank, the parks board made one statement that I thought was real telling and that was, we're not saying we don't support this. The comment was we felt like there needed to be more conversation. Immediately we took that into

-- took it very seriously, and a meeting was held, putting the boards out was done and trying to reach out to more groups. So I think we've tried to honor a lot of that but we didn't rush back to go back to the parks and recreation board because we didn't have another meeting until next week. But I do want to make sure that it's not understood

-- and one or two particularly said, please understand, it's not that we don't support this. We're not saying we don't support it. We're saying we just think there needed to be more conversation.

[06:09:27]

>> Riley: And just one more question. When

-- when do you think you would expect  
-- you would be able to bring us back an agreement for approval?  
>> We're 99% really ready as far as the agreement goes. I think there's very few little tweaks that have to even be made, and really it's about laying out community input timelines. It's not even about  
-- we've agreed to the terms. So I think we're very, very close. I think  
-- you know, the  
-- back to the parks board thing. One thing that was conveyed is there wasn't a clear position from colony park at the time, and since then we've had a letter come in saying they're supporting this. So I think nafs one of the things that needed to be resolved with  
-- that was one of the things that needed to be resolved but that's taken place.  
>> We're about 99% complete with our efforts with the agreement that we can then turn around and get it out, so we should see something. I just talked to the purchasing office. From a negotiation standpoint and looking at a draft agreement, we're 99% ready, almost there.  
>> Riley: Okay.  
>> We can get that out.  
>> Riley: I'm prepared to support this morgues with the expectation that  
-- support this motion that something will be back to us, back to this council for approval before the end of the year, but in the meantime we would continue efforts to provide input to the community as a whole  
-- to get input from the community as a whole.  
>> Cole: Councilwoman tovo?  
>> Tovo: I have a couple additional questions. So you have been negotiating this for a long time, and I believe I had a visit from mr. Ger million and from parks representative as well maybe back in january or earlier in this year, so I know this is  
-- I think  
-- maybe I'm conflating it with a different issue. But I know from what your comments are that you've been discussing this possibility for a while. But we  
-- there do seem to be a large number of things to be considered in terms of community input. How could you  
-- what would be the opportunities for having another public meeting? I agree with the people who have raised the question about including another public meeting, and I understand what you're saying that the agreement that the staff and development wanted is 99% complete but I think what we're hearing from the community is that there are some elements that might need to be included in there as well.

[06:11:52]

>> My recommendation would be to continue the community development as the process moves forward. Sure, we could gather up a quick community engagement meeting between now and that time. Problem is, is we've also got to be  
-- we need to be conscious of the fact we don't want to be criticized for rushing to a community engagement because we've also been told don't do these so quickly. Take time and give people plenty of time to plan out their time for community engagement. So when we're asked to do those quickly

we're criticized for that. It's more important from the parks department that we continue this process. Once again, the parks department will have authority and so will several other departments from a permitting standpoint, to authorize as this project moves forward. We would not give notice to proceed unless they meet certain thresholds. So the community engagement process

--

>> cole: Let me stop you right there. Council member tovo, we are about 8 minutes past noon. We'll put this on the table and finish this discussion, especially if there's going to be other

--

>> we will hold

-- we'll hold another community engagement, if that answers your question.

>> Tovo: I think

--

>> between now and the time we bring it back to council.

>> Tovo: That helps, thank you, because I'm not satisfied with leaving the community engagement process to after an agreement has been approved. I believe that the issues that have been raised with regard to water use and some of those other things, if this agreement

-- if a partnership goes forward, need to be concretized before that agreement is executed and I'm not at all comfortable leaving that for a later stage of the process. And I would say, you know, some of the things that have been raised that I think need to be in there absolutely, water use, how it affects our energy planning, as several people raised, absolute

-- what the commitment is going to be to working with youth organizations, including at at-risk youth, whether there are lower rates for immediate neighbors in the area, I don't want to leave those for a later process. While we're negotiating an agreement they need to be on the table and those are just the items I've thought of and others thought of in the last week. So we really need the opportunity to bring the public together, those who want to come and raise those ideas. I would be more comfortable with a postponement, frankly, but it's probably six of one, half dozen of another. Staff have already been negotiating. We don't need to direct you to negotiate because you've been doing that. But as long as there's a commitment to providing an authentic, substantial public input process

--

[06:14:25]

>> and we will do that.

>>

-- And there isn't another vote before anything moves forward, then I will

-- could potentially become comfortable with the motion on the table here in next minute.

>> Cole: We have a motion and we have a second. I will be supporting the motion to continue negotiations, and I'm pleased to hear that colony park is supporting this effort, and we are talking about a major amenity for east austin and I think it's important that we do involve the east austin neighborhoods and we also get the environmental values straight. That being said, is there any other comments?

>> Tovo: I'm sorry, I know we're out of town. I understand from legal we're not posted to lift the

requirements of the rfp? I do think it would be valuable to be able to talk more freely with the developers about what's included in that agreement. It's my understanding from legal that we're not posted to do that?

>> I'm being

-- the heads are shaking yes. That's

-- you are correct that we are not able to do that.

>> We're posted just very specifically to consider the contract. We'd have to bring that issue back to you at another time.

>> Tovo: All right. Thanks.

>> Cole: So we have a motion and a second. All those in favor say aye.

>> Aye.

>> Cole: Aye. Those opposed say no. That passes on a vote of 6-0 with mayor leffingwell off the dais.

[Applause] now we will begin citizens communications. Aaron marquis. Susana almanza. Susana almanza is our first speaker for citizens communication. Susana almanza. Go ahead.

[06:17:06]

>> Good afternoon, mayor pro tem, and city council members. I'm susana almanza with poder, and today I have a list talking about the special events that the city of austin has, the office of special events, austin parks and recreation department, and I'm here because I've received a number of calls and emails about events that are upcoming in our parks, and I think that one of the things that we need to look at, there was a presentation before the parks board on september the 23rd that one of the parks director -- parks board member had asked to be on the agenda. So when we're looking at this, several things have surfaced. One is that, you know, the ab pan am health site is on the list for having alcohol with the capacity of 3,000 people that it can hold, and this is a real big concern because in reality what we need to be looking at when we look at the special events and what's happening is what's not in the criteria is the distance. As you know, the pan am cantu is a joint agreement between aisd and the parks board. So the hillside area is actually used by sabala elementary. That is their outdoor gymnasium and the area that they use. It's also in a very residential area. So I think that we also need to be looking, when we look at special events and we're looking at the special events ordinance that's going through the city, is looking at the proximity of how close it is to neighborhoods, how close it is to schools, and how close it is to churches, because we're talking about the possibility of 3,000 people consuming alcohol in a very residential area or in a school district area, and in a church area. So I think that those are things we need to be looking at. I'm not saying that you not have any events but you need to look at the capacity when you look at where they're being located, and I think that this is not being looked at. The other thing is now we're having a big event in the govalle park in the same day, the 25th, where we also will have thousands of people consuming alcohol. Again, it is in a neighborhood, in a residential area, and so I really think that we need to start looking at and reviewing the difference between major event centers like at auditorium shores and so forth, at fiesta garden versus smaller park areas, because now the parks area, which only falls within the process of reservations with the park department and not the special events centers, are now being impacted. So I think that we need to look at. The other thing is that when you have the large events happening, you get notices. Neighborhood and registration groups get

notices, but neighborhood groups in the special

-- under this section are not notified. So those are the things I just want to bring to your attention as we begin to look at this, and I'll be meeting with the parks staff to make sure that we look at these different criteria.

[06:20:25]

>> Cole: Okay. Thank you. [Applause] Edward sledge. Edward sledge.

>> Handouts. Did you get the handout? This handout

-- can we put this on the screen? Probably not. Okay. The first thing is

-- it's an interesting map on how the unfinished business of your recent distracted driving ordinance that

-- seriously unfinished business, which allows people to do anything and everything with a cell phone while they're stopped in traffic. This is one

-- this represents

-- sorry, Austin has about 1,000 intersections controlled by traffic signals. If you look at the extrapolation of the

-- if one driver at each traffic light cycle is delayed for one second, that's where it starts. That is the absolute minimum. I'm sure it's at least ten times that much, but look where it leads. It leads to 130 hours of delay. Now, check the math on that. Don't trust me. On the other side is a representation of one side of an intersection and cars in the intersection and distracted drivers in an intersection and what they need to look

-- what the risk and considerations are. I have this, so you might look at those. Any questions, please ask. On August 4, there was a meeting of the

-- the safety commission, and ten on shoots made a motion for the safety commission to support these

-- all of the study group recommendations and the public safety commission passed that 4-1 with one and abstention. Did you hear the shoots thing? Your appointee to public safety was instrumental in having a motion pass to support all the recommendations of the study group on August 4, and there was 4-1-1, and actually the one abstention was by Mark Leafy

-- Michael Levy, and he had previously spoken in favor of having a ban while stopped. So

-- so I don't know how it's going to take

-- some people say we are all governed by fear, and, you know, I think that's probably right in a way. We're afraid of bullies, we're afraid of the IRS. I don't happen to be afraid of the IRS. Fear of heights, hospital bills, snakes, ISIS, the Texas legislature, knee surgery, dentist. So why are we afraid of people who don't want to put their cell phones down while they're driving? Why are you afraid to

[06:23:57]

[inaudible]?

>> Cole: Thank you.

>> Do what's right, please. [Applause]

>> Cole: Mr. Joe Quintero? Joe Quintero?

>> Good afternoon, my name is Joe Quintero. I'm with the Greater East Austin Neighborhood Association.

I have a book here by the author Rosie Corey, it's called Agenda 21, behind the green mask, and what is wrong with sustainable development. And as you know, that's what happened to our neighborhoods, when the Cesar Chavez neighborhood was implemented. And if we are opposed to Agenda 21 under this system, this particular city, it's throughout the whole nation as well, and the issue that we face is that we oppose your policies and your land development codes regarding our neighborhood. That's what happened. And not only that, if we oppose you, my name was not even in the Cesar Chavez neighborhood plan. As long as I've been here, you know, coming to this council members, going back to Craig Watson, that was the implementation of a decisive decision made by the city, and you -- the past council members and mayors took an oath to uphold our rights and our constitutional rights. But the problem is that you have gone the wrong way, and your agenda is the Agenda 21. You took the concept of Portland and Seattle. You hired the person from Seattle. I'm not a green person. Let's make that clear. But you imposed these on minorities and impose on the ignorance of the education of our people. So you think about this implementation. There's ten districts for city council now, but you know what? There's not going to be any change unless these ten district council members that are elected understand what's going on behind the green mask. And that was the plan. Kirk Watson had a secret meeting in Bastrop. That's when they ousted councilman Eric Mitchell. You couldn't believe the N word I heard at the Coliseum that day, because they were going to be green now. And so that's the issue that we're facing, for the development, what happened in East Austin, the structures, the incentives, the subsidies that are being applied to nongovernment organizations, and you're doing that through the contact team. I'm sorry, I'm not part of your contact team. I'm not part of your system. You're using the Delphi technique invented by the

[06:27:03]

[inaudible] corporation. And that's a consensus. Sabino and [inaudible] don't represent me, and they have no right, because you all mediate this between them and you all.

>> Cole: Thank you for your comments. Mr. Aaron Marquis? Aaron Marquis? [Applause]

>> I couldn't hear what you

--

>> Cole: Aaron Marquis. Aaron Marquis? No? Chris Demaris? Chris Demaris? Paul Robbins?

>> Is someone going to say one two three go? Good afternoon, once again, I'm here to protest the way council has set up a study committee to advise on how to create programs, to lower electric bills for low and moderate income people. First let me state that I helped start Austin Energy's conservation programs in the 1980s WITH ABOUT 20 OTHER People. Further, I specifically worked for several years to get a program started that assists tenants in multi-family buildings. The primary reason for doing this was to save energy for rate payers that make less income. Council just appointed a low income consumer advisory task force in an attempt to create more programs to assist the sector. I hesitated to apply because the makeup of its members and its recommendations seemed predestined and to a degree impractical. The membership is so unbalanced that two of the members on the nine-member board are from the same nonprofit office. More importantly, only three of the nine members have any substantial background in energy efficiency. Trying to create a new set of programs for this income bracket is not easy. It's been tried before. I have no reason to believe that throwing money at a problem

is going to change things. Given the record of some of these -- some of the appointees, such as support for giving away free central air conditioners that save very little energy, such as wanting to give discounts to families making over \$95,000 a year, I have little reason to think that this task force effort will be useful. Further, since the new council has had no buy-in on the appointments, it is quite possible that the advice from the task force will not be taken seriously. Council, for what it's worth, I think you should reconstitute this committee to get experts on it that might actually come up with good ideas that are effective that will not just throw money at problems. Thank you for your time.

[06:30:28]

>> Cole: Thank you, paul robbins. Carlos leon?

>> Thank you mayor pro tem cole carlos leon, on september 23, 2014, to speak what's right. First and foremost, grass I don't say, ad I don't say adios for letting me right wrong. Chemtrails have been observed in austin since monday. Stop them now. Third, last week's election issue chr printed two juvenile pro tovo ads that disrespect councilman riley. To set the record straight I am responding on my own. Document on screen. In the top ad, focusing on riley's head tries to poke fun at his intelligence, but really makes riley look smarter and tovo dumber. Deriding his clear vision and decisiveness, ashley highlights riley's strong positive leadership and makes tovo look weak, negative, whiney and jealous. Implying riley is bat guano makes toafy look bad. Better response today means worst austin tomorrow if you vote tovo. In the bottom ad change austin.Org proclaims reject riley, he's already reject us. Really? Who's us. There's no evidence in either ad that riley has rejected anyone. The truth is riley has open hours at city hall almost every friday from 2:00 to 4:00 p.M. To meet with him to discuss any austin concern. Over the past year I have met with councilman riley several times. Each and every time he has given me his full attention and quickly and professionally acted to resolve my concerns, even when I've bumped into him riding the same cap metro bus he said hello. In contrast when I have seen ms. Tovo at city hall or town and book people she acts like I don't exist in her universe. Tovo is the hypocrite and rejecter. She claims she's a family values advocate but in practice she rejects her husband's last name, publicly disrespecting her daughter's father each and every day. Since tovo enjoys the benefits of her architect breadwinner but selfishly rejects identifying herself as mrs. Kathie hert. The district 9 city councilman position exists to serve us, we the people, because councilman riley gets it and is inclusive and tovo doesn't and is exclusive, councilman riley is the better choice for austin moving forward and staying true to its roots. In jesus' name I pray, amen. Thank you, mayor pro tem cole.

[06:33:41]

>> Cole: Tha mr. Leon. Councilman tovo? Next we have sylvia servin, please.

>> Hello a than a good day to city council member laura morrison. I'm going to repeat parts of my speech for those who weren't listening last time. Laura morrison, you don't have to listen. I need everyone else to at least make me believe you're listening. Hold on to your seats because I'm going through this like a fast ride. Last time I complain about the specialist who failed to tell me the city council meetings were held at a different location instead of city hall. I apologize for being a dinosaur

because he was still using my dumb phone only good for making calls. Now about the swimming pool. How do you keep the elderly cool? Build them a swimming pool. Can you dig it? Dig the pool. Can you dig it? Do you understand? Strap yourself in for a rude awakening. I conducted a survey and quite a lot of bus drivers, cap metro bus drivers made it known they don't like this certain council member, and he's also on the capital metro board. This council member also sponsored the resolution for the apa, austin pets alive. And now may be crossing the line. Citizens have asked me to mention that he -- in the past he has had lunch with ellen jefferson the director of the apa. The apa is a private organization and since he represents the city they say he should have the best interests of the city at heart. He needs to address why he's doing this. You're going to have to read between the lines on this one. In 2003, four [inaudible] class at acc, wrote a topic on -- I mentioned it to this check. He blew u blew me off but then ran with it and made it his own. I've been waiting for the right opportunity to disclose this information and time arrived. To the public and city council buckle up and prepare to be blown away because I'm about to tell you who to vote for. Vote for steve adler, sheryl cole, ronald culver, mary katherine, todd footsteps and randall stevens. Vote for any one of these for mayor but if you plan to vote for mike martinez please reconsider. Do your research. I won't be voting for him and I wouldn't if I were you because he is a council member I have been talking about. This is payback, mike martinez, old school, don't let him pull the wool over your eyes. Modern day, don't be blindsided. Once again, vote for steve adler, sheryl cole, ronald culver, mary cranic, todd phelps or randall stevens. Stop me when my time is up. Once again, for adler, coal, culver, cranic, david, todd phelps or randall stevens. Vote for steve adler, sheryl cole, ronald culver, mary cranic, todd phelps or -- david orchlek, be careful and listen to who I'm omitting. Vote for steve adler, sheryl cole, ronald culver, mary cranic, todd phelps, randall stevens, david orchlek, todd phelps or randall stevens. Vote for -- that was pay back. I'm out of here.

[06:37:07]

>> Cole: Thank you. Linda greene. Linda greene.

>> Good morning, council. For the last six years we at fluoride free austin have been coming to you with the truth about fluoride. And we stand on the shoulders of the fluoride action network, and we hope that everyone in this room would please review the fluoride action network and in a minute I'm going to quote a press release from them, but my original topic was fluoride deception, and this was a book published ten years ago by a bbc reporter and producer, the ,fluoride did he acception and goes back to the '30s

-- deacception, how the fluoride and aluminum stri and various bbc agencies were promoting fluoridation, and basing it on fraudulent science. The same people that were promoting this industry of fluoridation were also promoting tobacco and asbestos as being safe products. I know that you all are busy. This is a 250 page fascinating book. If you don't have time to read it you can go to the fluoride action network and you can see an interview, a 30-minute interview. I implore you to watch a 30-minute interview of dr. Paul kinet interviewing christopher bryson, the author of this book. Just so I don't miss this recent press release of another issue of fluoridation on new york, october 15, 2014, a press release from fluoride action network, government authorities knew over 50 years ago that black americans

suffered greater harm for fluoridation yet failed to warn the black community about their disproportionate risk. According to documents obtained by the fluoride action network. In 1945 grand rapids, michigan experimentally add fluoride chemicals to the water supply anticipating that children's tooth decay would decline without causing fluoride's unwanted toxic effects, dental fluorosis. Prior to the grand rapids studies

-- prior to grand rapids, government fluorosis studies focused exclusively on white children but little publicized results from grand rapids showed that black children were more susceptible to fluorosis than whites. In january 10 of 1962, an internal memorandum from the u.S. Public health service officer, f.J. Meyer, revealed that negroes in grand rapids had twice as much fluorosis as others. No changes were made. Governments officials have taken no steps to educate the black community about their heightened fluoride risk, but here in austin we have kzifm black radio station and hopefully they'll be able to provide you and our public with more information.

[06:40:23]

>> Cole: Thank you, linda.

>> Thank you.

>> Cole: Ray olenick?

>> Well, good afternoon. It's my privilege to be the very last person to speak at citizens communications prior to a vote that will historically transform our municipal government. Come november 4 we'll have an overwhelmingly new council elected district-wise for the first time. I agree with the 60% of the voters who supported this change and think

-- and know it will be a great thing for the people of austin. Here's one example of why I think so. Let's go back to may of 2012. Station keye tv here aired a very fair and balanced story on water fluoridation. They put that story in their waste watch category and ran a concurrent survey asking austinites the question, do you think putting fluoride in your water is a waste of your money? And about half of austinites answered yes. During the same segment mayor leffingwell told the interviewer that austin will continue to fluoridate and pay for it until the cdc discourages the practice, which is kind of like saying when monsanto discourages gmo. He then went on to cite his own dentist as a voice of authority. So that's where we stood as of mid 2012. Residents of the presumably hippest, coolest, most advanced, most wonderful city in the nation were taking orders from a distant atlanta-based bureaucracy and the mayor's dentist. And there's something wrong with that picture. The fact that fluoridation is a serious health issue affecting the entire city and raising concerns in many was of no interest at all to anybody on the council. This is what happens when a seven-member at-large council, which can't possibly serve well its million

-- its million constituents and really has no

-- no need to try, and that's what happens. And it actually very closely paralleled a situation going on at the same time in oregon where a five member at-large city council tried very hard to force fluoridation on an unwilling population nearly as large. With district representation considerably raising the level of accountability, that kind of misuse of power is a lot less likely to happen for a number of reasons. In our six years of speaking here we've succeeded in raising awareness of the fluoridation problem, and it is a problem. It can no longer be considered a friend's issue. We look forward to working with the new

council members, whoever they may be, and to those several of you who have ideas of hanging around, we'll see you on the other side.

[06:43:48]

>> Cole: Thank you, rae. We appreciate it. Council, that is the end of our citizens communication, and we do not have any items to consider in executive session. And we only have one zoning issue to take up. So I am planning to recess the council until 3:00, and then we will go into our 4:00 public hearings, and we'll take up our 2:00 zoning items at 3:00. So without objection we are recessed until 3:00. [Recess]

[09:06:25]

>> Cole: It's time for our 2:00 zoning cases. Mr. Guernsey, are you ready to walk us through?

>> Thank you mayor pro tem and council. Greg guernsey, I'll go through our items. This is where public hearings are open and possible action. Item 36, npa-town-0020.01 for properties on industrial boulevard, south congress and willow springs road. The accompanying zone case item, 37, these will be discussion items. Item 38, sworn 0011, this is pulled off your agenda. It will come back as two other cases on another day. No action is required on item number 38. Item 39, staff is requesting postponement. Item 40, staff is requesting postponement to november 6 agenda. Item 41 will be a discussion item. Finally, item 814-89-0006.05 for the property located on fm 2222 road, this case has been withdrawn by the applicant. No action is required on item number 42.

>> Cole: Okay, mr. Guernsey, it's my understanding that items 36 and 37 are discussion items. Item 38 has been postponed. Item 39 has been postponed. Item 40 has been postponed. Item 41 the a discussion case. And item 42 is withdrawn.

[09:08:39]

>> Right. And mayor pro tem, actually in 38 we're just pulling that item from your agenda and it will come back another day as two other case numbers.

>> Cole: It will come back later.

>> It will come back later.

>> Cole: Okay. I'll entertain a motion on the consent agenda. Councilmember spelman moves to approve the consent and zoning agenda, seconded by councilmember morrison. All in favor say aye. Those opposed. That passes on a vote of 6-0. We'll take up our first zoning case, item 36 and 37.

>> Yes, ma'am, councilmember

-- or mayor pro tem and council. Item 36

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>> Cole: Hold on, mr. Guernsey. Councilmember morrison.

>> Morrison: I notice we have 30 people signed up for this item and the other zoning case, in case we might consider swapping the order.

>> Cole: On 36 and 37 I'm going to ask the clerk to combine the testimony. And I guess you are suggesting we do 38 first.

>> Morrison: No, I'm suggesting we do 41 first. Don't we just have one person signed up.

>> Cole: One person signed up for 41. We have one person signed up on 38. Screen just refreshed. Okay. We have one person signed up on 41.

>> Morrison: I thought it might be considerate to hear that one first.

>> Cole: Okay.

>> Morrison: If all those folks are up for that.

>> Cole: Any objection to that? Okay. There's no objection. We will start with item 41.

>> Very good. Item number 41 is for the property at 1500 south pleasant valley located this the east riverside corridor and is an amendment to that regulating plan. It's for property approximately four acres in size and there are three parts to the amendment. The first part is to change east riverside corridor the subdistrict from a neighborhood mixed use district to a corridor mixed use district. Not unlike a p.U.D. Where you are going from p.U.D. To p.U.D. And changing maybe the land uses within a p.U.D., We're going from a neighborhood mixed use to a corridor mixed use within that east riverside corridor zoning designation. The second amendment is expand the hub boundary which would allow them to take advantage of additional height and then the third amendment is to increase the maximum height, again with that possibility of getting a bonus but not today, that they would be able to go up to 60 feet in height instead of 65. As I said, this is in the east riverside regulatory plan area. It went before our planning commission and they unfortunately are forwarding this to you without a recommendation. There were three votes in favor, three opposed and three that were absent. So it was a 3-3-3 vote. The site is right now has a specialty retail and is in the nmu subdistrict within the erc. To the west is multi-family uses and it's also nmu to the east and northeast are multi-family uses in pleasant valley right of you and there's nmu to districts to the south. Various commercial uses, auto, grocery, and to the north is additional commercial which includes cocktail lounges and convenience retail and has nmu designation. I just wanted to briefly go through the differences of the nmu and the cmu designations. If you look in the backup material, you will find that the major difference as far as uses permitted or not permitted, the big change is in dealing with general retail, right now general retail uses are not permitted and by going to the new designation of that cmu, it will be permitted uses. The heights would increase from currently from what they are is 50 and then would be allowed to go up to 60. Again, they could only get to 65 if they came in and filed additional paperwork to kind of get that height bonus to get up to 65 if the amendment was approved. Their f.A.R. Would increase from one to one to go to two to one and desired f.A.R. Remains at 60% for both. Impervious cover goes up slightly from 80 to 90%. I'll pause at this time. If you have any questions, I believe the agent are here on behalf of the colin brothers if you have any questions, I'll answer them at this time. With that I can turn it over to the applicant.

[09:14:09]

>> Cole: Yes. Yes, would the applicant like to speak first? Mr. Drenner. [One moment, please, for change in captioners] ... If you were going above 60 feet. So we used the same methodology that's in the regulating plan, but the methodology would not otherwise apply because we're getting a change in designation versus a density bonus. So in order to make it all have the same effect even though the methodology is different we agreed to the voluntary provision of affordable units. Our question was whether or not the city could be a party to that restrictive covenant or if not we were certainly going to

make the neighborhood association a party that could enforce the terms of the restrictive covenant. But I think it would be everybody's preference that the city be able to enforce that, and so our combined question with the neighborhood group was can the city do that? And if not, we will make the neighborhood themselves an enforcing agent. So I

-- I'm happy to walk you through any other aspect of the case, but I think given your schedule and so forth I'll stop there and be happy to answer questions.

[09:17:18]

>> Cole: Mr. District 10er, you spoke

-- mr. Drenner you spoke about the restrictive covenant that you worked out with the neighbors and with both parties' interests if the city were able to enforce the affordable housing.

>> I think it would be everybody's preference that the city be in a position where they could

--

>> Cole: Let me ask legal for an opinion on that right now.

>> While the plan does provide for a bonus process, it does have its own bonus program in it, this applicant is not taking advantage of that. And so unlike downtown density bonus or the bonuses in the pud process, they're not using that. So we

-- under state law we don't have the authority to require him to do the affordable housing. So in this instance what he has done is done a restrictive covenant with the neighborhood. I'm assuming he's using someone in that

-- I don't know who it is, but a private entity to be the enforcer of the restrictive covenant. So that's perfectly okay. That's a

-- that's something voluntary that he's doing, but not something that we the city of austin is requiring. Nor can we require it.

>> Cole: Okay. Are there any further questions before we

--

>> can I clarify one other point? This is a restrictive covenant that would run with the land. It would be filed. So it binds this entity, but it would also bind any future owner of the property. That question had come up earlier today.

>> Cole: Okay. Councilmember tovo?

>> Tovo: I do have a couple of questions. Mr. Drenner, thank you for talking about the terms of the agreement that you've worked out in the neighborhood planning team, neighborhood contact team. I wanted to ask a couple of questions about the units, what you are talking about entering into a restrictive covenant a the neighborhood associations, I assume, would be for 17 units, right?

[09:19:25]

>> Yes, ma'am.

>> Tovo: Great. And do you have a sense at this point of what the bedroom count would be on those?

>> We don't. At this point we haven't done the overall mix as well. What we do know is there would be a total of 340 units, we think, with 10 of those being [indiscernible] units on the ground floor. 10 of those

being live-work units on the ground floor.

>> Tovo: That was the part I missed. And are you requesting that we hear this on first reading today so that you have time to execute that restrictive covenant with the neighborhood?

>> We can go either way. We have the restrictive covenant that I've handwritten the assertion in today. I'm happy to initial that. Or if you're more comfortable doing it on first reading only and coming back and doing it on second and third, we can do that as well.

>> Tovo: Are you available on november sixth? Would that be a date that you could come back for second and third if that's the way this works?

>> Yes, ma'am.

>> Tovo: Okay. Thanks very much.

>> Cole: Okay. We have one speaker signed up, malcolm yates.

>> My name is malcolm yates. I represent the riverside, oltorf neighborhood planning contact team. Everything has happened fast here, but we are in conditional support of this ordinance as long as we get some kind of assurance that the affordable housing units will indeed be provided. So we are willing to have this go forward on first reading and hopefully by november sixth we have this restrictive covenant in place so that everyone is assured that things will go as planned.

[09:21:30]

>> Cole: Okay. Thank you. So you want first reading only, and to hear second and third readings potentially on november 6th?

>> Yes, that's correct.

>> Cole: Okay. Any further questions, comments? Okay. Thank you. Does the applicant have anything to add in closing?

>> Mayor pro tem, councilmembers, we're fine with that and we will make sure that we've got all the I's dotted and t's crossed by the time we get back to you on the sixth.

>> Cole: Okay. I'll entertain a motion. Councilmember tovo?

>> Tovo: I would like to move approval on first reading.

>> Cole: Councilmember tovo moves approval.

>> Riley: I assume you mean close the public hearing.

>> Cole: Chose moves approval to close the public hearing and that is seconded by councilmember morrison. Any further comments, discussion? All in favor? Those opposed say no? That passes on a vote of six to zero. Thank you. Thank councilmember morrison for getting you out of here fast. Okay. Mr. Guernsey, item 36 and 37.

>> City council, jerry rusthoven. Number 36 is the neighborhood plan amendment to the south congress combined neighborhood plan, case npa 2014-0020.01 for a project known as the st. Elmo's market and lofts. It's 9.75-acre property at 4323 south congress avenue, 113 industrial boulevard and 4300 block of willow springs road. The plan is to change from industry to mixed use. The staff recommendation is to deny the request for reasons that I'll despite in a minute. The related zoning case is case number c-14-2014-0034. Again, the st. Elmo's market and lofts, located at the same address, 113 industrial boulevard, 4323 south congress, 4300 willow springs road. It's a 9.4-acre piece of property. The existing zoning is cs-mu-np, li-np and li-co-np. The planning commission was to grant the li opinion pda district zoning as

requested by the applicant with additional conditions as set forth in a letter from the south congress combined neighborhood plan contact team except for item number 7, which would require development

-- would require development only at market rate housing. And with additional direction to look into restrictions requiring mitigation for apartments and the indoor music venue. And again the staff recommends denial of the zoning case. The proposed project is located in what's known and referred to in the neighborhood plan as the st. Elmo's industrial district. It does have access to congress avenue, however that access is via a 40-foot strip of land, that would be the driveway for the project. The vast majority of the property is actually quite a bit off of south congress avenue. The proposed development would exist of 43,000 square feet of retail, 400 apartments, 75 hotel rooms, a 5,000 square foot concert venue and the 1100 square foot parking garage. They are using this as a tool to modify the uses in the li zoning district. They would like to

-- pda to modify to permit all existing permitted and conditional uses within the li district. That includes light manufacturing, with the exception of the five

[09:25:48]

following uses: Basic industry, monument retail sales, recycling center, resource extraction and scrap and salvage. To allow for residential uses including townhouse condominiums, multi-family residential, group residential, bed and breakfast residential. To allow civic uses including [indiscernible] services, hospital services, public and private education. To allow for a cocktail lounge and hospital services general as conditional uses. And to modify the following site development regulations to have a 25-foot front and street side yard set back, 0-foot interior yard the setback and 15-foot yard set back of 85% building and impervious cover and have a maximum f.A.R. Of five to one. The height would stay at 60 feet. The recommendations of the contact team, the referrals to the letter, the planning commission recommendation again was to approve the li-pda to keep the height at 60, keep the far at one and a half to one. To cap at 400 residential uses. To construct the hard sidewalks or sidewalks and pathway, bike pathway from congress avenue to the development. To obtain any required permits for outdoor music. To develop market rate units only, which as I said the planning commission did not recommend that. To have on-site security be provided if the project is for sale or rent and they will have a key card entry only. To conduct background checks for prospective buyers or renters to exclude registered sex offenders. To provide adequate soundproofing through professional acoustic engineering consultation for the indoor music venue so the music is not heard outside. As I've said, the staff is not recommending this zoning case. Our reasons are varied, but they focused on basically the compatibility of the proposed mixture of use and the existing industrial. The area as I said in the neighborhood plan

-- in the neighborhood plan which was completed in 2005 is referred to as the st. Elmo's industrial district. The neighborhood plan says that the area is becoming eclectic and more diverse, provides a wide variety of home improvement and music oriented businesses that make for a vibrant district. Within a half mile there are 22 construction might houses and five plumbing supply houses. There's also an area to several light manufacturing uses. Objective 3.12 of the program is that t st. Elmo's industrial district should be preserved and enhanced where appropriate. One of the tenets in plant is to confine potentially hazardous uses to confined districts and those in general industrial areas are not appropriate

for residential or mixed use development except paragraphs on the periphery. They have this development is located pretty much in the center of the st. Elmo's industrial district, which pretty much goes from st. Elmo's road ben white to congress avenue and over to i-35. This is a thriving industrial district that is somewhat different from some of the other industrial districts that we have other places in the city. The main difference being that if you look at places like med center or perhaps waller creek business park these are areas that are of newer develop, usually developed by a single builder, and the tenants there have a tendency to be large and the rents higher. In this area we have a lot of mom and pop type industrial operations. It's the type of place you go to

-- I went through once to get a dent taken out of my car, muffler repair shops, small metal working shops, that type of thing. Staff believes that it is the basic tenet of city planning that industrial uses and residential uses are not compatible and we feel it would be inappropriate to put such a large scale residential project right in the center of an existing industrial district, which has been there for quite some time. We feel it would be detrimental to the existing businesses that are there due to the -- or future businesses due to the high likelihood that once the residential is developed the future residents will have an issue with the industrial that surrounds them. There are not sidewalks, a lot of sidewalks in the area. There is a lot of truck traffic. Some of the industrial uses are quite noisy. And so some nuisances to residential uses. We also feel that the district is somewhat well-defined and everyone feels that when it was done it was an appropriate area for industrial. Finally I would like to add that the city spent a lot of time and effort back in the late '90's and early 2000's on what we call the east austin overlay to make it more difficult for existing industrial zoning to be used in east austin due to its proximity to residential. We followed that up with the east austin neighborhood plans where we went in and rezoned a lot of that industrial often against -- against property owner's wishes because the city felt that it wasn't appropriate to have residential that close to industrial uses. Even despite the down zonings, we still have some existing industrial uses that continue will due to legal lack of conformity and those continue to be an issue. Pure casting is a good example of that. We still receive a lot of complaints and I know you are aware of the pure casting issue. So staff feels it would be a mistake to create a situation like that again. And therefore we -- I'd have to say that we strongly oppose both the plan amendment and the rezoning request. I'm available for any questions.

[09:31:53]

>> Cole: Jerry, can you give us a brief overview of the planning commission did not concur with your decision. What

-- do you remember what some of their analysis was?

>> They relied on

-- their recommendation was to

-- in conformance with the letter from the neighborhood contact team. So basically they sided with the neighborhood contact team and said with these conditions they could support it. I believe that they in general support mixed use projects of this type. Do you know what I mean? If this were probably anyplace else the staff would not be opposing it. We do support mixed use along congress avenue, but like I said, although this has access to congress avenue it's really kind of a flag pole if you will that would

only serve the driveway and that's about it. So I would say that the planning commission sided with the contact team rather than the staff.

>> Cole: Okay. Thank you, jerry. Councilmember morrison.

-- Councilmember tovo. I know who you are.

>> Tovo: Mr. Rusthoven, are there any other examples in austin where this has happened, where industrial zoning has changed to allow for residential uses in close proximity to ongoing industrial uses?

>> I can't think of an example where we've had it in the middle like this. We have had situations where we've had it on the edges. Do you know what I mean? Where there was a desired kind of nibble away if you will around the edge of an industrial district. But I can't think of an example off the top of my head where we've had it placed right in the center. We have had cases in the past where we've opposed residential zoning in proximity to industrial projects. There's a case 15 years ago that was adjacent to [indiscernible].

>> Tovo: Can you say that name again.

>> This was a multi-family project next to a company called prax, which is industrial gases company, and it was a smart housing project early on in that program. There was a lot of support for it because it was affordable housing. We and the fire department strongly objected and the council did not approve the case. We've had other cases where we've had people wanting to change a single lot side of an industrial area that we have opposed as well. Lots of times they found a lot and want to put a house on it. But this is for 400 units right smack in the middle of an area totally surrounded by industrial.

[09:34:21]

>> Tovo: Are there any uses that are immediately adjacent that would pose health concerns, like the one you described in the case 15 years ago or is it just a concern

-- not just. I understand that you had a range of concerns of staff, but are the concerns about the proximity of the particular industrial uses to this project primarily ones of noise?

>> I can't name any specific businesses. There are some property owners here that maybe will address that a little better. Our concern is not just for maybe existing uses, but it's what's allowed within the li category. We only have one category higher than li and that's mi and it hasn't been used in the 21 years that I've been here. We have had other industrial areas that have converted wholesale to mixed use projects. The domain is a great example of that. It's an example where we've had an entire area. Again, it used li-pda. It took the existing li zoning and used the pda to create the domain, but the industrial uses did not remain. One thing that concerns us is in addition to being surrounded by industrial, the light manufacturing, which covers everything that you can think of in town that happens as an industrial standpoint, would remain in this pda. Would it not only allow residential retail, office, outdoor entertainment, cocktail lounge, but it would continue to allow light manufacturing as a permitted use.

>> Tovo: Within the development itself.

>> Correct. It's not just that it would be surrounded by industrial. It would have industrial within the zoning boundary.

>> Tovo: I appreciate you raising that point. That wasn't immediately clear to me in my discussions. Would the staff recommend that if the pda goes through that the li not be a permitted use within the pda?

>> Yes.

>> Tovo: But that's not part of any of the conditions that have been forwarded to us in the planning commission's recommendation, is that right?

>> No, it is not. The staff recommendations were just flat denial of the case, but if it were approved that is something that we would advocate for.

[09:36:25]

>> Tovo: And that's not in any of the planning commission recommendations, the removal of I.I.?

>> No, it is not.

>> Tovo: And there were some discussions about making sure that

-- if this goes through that residents are informed before they purchase or rent within this unit that they're informed about the surrounding uses and that it may be noisy and whatnot. Is that something that is contained within the recommendations that the planning commission discussed?

>> It's not within the recommendations that the planning commission discussed. I've seen similar things done before. An example is the canyon creek mud where they were within the m.U.D. And within the city so they had both m.U.D. Taxes and city taxes to pay. And they were required to sign a document at the time of closing saying they acknowledged that they knew they were both in the m.U.D. And the city and that did not stop the fact that many of them came down to the city for citizens communication, etcetera, to say they were being double taxed. And the city ended up absorbing that m.U.D. And assuming all of its debt so they didn't have all the m.U.D. Tax and the property tax. A lot of them claimed not to know that they were having to pay two taxes yet they had to sign that document when they bought the house. This would be I think a similar idea. Probably not a bad idea if it were to be approved, but I don't think it would preclude people

-- my experience is it won't preclude people in the future from coming and making an argument contrary to that.

>> Tovo: What would be the mechanism for ensuring that if this council approves the project that there is a requirement attached to it in a future tenants or owners be provided with that knowledge?

>> I believe that that would be something

-- it could not be in the zoning ordinance. Possibly it could be in a public restrictive covenant.

>> Tovo: Is there one contemplated for this project?

>> We have an ordinance based on the planning commission representation right now, but we have a restrictive covenant, but the only thing in the restrictive covenant is that it has to comply with the tia.

[09:38:30]

>> Tovo: I'm sorry, I didn't hear what you said.

>> The public restrictive covenant only addresses the tia, so it would have to be in addition to the restrictive covenant. Because that language would be rather new to us we would ask that you do it only on first reading to give us time to see what the language would look like.

>> Tovo: All right. Thanks.

>> Cole: Okay. We'll hear from the applicant.

>> Thank you, mayor pro tem. Good afternoon. , councilmembers, my name is jeff howard. I believe I have some time donated to me. Perhaps you could check.

>> Cole: You have time donated to you by paula cook and larry [indiscernible]. So you have a total of nine minutes.

>> Does the applicant get five minutes plus?

>> Cole: Is paula here? You have additional five minutes.

>> So we have 11 minutes? Thank you. Again, my name is jeff howard. I represent the owner in this case. The

-- I think we have a powerpoint as well. As jerry mentioned, the project is about nine and a half acres. It is along congress avenue. We are requested li-pda zoning consistent with the other li-pda zoning in the industrial area. We have an approved tia so traffic hobb looked at

-- has been looked at and approved. We've gone before the neighborhood contact team on numerous occasions. You will hear testimony about that tonight and we've got neighborhood planning contact team recommendation. And of course we went before the planning commission and mr. Rusthoven wasn't there, mayor pro tem. I was there for the hour and a half long discussion we had. And it was much, much more than the neighborhood planning contact team discussion. I think planning commission heard all the arguments that mr. Rusthoven made and heard all the arguments that I think you're going to hear tonight from opposition and determined that on a 7-0-1 vote with one abstention to recommend this case. Thank you very much. So as you can see from the map here, although the property does have a 40-foot flag on congress, it sits back about 350 feet from congress. It is not, as mr. Rusthoven said, in the center of the st. Elmo's industrial area, it is on the western edge. Those properties on the west are on congress and they're not zoned

-- they have mixed use on the flum and they have mixed use zoning already. So residential use is already allowed on that. So this property is not in the center, it's actually on the western edge. It's only 350 feet off of congress avenue. It has 40 feet of access, which is plenty of room for us to get a driveway with suitable sidewalks and for bikes and pedestrians to provide our main entrance into the project. Mr. Rusthoven mentioned the south austin

-- south congress neighborhood plan. And it's true it does have a paragraph about the industrial area, which can be summarized

-- was summarized to say that that industrial area should be preserved and enhanced where appropriate. That's the actual item from the

-- from the neighborhood plan. But the neighborhood plan states as I think one of its highest priorities the

[09:42:05]

following: South congress avenue more so than many commercial corridors inside the austin city limits... Developable land. Recognizing as potential business owners, non-residents property owners and residents have articulated their desire for different future than a continuation of the status quo along south congress avenue. The vision presented for south congress avenue is one where new development and redevelopment redefine the street in a more urban and pedestrian friendly manner. This transformation could provide opportunities for new businesses serving nearby residents, people

working in the area, other austinites, central texans and other out of town visitors. It goes on to say that generally redevelopment requires vision, planning and a change in the real estate market p the south congress neighborhood plan contemplates the need for changes in the real estate market. In addition to vision and planning. But no neighborhood plan is immutable and they are not written in stone. We do have ability to make changes and our code allows for that and there's a process for that. And as circumstances change, as priorities change, we should look at changes to the neighborhood plan. And in this case we followed that process. We went before the neighborhood plan contact team and they recommended approval of the amendment. And in fact, I would say that this proposed amendment actually implements the plan and the vision for south congress. Now, since that neighborhood planning contact team

-- since that neighborhood plan was adopted there's been some other changes in the last 10 years. First, we adopted commercial design standards and we designated congress as a core transit corridor and that's defined

-- they include roadways that have or will have sufficient population tensed, mix of uses and transit facilities to encourage and support transit use. We've seen cap metro put a metro put a metro rapid bus line on the stop right along this project. And cap metro has adopted its transit friendly development guides that encourage development along these transit routes. And of course, since that time we've also spent considerable sums and several years looking at and adopting imagine austin. And the imagine austin plan, of course, has several core principles. The first of which is grow as a compact and connected city. There are other principles of course, but all of them also talk about grow in a more compact city new mixed use areas, reducing greenhouse gases by encouraging walking and biking and local music and art scenes. And imagine austin also cautions us when it says change isn't easy. Actively preparing for change and uncertainty can be tough. However, the potential rewards can outweigh the discomforts. Choosing a different path for our city will require doing things differently, having imagine austin is incumbent upon us to realize our vision. So this project represents an opportunity to take that goal, that vision from 2004 in the neighborhood plan that said let's transform congress and since that time is become not just a goal in a neighborhood plan, it's become a policy priority of this city. For land use and transportation, a policy priority is to have transit oriented development along congress avenue more so perhaps than anyplace else. And so this next slide shows you some of the current development on congress. It's in need of transformation along this area. It is not our vision right now. If you go out and take a look, it's in need of transformation. And this project will activate congress avenue. It will help us realize that goal. We have several speakers here tonight. Alice glasgo is here and will talk about planning principles to address mr. Rusthoven's central idea that we don't have residential next to industrial and it's not true. It's not true in this area. And we have transportation planner who will talk to you about traffic and how traffic has been approved and will work fine on this sit we have market specialists who will tell you about the market in the area and of course we have the developer, brandon bolin, who will tell you about this special project and why it's so good for the city. With that I'll be happy to answer any questions you may have. Before I turn it over to alice.

[09:47:00]

>> Cole: Councilmember tovo.

>> Tovo: I have a quick one. I think it's quick. Can you talk about why you're requesting that I.I. Uses remain on the site?

>> That's a good question. So part of the project involves keeping the existing central warehouse that's about 43,000 square feet and converting that into a food hall or urban market where we'll have local purveyor and artisans. Including within that space could be coffee roasters, could be larger bakeries, could be microbreweries, and if they get to a sufficient size they would require industrial zoning. We would like to keep that industrial zoning so we could have those type of uses well.

>> Tovo: Most of them don't, as I recall. I said most of them don't require that kind of -- bakeries don't require I.I. Uses.

>> I think to be a certain size they do.

>> Tovo: As you described the marketplace I thought it was a lot of different vendors, which would suggest that each of them had pretty small spaces rather than big giant operations.

>> Perhaps I can

-- do you want to answer that.

>> Tovo: If he's coming up to speak I'll ask him when he's coming up.

>> I think you're right. Predominantly there will be small spaces, but we do envision microbrewery, coffee roasters of a sufficient size that would require the size.

>> Tovo: What is the size?

>> I believe it's 5,000 square feet.

>> Tovo: Thanks.

>> Cole: Okay. We'll have the next speaker, ms. Alice glasgo.

>> Keep the slides going. Several speakers are going to use them. Please, we'll just keep rolling. Thank you. I'm alice glasgo and I represent the developer, brandon bolin. And it's going to take awhile for that stuff to load back up. Here we go. It's just coming up. In addition to our request to rezone the property from I.I. To li-pda, we're also seeking to amend the future land use map to change it from industrial, which is purple, to mixed use, brown. I would like to point you to the future land use map that you see up there. Our subject tract is surrounded by mixed use in brown and so are other properties. I would like to refute the argument that you cannot place industrial uses inoning next to residential. And I'm going to use three points to point that out. This being the first place. To the north of the single-family development you see and south of the industrial area in purple you see brown mixed use that can allow residential. To the east of our site, brown mixed use, that allows residential. To the south of the railroad tracks or to the north, is south of ben white, you have mixed use, li-pda allows residential. And to the following industrial boulevard towards i-35 you have mixed use, li-pda allows residential close to industrial uses. The other point I would like to also raise is that a lot of areas in austin are zoned industrial. One of the other areas we have currently have you drive by, some of you just about everyday, is west fifth street from mopac to lamar. South of fifth it zoned li-pda, majority of the tracts. Very few have cs-mu and gr. But they allow for those tracts that are under

-- below the railroad tracks in the waterfront overlay they allow residential. So it's the

-- and I commend the old west austin neighborhood neighborhood association, when they created the plan they left that area as industrial and over time councilmember tovo you asked about whether that there have been other requests in the city to change I.I. To li-pda to allow residential. The property that is next to homeaway where you have residential was changed recently to

-- not while you're here, but after the neighborhood plan was adopted to li-pda. That's why those apartments are there next to home away. And then for the east I recently came in and changed at pressler where it terminates and my clients will pay for the extension of pressler. We came for for change from li to cs-mu. You will have residential there east and west and north all li zoning. The apartments south of the gables next to mean eyed cat, that is zoned li-pda, and everything close to it is zoned I.I., [Indiscernible] residential. So it's a good example. Samsung semiconductor. Samsung property is surrounded by property zoned for industrial, 125 acres that will have industrial uses and are surrounded currently by residential uses and in the future could be residential. So those are some examples I would like to point out where residential and industrial uses are planned and will go together.

[09:52:23]

>> Cole: Thank you, ms. Glasgo. Councilmember tovo.

>> Tovo: Ms. Glasgo, thanks for those examples. I want to be sure I captured them. Home away, pressler and then the samsung. But with homeaway and pressler there's really no longer any industrial uses that are still active surrounding those sites, unless I'm wrong.

>> There are some uses that are still

-- require industrial zoning. Some manufacturing or warehousing to the south of the railroad tracks. In fact, some of the uses that are

--

>> the iron works.

>> Iron works is still empty. I was pointing that out as an area that was changed from I.I. To li-pda.

>> Tovo: I appreciate the examples. I'm trying to think through whether any of them have any industrial uses that are still active.

>> The uses that are active or require

-- when I say active that they require industrial zoning in order to operate. And those uses are probably more closer to the middle part of south fifth street and correct, that immediately across from the project, the apartments on baylor and south of the homeaway across the street is the mexican-american consulate office. But west of that that's where you have the industrial uses is west of the warehouse.

>> Tovo: Okay. Thank you.

>> Cole: Next we have leslie pollack. And leslie, you have tad kimball donating time to you and he is here. You have a total of six minutes.

>> Thank you. My name is leslie pollack. I'm with hcr. Our firm completed the traffic impact analysis for the proposed development. The proposed development will generate about # 7 had you trips per day, but to put that at an intersection level, during the peak periods the figure shows the volumes that we'll actually see on the roadway network on the morning peak. You can see the highest turning movements on south congress with the exception of the driveway to south congress are about 30 vehicles. In the morning. In the p.M. Peak outside of the main driveway we're looking at 45 vehicles turning at one of the intersections. So the actual volumes that would be turning in the network are minimal. One of the other characteristics that we looked at was industrial boulevard and the percent of truck traffic that is currently operating on industrial. We did a count at industrial and willow springs during the morning and

the p.M. Peak. Overall we saw about two percent of the traffic was truck traffic at that intersection. So overall the results of the traffic model showed that the majority of the intersections continue to operate at acceptable levels of service both in the a.M. And the p.M. Peak period. You can see all the green is level service a to d which the city of austin considers acceptable. The driveway, the main driveway to south congress avenue, that's the only intersection that goes to level of service e and that is solely related to the westbound left turn from this site on to congress. Any of those delays would be limited to that site driveway and they have sufficient storage to handle that queuing. One thing I want to point out is south congress has a lot of transit alternatives in the area. They have the metro rapid. They have the south congress transit center very close to the site, within walking distance. There are also several bus stops along south congress avenue. Additionally south congress avenue and west st. Elmo road both have bike facilities. They have separated exclusive bike lanes. Our tia also considered a five percent reduction for both transit and bikes, with the facilities that are out there, I could see a higher transit reduction being feasible with this type of land use. So in summary, these land uses will function on south congress and south congress avenue provides the facilities including the transit and bike lanes that will help support the roadway networks. Thank you.

[09:56:49]

>> Spelman: Mayor pro tem? Miss pollack, just looking at this picture right here, what is the distance from the furthest east section of the development in question to south congress?

>> The furthest east part of the development to south congress? It's about 1200 feet.

>> Spelman: Okay. So about a quarter mile. And that would be a five-minute walk for most people.

We're used to thinking in terms of when we're trying to figure out the number of people who are going to take the train, we draw a quarter mile radius circle and we count the number of residences within that area. We draw a quarter mile radius circle around the metro rapid stop on south congress closest to this development, would all or most or only some of your development be included in that quarter mile circle?

>> The metro rapid stops are pretty close to south congress. Less than 300 feet from the driveway. So 300-foot plus the 1200-foot along the site.

>> Spelman: Object. So we're talking about at least the vast majority of the site would be within a five minute walk if not the whole thing?

>> Right. And the south congress transit center is probably more than a quarter mile, but definitely within that half mile walk.

>> Spelman: Could you point out to me where the metro rapid stop is exactly?

>> The stops along south congress are

-- I don't have a pointer. You can see that there's one on the northwest corner of west st. Elmo and south congress and there's one on the southwest corner of industrial and south congress.

>> Okay. I see it now.

>> And those are our two transit stops in the area.

>> Spelman: Okay. So I can draw the picture in my mind and it looks like it will include the vast majority of your site if not the only thing and so the average person would have less than a five minute walk and the furthest person would have about a seven minute walk to get to the bus stop.

[09:58:50]

>> To get to the bus stop.

>> Spelman: Thank you.

>> Absolutely.

>> Cole: Thank you. The next speaker is brandon miller. Phillip kucorio, are you here? Brandon, phillip has donated time to you, so you have a total of six minutes.

>> Councilmembers, I'm brandon miller on behalf of the applicant to speak to the business plan for the residential for sale offering and condo market. On this first slide you will see the proposed st. Elmo unit mix. Our main business plan is to deliver the most affordable market rate housing close to downtown. 40% of the units will be priced under 199,000. 90% of the units under 299,000. And then we'd like to reserve 10% of the units for combination units that would appeal to families. The travis county fha loan amount, as most of you know, is \$305,900. This would mean that 90% of our units would qualify for pha financing

-- fha financing. This business plan is founded in my recent sales program at sky bridge lofts. You can see on this map it's farther down south congress on 604 north bluff. It's 114 condo lofts. The project was very successful in that we were able to deliver condo flats at a more affordable price point than local town home builders. The project presold 70% of the units in 90 days. The mix that we learned there is very similar to the mix that we have programmed for st. Elmo, 45% of the units were under 199 and 84% under 299, and 16% of them were actually over 300,000. I would also like to point out that our primary buyer at sky bridge lofts was first time home buyers coming out of the apartment market. For example, we have a 904 square foot one bedroom, which would be similar at st. Elmo. It's priced at \$185,000. And that mortgage amount was 1,090 per month. If you were to take a 904 square foot apartment in the same zip code at a conservative rental rate of \$1.30 a square foot, your rent would be \$1,175, much like in 2000 where in an economic climate where mortgage rates are low and rents are at an all time high. So we've been able to bring affordable product to the market and increase home ownership opportunities. There's very little supply of condo flats on the market. Since 2008 the capital markets have not been available for condo buildings. You see most of the buildings around austin are luxury apartments and office. The last project that was a condo building delivered in the downtown area was the four seasons and most recently seaholm, which was finances and apartment and converted to condo where all the units were under 400,000, at least the vast majority of them, and there was a strong demand and the project sold out very briskly for affordable market rate housing. If you look at 78701, there are no flats or condos currently on the market under 199. There's one unit on the market between 200 and 299. And then you can see through the rest of the slide in our in-town zip codes, 78702, east austin 78704, south austin, and in our zip code for st. Elmo, 78745, there are currently two flats for any type of for sale home ownership product that is relatively new built between 2007 and 2014 that are in these affordable market rate price points. This information comes from mls. One concern the city staff has raised is that there could potentially be a domino effect of more residential development coming into the st. Elmo district. I'd like to highlight in the slides all the tracts that would be poised for that, which are five acres or larger. As you can see, the st. Elmo district consists of a lot of long deep tracks and very huge tracts that would allow for a place like the st. Elmo project where a residential dweller would want to live.

When you look at the three most eastern tracts up on 35, in my opinion those would not be attractive to residential development. The only other large tract that could be attractive to residential development is on the westernmost portion on south congress.

[10:05:14]

>> Cole: Thank you, brandon.

>> Thank you.

>> Cole: Councilmember tovo has some questions for you.

>> Tovo: I'd like to talk to a few minutes, could you go back to the slide, 10% for three-bedrooms. This is an opportunity I had a chance to talk with ms. Glasgo and ms. Howard about. I don't believe you were involved in that meeting. One of the things that caught my attention is that there are 400 or so units planned. Am I right in that 400 units?

>> That would be allowed. It's not the vision to build to that number of capacity. In fact, it would be more advantageous for financing and sales to build units

-- buildings with less units.

>> Tovo: I see. What

-- I don't have the numbers right in front of me, but a significant percentage of those 400 would be efficiencies and one bedrooms and possibly two bedrooms as I recall. And this is one of the things that the city has talked a lot about about trying to encourage units that would be appealing to families with children. So not all of the new housing online are aimed at one and two person households because we want to encourage a diversity of households throughout our city. So to looks to me like you've gone back and thought about that issue. If I'm reading your chart right, are you saying that 40 units on the lower 10% of whatever the total number is going to be, are going to be reserved for three-bedroom combo units. What are the combo part of the unit?

>> Actually, the advantage of a presale program is the market will tell us what they want. So our business plan is to take the smaller units such as the studios, one bedrooms and even two bedrooms, and because the building has not been built yet, allow for purchasers to come in and 59 those studios and one bedrooms into larger three-bedroom units.

[10:07:23]

>> Tovo: So you're not setting out to construct three-bedrooms, but offering that as an option.

>> We would like to program at least 10% of the building as three bedrooms, but make the whole building available for larger units should we receive that demand from the market. The main reason for not programming very large units is because they're priced on a per square foot basis and really large units would then drive our price points into the mid to upper 400 thousands.

>> Tovo: There's a difference between a large unit and bedroom count. You could have a very large one bedroom or you could have the same size two bedroom. It depends on how you've designed that space. So I guess what I would really like to hear again are what is the vision for the bedroom count? Very clearly laid out.

>> The bedroom count is studios, one bedroom and two bedroom and to allow for combination units for

all those plans.

>> Tovo: But primarily you're aiming this at one bedrooms?

>> Two bedrooms and 10% three-bedrooms.

>> Tovo: And efficiencies are included within this as well. Efficiencies, one bedroom, two bedrooms

--

>> and 10% three bedrooms.

>> Tovo: You're constructing 10% of the units as three bedrooms or 10% of the units within the development will be able to be converted to three bedrooms if the market allows.

>> We would like to allow 10% to be three bedrooms across the whole board would be three-bedroom units.

>> Tovo: Okay. And how will you owe for if this goes forward will this be something that is spelled out in clear terms within the pda?

>> That would be a question for the developer.

>> Tovo: Okay. Thank you. Sorry. I'm just losing track of who the different parties are.

>> That's fine. Don't want to make that commitment, but my understanding is yes, but he will address that for you.

[10:09:23]

>> Tovo: So you've talked about some

-- you've talked about some market, about some sales prices here.

>> Yes.

>> Tovo: Do you intend to enter into a restrictive covenant of some sort that would

-- with your neighbors or with some other party that would hold the developer to those numbers or are these just proposed as potential sale prices?

>> Again, I'm going to reserve that question for the developer, but based off the business plan and my recommendation as a condo market specialist, the project will be successful if its main objective is to deliver affordable market rate housing. If we deliver a very expensive units, we feel like we'll be overpriced for the area and the plan would not be successful.

>> Tovo: I see an attorney approaching. Maybe mr. Howard has an answer for that.

>> Councilmember tovo, I think if that was something that council felt was important to have the 10% three-bedroom as something within the project, we'd be willing to consider that in a restrictive covenant.

>> Tovo: I'm sorry, the 10% what?

>> The 10% being three-bedroom are combo units to get to something that would be suitable for families.

>> Tovo: Thanks. And then the second part of that question

-- the discussion we were just having was about whether or not you are talking with your surrounding neighborhoods or any other parties about making what are up here as sales prices of some kind of commitment.

>> I'm not sure how you necessarily do that. Obviously that's the whole market strategy. So I don't think it works if we go higher.

>> Anyway, I was just wondering. I didn't know

-- we just had a case where they were talking about a restrictive covenant with interested parents to set aside particular units on-site for affordable housing. And I wasn't sure if that was part of the vision here.

[10:11:32]

>> So on that issue the developer, brandon bolin can speak to this too, has a history of being an affordable housing developer and wanted to have that option. The planning commission contact team had

-- the neighborhood plan combining district contact team had made a specific request that this be market rate housing because of I guess the availability of affordable housing in the area already. There's a foundation communities apartment project just across congress. However, again, if something in that council considers is important, I think there was a willingness to have 10% of the units be 80% mfi and do a voluntary type arrangement because it would have to be voluntary as well. That would be something we could look at. We would think that if we did that there would need to be some potential offsets in density to allow us to be able to do that. I hope that answers your question. If not mr. Bolin can answer it specifically.

>> Thank you.

>> Good evening. My name is brandon bolin. I'm the developer, ground floor development. Someone will have to school me on how to work these slides here. Here we go. I'm here to talk about the vision for the st. Elmo marketplace. This site originally came to me in I guess it was 2012 originally. Right before I was leaving for an international trip to india. My broker, kent taylor here, brought me the site and had showed showed it to some of the other big multi-family developers in town and they wanted to come in and scrape everything on the site. Kent brought to to me because I tend to look at things through a more creative lens and I walked on the site and saw this great 43 square foot building that was built in 1955. It's an outstanding warehouse. We don't have a lot of buildings like this left in austin. And as I walked in the warehouse, immediately it came to me that this needs to be a food hall similar to what you would see all throughout europe. And my vision for this is to turn it into a food hall similar to what you would see in europe. The mercado san miguel is a perfect example or here in u.s. The chelsea market in new york or nathaniel hall. The red piece down the middle is the existing warehouse that was built in 1955

--

[10:13:56]

>> Cole: Let me ask you something. You started speaking before I called you up. You are brandon bolin, right?

>> I am brandon bolin. The previous speaker was brandon miller.

>> Cole: And danielle [indiscernible] is here. And bob mac fest are you here? So you have a total of nine minutes.

>> Thank you very much. The building that you see down the middle is the existing warehouse that was built in 1955. This would be the st. Elmo market. It would be 20 to 30 vendors, local vendors, anywhere

from a [indiscernible] to a brew pub that would probably require the light industrial zoning, coffee, juice. We want local restaurateurs, local purveyors, purse makers, boot makers, to create a local experience. We want the st. Elmo market to become part of the cultural fabric of the city of austin. We need to activate this portion of congress. This is a congress avenue development. This is a perfect project to do such a thing. The vision

-- in addition to the food hall, it includes a mix of use, office space, for sale condos, the music venue and also a 75 room boutique hotel. It's really

-- it's a true live, work, play environment that we're trying to create here. While the zoning does include up to 400 units our plan right now based on the marketplace is to do up to 200 for sale condos. The food hall would be about 43,000 square feet with a shared community kitchen so that all that's going on in the market is the actual preparation of the food. All the production and processing of the food would happen in a shared kitchen, which I believe since such a large kitchen would also require the large industrial zone. And a 75 room boutique hotel which would be an independent hotel, not a chain hotel, similar to the san jose or the st. Cecelia that we already have on south congress which we know to be one of the better boutique hotels in austin. We have three points of ingress and egress. I would invite you all to come down to the site, check out the market. I think that as you walk through the market you would see that this truly has an opportunity to be something very special for the city of austin. And to be a place where people in austin on the weekends, during the day, where are you having lunch? I'm going to st. Elmo market. Where are you spending the afternoon? The st. Elmo market. In my opinion we had the opportunity to do that downtown with the old power plant and it was a great opportunity to do such a market. I think this building is equally as special and I think we have the opportunity to do something really fantastic for the city of austin. I'll take questions now.

[10:16:57]

>> Cole: Any questions. Thank you, mr. Bolin. The next speaker is bill kuhn.

>> Councilmembers, I'm bill kuhn. My wife and I are the owners of the property. And we've operated an office furniture business as the major tenant in the property for the last 15 years. I wanted to talk to you about a couple of things. One, we also have seven tenants that operate within the facility. And I do the property management and the brokerage with them. There's about 50 employers total amongst all of the businesses there. 30 of them are ours and then 20 with the others. There was some concern that by losing this facility some people would not be able to keep their jobs. And as

-- I'm not aware of anyone that lives in a neighborhood that walks there to work. I do have three employees who take the bus, the rapid transit center, and they do walk to work. Everyone else drives. I do have two employees that live a couple of miles away. And occasionally there is someone who rides a bicycle there, and that's me. The

-- there was some concern about being in the middle of an industrial area and I think if you look at that flum map it's very obvious this is on the western edge. I counted the empty parcels that adjoin my property and my wife's property and there are 16 empty lots that are adjacent to it. So if we have concerns about industrial next to mixed use, that might be helpful. One last thing, I really encourage you to save this special place. In the last 15 years I've taken thousands of people into my showroom there and you think well, it's just an old, you know, building that was a factory. Well, it's a really cool place. I

brought you a picture andrew horansky

-- and when I walk someone in there we go through a pair of double doors and I call it the ah-ha door because when they walk in the space they go oh my gosh. This is amazing. So I think this is an incredible vision to save a really special building and turn it into something just truly vibrant. So I hope you will see that too. I'll be happy to take any questions you have for me.

[10:19:31]

>> Cole: Thank you, mr. Kuhn. Our next speaker is robert pemberton.

>> We had a sheet with a preferred

-- yes, ma'am.

>> Cole: Hold on one second.

>> And rachel mcghee had to leave at 4:00, but she made other arrangements so we can go in our order on the sheet that we have so she can go first.

>> Cole: Is she still here in? Do you want to let her speak first?

>> No, we can go in order.

>> Spelman: Mayor pro tem?

>> Cole: I have a list here and these are the speakers again and michael, you are first.

>> Mexican-american.

>> Spelman: Mayor pro tem? Before we hear from the first speaker, I want to be heard we heard from all of the for speakers.

>> You have not. There are still some speakers

-- [inaudible].

>> Cole: Wait a minute. My refresh.

>> Good afternoon, my name is joe abels. I zone the axon pub and I hope to be the music venue there as our lease is going to be expiring before this thing is done here and I've had the opportunity to meet with mr. Bolin and explore what could be a fantastic opportunity for not only the saxon pub, but nor musicians in austin. I've been around 25 years. I don't want to lose our spot. And what we can create there would be a save our venue. Not only that, I'm here today to represent the texas heritage [indiscernible] association and also incorporated this this venue would be a venue for the texas song writers hall of fame. I urge you to vote for this zoning change. I think it's a unique spot that I would really be excited to be a part of. It's really south austin. And I urge you to vote positively. Thank you very much. Any questions?

[10:21:50]

>> Mr. Abel, so you're the owner of saxon pub?

>> I am.

>> Do you have a lease that is about to expire or are you on a month it on month?

>> It will expire about the time this thing will be done. It's something that could work out well for me. I'm concerned. As you know, things on south lamar are changing rapidly. I lost a lot of parking. I don't know what to expect and so I'm making my move now. I've been fortunate enough to meet mr. Bolin

and talk about this so I'm excited about it.

>> Martinez: Regardless of the status of this project, I want to do everything I can to save the saxon pub.

>> Thank you very much.

>> Martinez: It is one of the

--

>> my wife and grandchildren appreciate that too.

>> Martinez: Thank you for being here.

>> Cole: Okay. I believe that's the last speaker except for jeff madden. You are the last speaker in favor of the project.

>> Thank you, mayor pro tem, councilmembers. My name is jeff madden. I am here for two purposes. I'm a resident owner of a house in the neighborhood adjacent to the development. I'm also on the south congress combined neighborhood contact team and I'm a member of that team and been asked by the chair if I have caveat to represent the contact team and show that we voted in support of the project. So first I will talk about my own personal views. I think right now as was mentioned, I think there's 16 vacant lots around and there are some industrial areas that stretch

-- it's underutilized, in my opinion. It's not bikable or walkable in any way. We really just have to sort of avoid it. Which is unfortunate because it is a great area and has potential in my opinion. So when I saw this project come and we had three meetings and hers from brandon bolin and his team regarding the project at the three meetings, in my opinion and in the contact team agreed and we voted in support that we supported this project and that this mixed use sustainable project is beneficial for the area.

Regarding the three meetings that we had, I would like to tell you a little bit about that. There was one on august fifth, there was 34 people in attendance for that meeting. The august 26th meeting there were 26. And the september 15th meeting there were 20 and that's the meeting that we voted at. That's important because our bylaws state that you cannot vote in favor or against, you can't vote at all unless you've been to three of the last five meetings. So in that last meeting when there were 20 in attendance, there were 13 people that were eligible to vote. And of those 13, seven were in favor. So we were

-- it was seven-five vote, one abstained. I want to be sure to also talk about some of the provisions that we asked to be included while we were supporting this development. One in particular, the

-- we asked that it was

-- that they agree to develop market rate housing only. And that was

-- that was at our request and the developer agreed to it, rather than doing affordable housing, which we have seen ground floor development and brandon do in the past and be very successful at, we felt that we would like to have market rate housing in the area. At the planning commission, the planning commission struck that from our letter. They were uncertain whether or not we were able to do that. So I wanted to be sure to mention that. I will yield to any questions if you have any.

[10:25:50]

>> Cole: Thank you, mr. Madden. Okay. You are our last for speaker and we are going to go to the against speakers. And I have a list. And michael is up first. And I believe you want to speak for six minutes, so I need to know who is donating time to you.

>> Mary anne rodriguez.

>> Cole: Okay. You have a total of six minutes.

>> Yeah. But mr. Mario cantu has requested to speak first. He has to leave. Then we'll go back in order.

>> Cole: You want to speak first?

>> Good evening, mario cantu. I live about a mile and a half from this industrial area and I wanted to shed some light on what was stated about the contact team. At the first meeting with the developer none of the contact team members were present. I was the only one present. For some reason they all forgot that that meeting was on that night but they do show up to all the other meetings for some-odd reason. So I wanted to share that piece with you. The industrial area and traffic are two things I want to focus on. This area is very unique, number one. Number two, it's one of the biggest, largest industrial areas in south austin. Of it provides a lot of jobs to a lot of individuals. It provides a lot of services and a lot of a lot of things for developers. It's a remarkable area and very unique. If we see an industrial gentrification of this area, I feel that we will lose a lot of the services and jobs. Second thing I want to talk about is the traffic. From the traffic analysis, my analysis, my visual analysis, is for the last six months I have seen an increase in traffic. Traffic used to be from about ben white all the way to hill's cafe. Now the traffic goes from hill's cafe all the way down almost to stassney. I don't know if they put a black hinge this the middle, the cords that measure how much traffic is going through or they take a lot of the analysis from up above on the traffic analysis, but those are two things that we need to really pay attention to because just visually looking at the traffic is horrendous and if we see an influx of more traffic, I could see a lot of problems occurring. We also note that there is two developments also right down the road from hill's cafe and then also on stassney there's another development. So with all these things coming together with the developments and more vehicles and more people, we can see some potential problems existing in the future. And that probably will not be a good thing. I wanted to share that. Thank you.

[10:29:08]

>> You have before you today a zoning case but I think there are some deeper issues that we need to look at as we plan for growth in the city. I thought it would be useful to look at the fundamental governing law for us, this city charter. This is the will of the citizens has adopted by public referendum. I've highlighted the last part of this. I'll go ahead and read it. No public or private development shall be permitted except in conformity with such adopted comprehensive or element or portion thereof prepared and adopted in conformity with the provision of this article. It refers of course now to the imagine austin plan. I went to those meetings, put in some time there. I'm sure that you did as well, as well as city staff and we spent millions of dollars to make a plan that could guide us in our growth as we go through the future here. So this development, it's a great concept. It's lovely. I think it's absolutely great, but it's in the wrong place. That's the problem. The staff doesn't recommend it and I agree with them. Why do they not recommend it? Well, residential and mixed use is incompatible with existing industrial development. It's important to preserve existing industrial areas. We need the jobs, goods and services that are provided by those folks up there. [One moment, please, for change in captioners]

[10:44:04]

>> we do not want or need traffic in our neighborhood streets. Five, neighbors surrounding the proposed development area have not been adequately informed about this issue. I asked six of my immediate neighbors yesterday if they knew about it, they did not. All six were opposed when I told them about it. How many more might there be. They need to be informed and polled so the accurate statements about opposition or support can be made. Six, neighbors were heavily involved in the 2005 south congress combined neighborhood plan and the 2012 imagine austin comprehensive plan, on both occasions they spoke loud and clear about zoning, the proposed change is not supported by either plan. Seven, staff is against the development. I would further like to say that I don't know what kind of traffic analysis they did, but

-- but all of us sit in rush hour on congress avenue in the morning. And it goes from ben white way past us, way past stassney in the morning, every morning, the idea of more trips, more residents adjoining that is horrendous to me. Second, their information on the bus stops, I believe, is inaccurate because when capital metro opened that south transit station, they did away with a number of bus stops along congress avenue. They took the number down because they were going to have the transit there. I would also like to say that the west st. Elmo that they talked about with

-- with bike lanes, you have hundreds of elementary school kids walking home from school there to those apartments, those affordable apartments there. So I don't think increasing traffic on that road would be a good idea.

>> Cole: Thank you, rachel. [Applause] and thank your husband. Robert palmerton?

>> I have two people that

-- that donated three minutes each. Rodriguez. And [indiscernible]

>> roscoe and rodriguez, okay. So you have a total of nine minutes. Good afternoon, councilmembers and mayor. My name is robert palmerton. I am a business and landowner in the st. Elmo heights industrial area and I'm here to speak out against the zoning change for saint elmo market and lofts. My businesses are the two blue ones here. Ed and the the one that says south austin metals. Jobs and employment are the cornerstone of every economy. It seems as though not a day has gone by in the last six years that a subject relating to jobs, employment and unemployment has not hit the media. St. Elmo heights industrial area supplies a lot of jobs. At the first neighborhood meeting, the developer said he was going to set the architectural tone for what the neighborhood was to become. He told me, I sit on very valuable property and other developers were circling to revitalize the area and there was nothing that we could do to stop it. He talked in his revitalization speech like the area needed to be fixed. This area does not need to be fixed. This area is a healthy, industrial neighborhood that offers hundreds and hundreds of highly skilled and well-paying jobs. Almost all of the warehouse spaces are leased. Right now, I would like to take a minute and read a list of just some of the businesses that are there. We have two welding shops, one steel distributor, one tile company, two plumbing companies, two plumbing parts houses, two tool companies, a paint company, two ac parts companies, three roofing companies, two

-- one auto parts store, one factory that makes doors and windows, two automatic mechanicshops and industrial equipment area, a recycling center, two concrete plants, a stone and rock supplier, two body shops, two storage facilities, one planing

-- plating and chroming company, one music recording practice studio, a brewery, a second sound stage,

a coffee roaster, graphics shop, machine shop, we even have easter seals in our neighborhood. And three construction companies. This

-- this area is like the home depot of industrial areas for businesses. My company compounds security specialists employs 45 people. Almost everyone has a spouse, now we have approximately 130 people depending on a paycheck from my company. I am just one company. With this calculation, there's now thousands of people who are dependent on the jobs and businesses that produce employment in the st. Elmo heights area. Austin is a high tech town, we have software designers, electrical engineers to design chips and people who write apps. But not everyone is going to do this kind of high tech work or work downtown. Some of us are going to become plumbers, carpenters, electricians and welders. This area supports the trades. Of the business

-- steel plumbing and air conditioner suppliers were just some of the companies that support the people that keep austin running. An integrated chip designer is not going to be much good to you when your plumbing has a problem. The planning commission felt that the residential and the industrial people could live next door to each other without any issues. The city staff does not recommend this zoning change be allowed to take place because they feel that they will be incompatible. This is not a good mix. This is not just a commercial area or commercial warehouse, like a trammell crow warehouse. We have concrete trucks, numerous 18 wheeler trucks coming and going in the neighborhood all the time. We are what is considered dirty businesses. We are welders, mechanics, carpenters, we make noise, we manufacture items, use chemicals and have heavy trucks. That is why we are isolated in a strict industrial area. I've heard the comment, well, people know what they are getting into. And it was even brought up today that maybe something needs to be signed. It doesn't work that way. Four to five years from now, when there's a new city council in place, a new mayor, people will forget who came first. What happens when the condos that abut right up against the industrial building start to complain that we are polluting their world with light, noise, or heavy trucks? Or parents complain about the children's safety because of the industrial traffic and there are no sidewalks in our neighborhood. The hoas will be right down here at the city hall raising cain over us. This is where we start getting pushed out by curfews established on when to work or noise ordinances, et cetera. Everyone forgets we were here first. This is why it is an industrial area so we can work and not bother people. This neighborhood goes back to 1955. Look at the live music downtown. On one hand, we promote austin as a live music capital of the world. Then we balance that with constant complaints from the residents about how loud the music is and the revelers that make too much noise at night. The shopping mall that is built in a big vacant field only to have houses developed around it. Now the parking lot sweeper that can only work at night is too noisy and works too early or too late in the evening. The parking lot security lights that keep

-- that help keep the workers safe walking to their cars at night are now too bright. This is a common occurrence, it happens all of the time, all over the country, here in austin, too. It is inevitable that it will take place here in the st. Elmo heights industrial area if we allow this zoning to

-- if we allow the zoning change to take place. Austin, if you can move to the next slide, austin does not have much industrial area as you can see. From the slide. The dark purple is what industrial areas we have in austin. I have circled in black the area we're talking about. There was a comment made by the developer, moved to the other side of i-35. You can't. We're not the kind of businesses that they want. I had been in the neighborhood for 26 years now and two years ago I built an office warehouse space because my business was growing and adding jobs. I had planned on retiring on industrial boulevard.

What happens to all of the business owners and employees as the companies close up or get pushed out because they are not compatible with the residential area moving in. What about my hopes and dreams for the future? What about my employees hopes and dreams? What about the jobs? How can we let this happen? If this is zoning change is allowed, it will just be the start of lost jobs and businesses pushed out to the outlying areas. So are we just going to cancel these jobs, hopes and dreams in the name of development in sustainable living because one person has an idea? The needs of the many outweigh the desires of the few. I ask you, please do not let the bradon bolins of the world steal our future in the name of development. Their plan is not going to help the neighborhood. It is just going to make them money. Please vote against the zoning change. Save the jobs in the industrial area that supports the trades and workers that support austin and you. Thank you.

[10:55:03]

[One moment please for change in captioners]

>> ... Model cars. They will take over, they will lease a space.

>> Yes.

>> They can lease space elsewhere.

>> Yes. I think there are 6 or 7 months out of the year on the few that are on industrial boulevard.

>> Spelman: They would be able to leave space, suppose it is movable on the other side of i-35, it could be another 2 or 3 minutes of i-35 to supply the motor mile. It seems to me the highest and best use in a industrial district would be some sort of permanent industrial city of some sort, like the kind you guys operate. Why is not there a south austin metals coming in to take over the vacant space

-- the spaces vacant several months out of the year next to mr. Coons' property?

>> The owner of the property has made a deal with the car people, and right now we have the land that we need for south austin metals.

>> Spelman: I understand you do. I guess what I was getting at, is there a growing market for people doing the sorts of things you do, doing the sorts of thing that is happen in this district. Are there more and more industrial folks who are looking for places to go and looking in the st. Elmo area or is that market diminishing, or is it stable?

[10:57:12]

>> I think it's very full, and I think it's growing. We have

-- there is one developer that is

-- he is down st elmo towards i-35, and he is about to put in ten condo warehouses spaces, for people who can buy and work in and things of that sort. I don't know if it will be a work-live situation. As I would be going through the neighborhood, all of the warehouses seem to be filled up with, you know, people making money, supplying jobs. I can't comment on the 16 vacant spaces. That sounds a bit high, but I haven't gone out there and counted them.

>> Spelman: So his experience is not the same as your experience. From your point of view, it appears stuff in st. Elmo is thriving and full?

>> Oh, yes. I use a lot of the businesses in the neighborhood. I know we had a rash of break-ins with

some of the other businesses. They were down at our shop. They wanted bars put on windows. We go to ferguson's. We go to austin tool. We go to tci paint. Yes, I support a lot of the businesses in the area.

>> Spelman: Thank you, sir.

>> Cole: Council member morrison.

>> Morrison: You mentioned just briefly that a suggestion to just moved your operations over to the industrial area east of i-35 wasn't really practical. I think I know the answer as to why because of the different character of the industrial. Could you just expand on that a little bit and help us all understand the difference between the industrial area where you are, versus the industrial area that includes like all the way from southpark, all the way to 183?

>> Sure. My

-- my opinion has always been there they are more

-- been that they are more looking for

-- the companies that are moving products in and out, not so much manufacturing, or they are what I call clean businesses. Yes, they have semis that pull up, but they are getting products. They are loading them on the truck. It is a halfway point. Whereas we have trucks coming in

-- I have got steel trucks coming in all of the time, which we struggle to get them in now, and I am very concerned about the traffic coming up, but, you know, we are just

-- we are making a lot of noise. We are

-- we are a mechanic shop

-- we have a mechanic shop, it's inevitable when they move out, there will be grease stains on the concrete. The same way with us; you know, we beat on things, are fabricating things. We are going to tear up the concrete a little bit. We just aren't clean businesses.

[10:59:58]

>> Morrison: And you mentioned

-- did you mention that there were two concrete cement plants in that area?

>> Yes.

>> Morrison: It is pretty significant. We have been talking a lot about concrete today. [Laughter] I know the difference you are talking about because I drove down to the supply places down there when we have been buying plumbing stuff or looking for something weird, a special fitting and also I used to work at a couple of places to the east of i-35 and this might be a question for staff. I can definitely see the difference between sort of clean industry

-- a cleaner manufacturing versus more of the nitty-gritty kind of work and I don't know if there is an actual categorization that a formal planning categorization or, in your view, a formal way that distinguishes those different types of industrial uses, so I don't know if you know the answer. It just feels like it clearly is very different.

>> Yes, it is and down willow springs, it's

-- that's where another welding shop is. There is another couple of large companies have rented space down there because they are just like us. They are doing fabrication, manufacturing, whatever it is.

>> Morrison: Yes. Okay. Thank you.

>> You bet.

>> Morrison: I appreciate your point.

>> Cole: Okay. Thank you. The next. [Applause]

>> Cole: Next david coleman.

>> Good afternoon. I will follow robert and not be near as eloquent as him but when we are talking about the industrial area, I feel like we are talking about industrial technologies. I am david carolyn and human resources and safety management for our company. It was built in 1956. It was a flemings grocery store technology there and dell star technologies moved in 1990. We have 160 employees who work for us. We are probably the largest employer in this area. I am really surprised after listening to what I am hearing today that the developer hadn't come over and said anything to us, these guys are going to be sharing our backyard. The company is right against them, with human resources and safety as my focus for my business, I think about those people and I think about

-- I think about the residents are going to be there, the traffic. We talked about a lot of different things that are going to be problems for us and cause problems for our business. Coming here this morning, I spent 15 minutes on any way to stassney to st. Elmo and I live on slaughter lane and coming up congress every morning is worse every morning. I can't imagine putting residential area and adding that more many people in that roadway there. The complaints

-- we have mentioned the complaints before. I think if you put this type of venue back there that you are going to have people that are going to be complaining. We are a 24/7 operation. We have silos. We run plastic protruded netting that runs air and filtration and extruders are running, high temperatures and loud and 24/7, trucks are all night long, we have this operation going. I am concerned. I don't know about you guys but when I was a little guy, I was adventurous as a little guy and when I had a industrial place next to me, I would like to play on the palettes and swim over there and play in the plastic pellet.

[11:03:44]

>> Cole: Your poor mother.

>> Government oversight and city oversight, the city does a lot of time spending on regulations and I do water sampling every 6 months. The fire department came to visit me the other day, a new high pile permit. With all of the years of doing this, I never heard of high pile permit and I am getting more and more and I can only imagine going from residential to industrial, this will be more and more of those type of permits that are going to be required. I think really the bottom line comes in: If our business is forced to have to leave there, we are going to have to try to move 160 people, 160 families and probably it will have to move outside of the travis county city limits. We have a lot of people that use the bus route right there. One of the bus stops we didn't mention is right there at the corner of congress and st. Elmo. A lot of our people use that. Another thing special about our business. We do on-the-job training for our employees. A lot of people don't have high school diplomas, a lot of them don't have college educations. And our average pay is \$16 an hour.

>> Cole: Thank you.

>> So.

>> Cole: Thank you.

>> Tovo: May I ask a question.

>> Cole: Council member tovo.

>> Tovo: Would you mind

-- I missed it but I missed some opening remarks.

>> We have plastic extrusion company, we take the plastic pelting and melt it down to plastic netting and it's used for air filters and water filters. That's what we do.

>> Tovo: And you said you are immediately adjacent to the back?

>> Yes, the second business located on st. Elmo, when you come to congress, the second business there and if I am not mistaken, probably the largest employer in this area.

>> Tovo: Thank you.

>> Thank you.

>> Cole: Thank you. [Applause]. Next we have brenda ruiz.

[11:05:56]

>> And I had time donated from

--

>> Cole: Time donated from george cuber.

>> Yes.

>> Cole: You have 6 minutes.

>> I just wanted to start the

-- I think you had the levi's joe han, levi on your sign-in list. They were here at 2:00 and own elephant moving and storage in this area and they asked me to comment that they are very concerned. They are a young couple. They have a six week old baby. They have got a moving company and they are very concerned about the changes. They say we couldn't afford to move our business. We have been here five years. She said the landlords are all small property owners. They work with the small businesses and it is not like that anywhere in town. She said we looked a long time before we got our property. So I just wanted to say that for her. So I strongly oppose this zoning change. I own property on industrial boulevard, also. One of the recurring themes that I have heard from this council is that we maintain austin's diversity, to make it home for all different types of people. Well, today is a chance for you to vote for that diversity. This industrial area is comprised of lots of small businesses. Aside from the ones I have mentioned, we have got kenny's creditables, austin american awning company that makes awnings, full circle services which is an electronics recycling company. Many of these businesses have been in there in this area for 26 plus years and they all have employees. If these businesses are forced out, many will not recover. They will not be able to afford relocation costs and higher rent. They moved into a designated commercial industrial area with a promise

-- and I say, yes, a promise

-- that they could build their businesses here and many have done that for 10, 20, 30 plus years. Please do not let these businesses and employees down. If you look at the project being proposed, the site is almost landlocked by industrial businesses all around except for small ingress and egress points. The main tract from the proposed residential condos will dump on to already heavily trafficked commercial truck routes. This doesn't

-- this just doesn't make sense. The city staff said so in their report. Their project makes sense for the developer because I am sure he is getting a great deal on this landlocked property. He has spent lots of

money on former city of austin staff personnel and high powered attorneys to influence the council to rezone industrial land to allow for residential use, so his project will make financial sense. Is that what austin has become? Where money talks and trumps commonsense? And promises that were made by the city through detailed neighborhood plans to neighborhoods and businesses in this area? What is the point of everyone working together on a neighborhood plan if the city council undermines those plans when big money developers enter the picture and try to circumvent those neighborhood plans? Please remember that the businesses and the neighborhood are in agreement on this. How often does that happen? How often do you see the local businesses and the residents coming before you asking for the same thing? That's what we are doing. We are combined here. Please consider what your vote on this zoning change says to all of the other neighborhood plans and all of the time that has been spent on them. We love this city just like you do. We ask you to vote against this zoning change. Thank you.

[11:10:05]

>> Cole: Thank you, brenda. [Applause]. That's the conclusion of our speakers against and we have one speaker, stewart blackwell who has signed up neutral. Stewart, are you still here? Okay.

>> Hi, my name is stewart blackwell and evidently I sat on the wrong side of the room. Like in here, I am a part-time musician. I play a really mean air guitar, and if you heard me sing in the shower, you would think I should be on "the voice." Okay. I am a musician wanna be but I am a musician wanna be that wants to live in the live music capital of the world. This project supports that. I have a good friend who is a professional musician. He would be here in front of you today except that he is on a tour currently in california, alabama, and new mexico. He leaves next week for a tour

-- let's see. I can't

-- this one is too long to remember

-- the uk, germany, ausustria, switzerland, france and italy. Why does he have to go to another continent? Because it is so difficult for musicians to earn a living wage on 6th street. They play for tips. They play for drinks. That is not an area that supports a living, vital music community. John has won 11 austin musical awards

-- sorry, one more than I have fingers. 11. The fact that

-- the fact that people are asking him to go to another continent to play suggests that john is kind of

-- kind of good. He wants to play in austin. He can't. He can't make a living playing in austin. This facility provides a venue that will

-- that will be state of the art. It already has been spoken of. It would have other cultural things and it. It's mixed use. It is everything the city stands for. I have spoken mr. Bowlen and he is enthusiastic about providing housing for musicians, and several other organizations that support the infrastructure of musicians can office. I forgot to mention. He is considering offering the space for these organizations for free, for 99 years. Mr. Bolin is willing to put capital into the live music capital. We can look at this as an opportunity to continue to grow and authentically claim the title of "live music capital of the world," or we could ignore it, put it down and become the light industrial capital of the world. Thank you.

[11:13:39]

>> Cole: Thank you, mr. Blackwell. [Laughter].

>> Cole: Okay. The applicant has a rebuttal. 3 minutes? 5 minutes.

>> Thank you, mayor pro tem. I don't know if I had any time leftover from my initial presentation but I will try to keep it to 3 minutes.

>> Cole: Okay.

>> Very emotional appeal, certainly. I want to get back to some facts. First, on the process. There were numerous meetings, six meetings that were held, three official neighborhood contact meetings, hour and a half long zoning and commission meeting that was a public meeting. There are no new arguments. None. Not one. Traffic compatibility, keeping the industrial area, all of those were heard by planning commission unanimously, except for one abstention voted to support this project. The neighborhood planning contact team also voted to support this project. Now, I guess the other side feels like that wasn't very representational but that's

-- it is democracy. Sometimes

-- our president was elected. Not everybody voted for our president but we have one president. We follow the rules that the city laid out for neighborhood contact team and it has been recommended. There is no valid petition in this case. There are dozens and dozens of tracts in this area and you have heard from three of the industrial area owners. Only three. There are 20 empty tracts in this area, in addition to the 16 near the property. The folks want to keep the industrial area industrial and they can. This zoning case doesn't rezone their property. No one is buying their property. This property can stay -- the industrial area can stay industrial if they want it to. There is no

-- nothing about this case that

-- and there is no evidence to indicate that there is going to be some sort of tide wave of

-- tide tidal wave of residential development. In fact, evidence showed there is only handful of tracts big enough for this development and only two on congress. As to traffic; there is r, there was cut-through traffic. If you look at map, cut-through traffic is not an issue. There are numerous opportunities to get to i-35 without having to cut through the neighborhood. Numerous opportunities to get to congress without having to cut through the neighborhood. As to affordability, that has to do

-- that is a problem in our city and has to do with the dwindling supply of affordable housing, including reasonably priced housing. We have a dwindling supply and we showed you in this area in particular there is a limited supply and we need that here and as far as compatibility is addressed, mr. Parmerton's site is next to liap property, it is next to property that is zoned residential. He should worry about the property behind him and the dell star project is the area across from this, too. This has residential zoned and flumed property next to residential and commercial property. That issue is here but we are here in this zoning case and able to do something about that the property behind mr. Parmerto be kent, we have something along hud lines and compatibility is not an issue. We can provide that. Truck traffic, numbers are 2%, according to the tia which was approved by the city of austin. Imagine austin clearly, clearly is for this. If I can have the powerpoint that was on this. Basically, imagine austin has a lot of things to say about land use and transportation and about compacting connectability but it breaks it down to the gross concept map. I want to show you the growth concept map. I want to show you. I apologize mayor pro tem. So this map, you see the purple, this is the available industrial area

-- my client, you can ask mr. Coon, is relocating and he is looking to south austin to relocate his 50 employees. There will be maybe 1,000, 1500, maybe 2,000 jobs available at this site if this project goes

forward. Job is an issue. It is a reason to vote for this project but his project will be able to move to southeast austin. There is hundreds of acre of available land of industrial land in southeast austin and knowing that gets me to the growth concept map and it's hard to see here but you can see congress as it comes down offer of the downtown, it's shown on our growth concept map as an activity corridor. You see, also, as you go east along ben white, the purple  
-- the blue, the job center is no shown on our growth concept math. The fact of the matter is  
-- map, the fact is there will still be dozens of industrial sites if you approve this and still hundreds of acres of industrial land land in this city but only one congress avenue. And if you want to activate the corridor in this section, you have to approve zoning. I am open for any questions.

[11:19:44]

>> Spelman: Council member.

>> Cole: Council member spelman.

>> Spelman: I think the reason staff didn't recommend the change in zoning as you are proposing because they can see is the specter of people living in your condos complaining about the industrial uses next door and they don't want to deal with. And I don't blame them. I wouldn't want to deal with it, either. What can you do limit the impact on residents of smells, vibrations and noise?

>> If I may grab something, council member.

>> Sure.

>> There are a couple things, by the dell star property, that's where the parking garage will be so will have 4-acres of property between the dell star project and the residential, that land there, but specifically on the

-- as to the residential, the developer has committed to the following measures: One, to adopt the h.U.D. Goal of 45dba as a criteria for interior noise levels in our residential units.

>> Spelman: What is that. 45 dba, the h.U.D. Goal and this was in consultation with an acoustical engineer and specialist. And so we would maintain the 45 dba and meet and exceed all sound transmission requirements of chapter 1207 of the international building code. And we will extend those requirements to the exterior envelope. We will commission a qualified acoustician to provide 24 hour valdezs of the perimeter of the site and also for them to provide recommendations and to meet that 45 dba level. And we will incorporate all of those recommendations into designs and production prior t build ing permit.

[11:22:01]

>> Spelman: It sounds like it will help a lot with respect to noise. There are also issues of vibrations. I think transmission will deal with the vibration issue.

>> I don't know if I understand the vibration issue.

>> Spelman: You have a lot of trucks on the street outside. In a lot of circumstances that will cause vibration.

>> I think we would be willing to look at that. According the to our of course, 2% is the truck traffic. And I am sure that we will design a building

-- I mean, we went specifically aware of the vibration issue. I am sure we can do something about that  
--

>> Spelman: I may have made it up but it seems to me that  
-- you are talking about dba as being the h.U.D. Requirement.

>> Right.

>> I know have been talking a lottant here and I don't understand the acoustics particularly well but I understand there are particular ways of measuring decibels and as you go to dba to dbd to dbc, how far do you go? Lori is the expert. B is the bass and it picks up low sounds to feel like you are vibrating. It seems to me broad spectrum examination of decibels might cover the issue I have in mind when I am loosely as a vibration.

>> The project architect told me he can maybe speak to this.

>> Spelman: Thank you.

>> I am bob mcthistle and we have been partners to work on this and we have been in consultation with acoustic basis and the consultant has advised us, telling us the 45 dba is a hud goal within the doors itself.

>> Spelman: Shut the doors and windows, it is 45-decibels. 45 dba for the optimum maximum level of sound. Dba is a weighted

-- we can go way into the weeds on acoustics, but the human ear responds differently to different frequencies of sound. The dba is a weighted average that recognizes that and that's generally the industry standard for setting noise levels within any kind of space but there arely residential space. Now, in term of the vibration, we have

-- we would have to reason to our acoustcian and raise that to him. He didn't raise that as a particular concern when we were discussing this in preparation for tonight's meeting  
-- or today's meeting.

[11:24:40]

>> Spelman: I would certainly defer to a guy who has a who has aph.D. In acoustic to my ill-formed knowledge but I pick up my ears are vibrating when something like that happens.

>> Yes, the body is more sensitive to low frequency sounds than high frequency sounds and hearter to attenuate, they travel further.

>> You feel they are reverberating through the walls and windows?

>> Exactly. Why you feel the bass miles away from the music venue and not the treble.

>> We talked about this last week.

>> I am sure you did.

>> Spelman: I want this to be on your radar screen. Mostly on behalf of the staff 3 or 4 years from now because if the people move in and you have not done as good a job as you could do, they are going to start arguing to your codes people and are going to say the complaints that they are foreseeing as a possibility.

>> That's actually a two way concern.

>> Spelman: I inc.

>> As the client begins to market these units, they definitely warrant to be able to ensure that there is a

-- they are offering their tenants or buyers a quiet environment.

>> Spelman: Absolutely true. And you will be able to command slightly higher prices even than reasonably priced housing if you are able to sell in an environment that's not quite obnoxious.

>> And as stated, there is a

-- the building code only addresses really interior sound requirements between units.

>> Tovo: Right.

>> The client has committed, at our recommendation, that of the acoustician, mark again to extend those requirements for sound transmission classes, STC classification to the exterior walls as well or more depending on how the multiday study turns up.

>> Spelman: That will require more expense on your part and certainly more trouble than most builders have got to go through in order to build stuff.

[11:26:43]

>> Yes, but they have committed to do it.

>> Spelman: Thanks. I appreciate that. I have another question, I don't know if it's as easy to deal with. I don't believe there is a HUD Start because I don't believe there is a decibel meter for smell but I do understand that industrial neighborhoods

-- I don't mind the smell at all. I grew up in a machine shop, but a lot of people don't like that sort of thing. Is there anything you can do about that?

>> I could talk about it.

>> Please. Yes.

>> So we do have occasionally, when there is a wind from the north, we do have this interesting smell, and usually it takes me about 15 seconds and I go, oh, yeah, that's the coffee roast up at pinfield and I have been there for 15 years with my business and I go to work at 6 in the morning and I work until 6 at night so I am not aware of any other smells coming to the property.

>> Spelman: The concern that came to my mind was we were hearing from the speakers of the opposition was the plastics extruder. Plastics famously

--

>> we don't

-- we

-- not that I

-- not that I know of. Not that I am aware of.

>> Spelman: If you wanted to be particularly concerned, even with the coffee roasting, which I know a lot of people do not like, what can you do with your air conditioning system, with your ventilation system in order to reduce the impact of that?

>> Yes. Actually I only notice that outside. I don't notice that inside. I just notice it when I walk out to my car. Like I said, it is the north wind coming from pinfield.

>> I am

-- I am not an expert on smell.

>> Spelman: None of us really are. [Laughter]

>> I like the smell of coffee roasters. I don't like the smell of burning plastic, I don't think. Yes, the

building, as it is upgraded for acoustical matters that we've just discussed, that will  
-- that will involve higher grade windows and doors which means better sealed so those will be well sealed. We can also discuss and we can  
-- we will commit to discuss with our mechanical any upgrades or  
-- with our mechanical engineer with any infiltrate that as exteriors are brought in, the smells can be addressed but I can't say more than that because I am not an expert on that.

[11:29:12]

>> Spelman: None of us are experts but I am glad this is also on your radar screen. I think this will be heading off trouble downstream if you pay attention to it in a short run.

>> Again, it is very much in my client's concern to make sure that this is not

-- and only the good smells are smelled and not the bad smells.

>> Their own coffee smells.

>> Yes.

>> From a brewery.

>> Spelman: Thanks.

>> Cole: Council, it is 5:29.

>> Morrison: Can I have one minute.

>> Cole: And council member morrison is asking for one minute but the plan is probably to put this item on the table and bring it back up after our dinner break at 7:00 o'clock. And we also have the codenext item and we have consultants in to talk to us about that, so they will be available to visit with us and so that will happen after we close this case, and we will have public testimony, but, again, we are saying that if you testified now, please don't testify when we consider the item on the 6th. Council member morrison.

>> Morrison: Thank you. I wanted to follow up on the conversation that was just had because I just want to share with you all, we all think are experts in sound here now now because we had a lot of discussion about compatibility of sound in outdoor music venues and things like that. I can tell you what we have found through our music office

-- and I will share this specific example because I think it speaks directly to what you were talking to, council member spelman, and that is, when we had an outdoor sound

-- amplified sound thing going on and next

-- nearby was a music venue, and the outdoor sound was meeting the db limit at the perimeter as required and it is defined by dba. [One moment, please, for change in captioners] and I'm very aware of what you're talking about and very sensitive to the issue.

[11:32:02]

>> Morrison: I just had to get that on the record. And I have one quick question for mr. Howard when you were listing all of the sound things. Did you say there was going to be a measurement of sound at the perimeter of the property? Did I mishear you?

>> Yes. We said that we would commission a qualified [indiscernible] to conduct 24 hour measurements

on site to establish the sound levels at the site.

>> And that is to what purpose so you can design the building properly?

>> Yes, ma'am.

>> Morrison: It wasn't so that you can get the sound make stories quiet down?

>> No, not at all. It's just that we could understand what

-- do you want to

--

>> Morrison: You could understand the sound landscape?

>> That's exactly right. I actually wrote that in consultation with the acoustician. The idea is to know the perimeter around the site from actual industrial facilities. They do work

-- the noise can occur at different hours. They may get deliveries on a particular thursday everyday. They may get them at night, whatever. We want to understand what the condition is that we're dealing with at the perimeter and then knowing that we're trying to establish a 45 d/b/a level within the units, how much has to be attenuated.

>> Morrison: Thank you. And just one comment, and that is that we've also learned that sound varies obviously by weather. And it varies by altitude, elevation. On the ground is different than 100 feet up.

>> Absolutely.

>> Martinez: Mayor pro tem? Can I suggest

-- we have a bunch of folks here waiting for us to vote. If we're going to take a break, I know we have to do that, but let's just do the proclamations and come right back to the dais. We're trying to get out of here early and we still have other item. Proclamations don't take more than 30 minutes. I just say let's do the proclamations and be prepared to come back as soon as the last one is complete so that we can make decisions and let these folks go home.

[11:34:06]

>> Cole: Okay. Let's go ahead and take our 5:30 recess and come back for 6:00. That's quick. Let's try to get back, say, 6:15. That's probably more reasonable. 6:15. That kind of cuts it short about 45 minutes. So the city council

-- the austin city council is now in recess until 6:15.

[11:39:34]

>> Morrison: Evening, everyone. If you wouldn't mind taking your conversations outside because we have other business to do. Thank you. Thank you for taking your conversations outside. We're going to begin the proclamations. Thank you for taking your conversations outside. Could somebody just tap on the shoulders in the back? Thank you, councilmember martinez. Thank you, everyone. I just wanted to make sure that everybody got a chance to hear from adrienne carter who is with the united nations associations austin chapter here to celebrate I believe it's the 69th anniversary of the united nations. And it's lovely that you're here to celebrate because sometimes we forget that we're a part of a global community. I think these days everybody is very aware that we're part of a global community with everything that's going on in the world and we feel connected and we are paying a lot of attention and

we're fortunate to have the united nations working for all of us all of the time and fortunate to have you here representing them for austin. We have a proclamation that says be it known that whereas the united nations was founded in 1945 and is celebrating its 69th year of promoting peace and security, development, democracy, economic prosperity, global health and human rights around the world and whereas the u.S. Has a long tradition of leading international efforts to improve health, education and economic growth in developing countries and has shown its commitment through foreign assistance, progressive trade initiatives and debt relief measures and whereas the theme for this year's u.N. Day commemoration is the united nation's global citizenship and youth and whereas we recognize una u.S.A. Austin's chapter's commitment to mobilizing and educating our network to build a strong network of global citizens to create a prosper, just and sustainable world. Now therefore i, lee leffingwell, on behalf of the city of austin, action, do hereby proclaim october 24th, 2014 as united nations day in austin, texas. Thank you. Confusions.

[11:42:11]

>> Hello, I'm eye district 3 yes or no carter, president of the unit nations association austin chapter. I would like to introduce our student board member jan. She is the texas student media central texas model u.N. And she's in the college of communications at u.T. We're really proud to have her in this year of global citizenship and youth representing our chapter at university of texas. Austin is an activist city and being involved with the united nations there's a lot of bad media about the united nations. We really appreciate the city recognizing and working with us because there are so many good things. And I would like to share a little bit of that things that the united nations does and why we support the united nations. Each year the united nations provides foods to 90 million people in 73 countries, vaccinates 58% of the world's children, saves two and a half million lives a year. Helps 30 million women a year and so much more. While the united nations is not a perfect institution it serves a near perfect purpose. No single country can resolve alone. People across the united states need to.

>> Morrison: About the real impact of the united nations. There are 120 chapters across the united states to help mobilize americans to support the vital work of the united nations. There are 10 economic social council function commissions. There are five regional commissions in europe, latin america, asia and africa. There are 10 u.S. Programs and funds. You may recognize many of them such as unicef, unsa, the population fund, the commission for refugees, the environmental program, the u.N. Women and the conference on trade and development. There are many specialized agencies, about 14, and there are eight related agencies such as the world trade organization. The united nations has served many powerful purposes. Now more than ever we need activists to participate and support and work with us. Eleanor roosevelt took the words to the streets and inspired many of our grandparents and our parents and even ourselves as young children. Today we have activists such as leonardo dicaprio on the united nation's climate summit, malala who was shot in the face and promotes world peace and just won the nobel peace prize and yoko ono donated and thousands sang the song on a day of peace supported by the united nations. We hope that many people, many lives, many immunizations, so many things that we need so badly across the world are not forgotten. And austin is such a progressive city and we definitely appreciate the support of the city and the council and it's wonderful to have the proclamation. Thank you so much.

[11:47:58]

>> Morrison: So austin is fortunate to have so many creatives in our community that make up, you know, really the vibrancy, a lot of the vibrancy that we have. And I guess it was three years ago we created a new program called the creative ambassadors program, which was really meant to first of all help promote our creatives as they traveled the world and to develop  
-- help them develop relationships and promote tourism and all of that. And we wanted to feature  
-- of course everyone knows that austin is the live music capitol of the world, but way even beyond music and so every year we name some creative ambassadors to take it to the streets in new markets and creative communities around the world. So this year we have two that we are recognizing. The first is ellen bartell and the ellen bartell dance collective. It used to be spank dance. That's the way I remember it. I hope you will tell us a little bit about what you've been doing. But recently she premiered a new contemporary dance at the famous french festival in edinburgh, scotland, which must have been a very exciting thing to participate in. And I've seen some of her work before, but it was years ago and certainly original creative dance that brings something very special to the city of austin. Her work is shown through projects that might be either site specific, theater dance, dance festivals, dance on film, works in progress or improvisation. So I think the mission that I've read about is that it's based on the belief that community can be built through dance and I'd appreciate that very much. So let me begin by reading this proclamation for you. It says be it known that whereas the local creative community makes many contributions toward the development of austin's social, economic and cultural diversity. And whereas artistic director ellen bartell as had consistent creative in her discipline and creative efforts furthers austin's status as a creative capital and whereas the economic development strives to open new dialogue and enhance the collaborations and exchanges between austin's creative community and other markets worldwide. Now therefore i, lee leffingwell  
-- I on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim ellen bartell dance collective as a creative ambassador for the city of austin. Congratulations.

[11:50:38]

[Applause].

>> Thank you. I do want to say thank you. This is beyond my expectations of the reason why I was here today. And I do believe that dance can create communities and that's in the studio as a teacher, as an artist and also as developing connections as we did when we went to ed done bore roam and I feel that I did  
-- ed inborrow fringe festival is huge and imagine what a little duty in the middle of all that is. But I did connect with a very big dance community in edinburgho and it's an eight-million-dollar facility at the base of the castle. So it was an amazing thing to be able to speak one on one with the woman who built and directs this entire facility and I have created a friendship with her and I will be going back. And this small festival that I was within the festival I invited and it is a global festival that I want to bring to austin. I created lasting friendships while I was there. And I  
-- I contribute the fund-raising efforts for us to go to edinburgho for this creative festival. Thank you

again.

[11:52:56]

>> I wish we could have you actually performing tonight. But their combo plays americana that encompasses texas honky-tonk, bakersfield tank, rock billy and good old-fashioned rock-n-roll. I also have a proclamation for you. It says be it known a little bit of it sounds familiar so bear with me. Be it known that whereas the local creative community makes many contributions towards the development of austin's social economic and cultural diversity and whereas ruby deand the snake handlers are outstanding representatives and spread worldwide austin's unique heritage and whereas the economic development department strives to open new revenues of dialogue and enhance the collaborations between austin's community and other markets worldwide. Now therefore I on behalf of lee leffingwell, mayor of the city of austin, texas, here by proclaim ruby dee and the snake handlers day in the city of austin. Can you tell us about yourself?

>> I brought a few cd's and I gave them all away. Sorry.

>> Do I have to stand on tiptoe. So this was the first official capacity that we ever had as official austin music a ambassadors going to australia. But unofficially we've been doing that for going on 12 years. So it wasn't all that new for folks, but I'll tell you one thing. We did represent very well everything that we brought with us from austin to folks all over australia. And in fact,eally turned a lot of people on to different ideas and different things about austin that they had never even thought about, let alone having heard of before. The fact that we're not all cowboys and it's not all country music and it's not just this and this. It's not what they thought. In fact,  
-- there are quite a few people who said they were going to come visit so I'm looking forward to seeing them here and we'll see them there again because we've also been invited back again to tour next year. We're very, very proud. You can imagine three gentlemen, big hulking guys standing next to me or behind me. That's who we are, ruby dee and the snake handlers. We're very proud to represent our hometown. Thank you.

[11:55:24]

[Applause].

>> Riley: This says the event that's going on this weekend

-- there is a lot going on this weekend, but the most exciting is an event called the [indiscernible]. It's an event that started off in bogata colombia several years ago. They close down many of the city streets to cars and open them up to everyone else. Millions of people turn out and enjoy the streets and parks and engage in all sorts of healthy activity, walking, biking, exercise classes, dance classes. Anything you can image going on on in the streets. It's a lot of fun. That event is spread throughout latin america and through north america. Many cities throughout north america an even in texas are doing cisneros on a fairly regular basis. Here in austin we got started on it in 2012 on east sixth street. We worked with the east cesar chavez neighborhood to host an event called viva streets on so on a sunday on east sixth street mom almost from brazos to the end of sixth street we closed off the street to cars and opened it up to all dins of fun activities on the street and thousands of people turned out and enjoyed it. We did it

again in 2013. This year we're doing something different. We're actually working with the mueller neighborhood to have the event in more of a residential setting this sunday from 10:00 a.M. To three p.M. I want to tell you a little bit about the sorts of activities that you can expect to see if you get out there this sunday. They have things like zumba, obstacle course. Soccer drills, free 10 minute massages, giant chess, hop scotch, hula hoop contest. Pet photos, chalk paint, pumpkin bowling and pumpkin patch photo op. Walking tours and much more. It will be all kinds of fun. This does not just happen on its own. There is an awful lot of work that goes into this sort of thing and we have some of the key players here tonight who put so much work to having this special activity which isn't just about physical activity. It's also about building community so that people can come out, interact with their neighbors and other folks in the community and enjoy the street in ways that they never can when cars are out there. I want to recognize in particular we have james russell who has done so much work in organizing event. We have mateo barnstone from the mueller neighborhood association who has been so instrumental in helping us with the neighborhood to get this figured out and activated. I also want to recognize louis [indiscernible] who was in my office for the past couple of years and did so much that put this event on a solid foundation and get it going for the first two years. Also have ben lefler here who is now in my office and has kind of taken over the role of facilitate a lot of the planning that goes into this event. With that I'll read the proclamation to recognize the event. It says be it known that whereas open streets initiatives known as psych low vias, temporarily close streets to traffic so people can enjoy the public spaces for other purposes such as walk, biking, roller skating, dancing and socializing. And whereas in 1976 bogota, colombia hosted the first event and now it has two million people attending weekly on 75 miles of car-free streets. Open streets events now occur in more than 80 north american cities. And whereas in 2012 and 2013 many local businesses and nonprofits partnered with the city to produce an austin cyclo via event called via streets that allowed austinites to enjoy healthy activity on east sixth street. The 2014 via streets in the mueller neighborhood will provide fun activities for people of all ages and fitness levels. Now i, lee leffingwell, mayor of the city of austin, texas, do thank the organizers and our hosts, the mueller neighborhood and do here by proclaim october 26th, 2014 as viva streets austin day. It's got the official telesale to make it all official. If you want to learn more about the event you can see the website at [viva streets austin.org](http://viva-streets.austin.org). And do you want to say a few words about it?

[12:01:10]

>> I want to say that as austin is one of the fittest cities in the country, we have a lot of folks that live here that may not have access to gyms and things like that or may be a little intimidated on where to begin things like that. It's events like that that are committed to improving public health that show anybody and everybody how to start, where to begin with any kind of fitness anything, walking, biking, hula hoop, whatever it is you want. So it's things like this, these free events that are -- that happen organically from the community with great leadership and that really allow us to change people's lives. So I think these are very important things that we do on a regular basis. So thank you all. [Applause].

>> I'm may at aio barnstone with the mueller neighborhood association. And we're very excited to be a host this year for viva streets. We think that the spirit of via streets meshes well with our neighborhood and we think it's going to be a great opportunity for people to find out what we're all about so we invite

everyone to come down, enjoy austin in a completely unique way and find out a little bit about what the spirit of mueller is all about. [Applause].

>> Riley: And I want to add one thing to that. The idea with this event is that it moves around. It doesn't stay in any one place. We would do one twice on sixth street, but the idea is that it would move around to different places. So if anyone out there is interested in potentially hosting an event in the future in their neighborhood I encourage you to get out to mueller this weekend to check it out and see how much fun it can be. Our hope is people will be sustain with it they will want to have it in other places of the city. Come out to enjoy this free, fun, family oriented event this sunday from 10 to three in the mueller neighborhood. Thank y'all.

[12:03:22]

[Applause].

>> Tovo: Good evening, I'm councilmember kathie tovo and it's my pleasure to present the next proclamation to several individuals who are involved with lights on after school. And lights on after school started in october 2000 and this is an event that happens nationwide to bring attention to the importance of after school programs in all of our communities. And it's a time to celebrate the diversity of after school programs and to remind parents and the community at large of the real importance and the way that after school programs help keep children healthy, help teach them new skills and help working parents by providing safe and productive places for their children to be. And I'll just say as a working parent myself, my children have gotten enormous amount of really great experiences from the after school programs that they participate in and it's really important that every child in our community has an experience, has the ability to experience these programs regardless of income, regardless of whether their parents can afford to pay for those programs. I'm really so grateful to the providers in our city for the great work that they do in making sure that our after school programs are available throughout our community and that their accessible regardless of income. And I'm also really proud of this council for consistently supporting after school programs and in this year's budget cycle when it was evident that some students at aisd campuses had lost their after school programming for this year, our council voted to allocate additional funding for after school programs so that those students would have places, good programs to select from this fall. So without further adieu, I would like to present this proclamation. In recognition of lights on after school, be it known that whereas children in quality after school programs do better in school, have opportunities to see and do things they would not otherwise have and are safer during the hours when juvenile crime goes up. And whereas the central texas after school network or ctan is celebrating 11 years of providers celebrating their out of school time and whereas with the work of the outstanding advocates and community members that work hard to build meaningful enrichment opportunities for young people in central texas, the lights are staying on and doors are staying open for our local students after school. Now therefore i, kathie tovo on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 2014 as lights on after school day. In austin. Thank you very much. Congratulations. We have representatives here from ctan, from the texas a&m agrilife extension service, from the city of austin, from the david pwikart center for life quality and also from aisd and ace after school. So I'm going to turn over the podium to the representatives and allow them to say some words about this important event.

[12:07:48]

[Applause].

>> Hi, I'm Desiree Morales, president of the Texas After School Network. My colleagues and I represent hundreds of youth workers who right this very minute are keeping the light on after school for Austin's young people. And on behalf of them and us I want to thank the city for this proclamation. And also for the recent support and our efforts to building a citywide system. I'll be honest, citywide system is probably not the flashiest phrase I ever say when I talk about my work. We represent programs where kids learn coding by building lego robots. Lydia was 4-h. She has goats at schools. Children are raising goats. Just this summer thousands of kids from food insecure homes were able to have access to free nutritious meals all summer long because of their out of school time programs. So these are like the exciting fun things I get to talk about. If it you can humor me for a second and keep the gratifying good feeling of those things that I just described and when I say to you because of the partnership that we have with the city right now we're going to be able to coordinate efforts by youth service providers all over town to make sure we can bring things like that, bring those activities to even more Austin youth. So thank you so much. [Applause].

[12:10:51]

>> Tovo: It's my pleasure to present the following honorary citizen awards to three very special visitors to our city. The following individuals are visiting from the country of Myanmar and are -- Myanmar. And this is a program that provides participants with an in-depth hands on exploration about our country's political processes and our form of government. And so we are delighted to have them here visiting our city. And again on behalf of the mayor and the entire city council, it's my pleasure to present the following honor rather citizen certificates to them. The first honorary citizen certificate I am going to present to (saying name). We'll take some photographs later. These certificates say the city council of Austin, Texas proudly confers of title of honorary citizen on this 23rd day of October, 2014 and it's signed by the mayor of Austin. [Applause].

>> Hello, everyone. He will low, everyone. I am

-- hello, everyone. I am very pleased to be here. And I see the city council meeting, it's a very great opportunity for me because in our country we're still in transition period so we do not have this kind of opportunity in our country yet and then I also

-- also our citizens, we do not have this kind of opportunity. So I'm very happy to be here and I want to go back to my country and I'll be sharing this opportunity back to our citizens in a very grass root level. So thank you for inviting me here and giving me this certificate.

[12:13:05]

>> Tovo: The next honorary citizen certificate I would like to present to till min.

>> Yeah, very surprising. And thank you so much for this

-- this certificate. Actually, Texas and especially Austin, is very, very amazing and a wonderful city. And

I've been to many places and very historical cities, and I really enjoyed to be here and also I learn a lot from these cities because we

-- I learn many things that we could not have in my country, especially this kind of public hearing. And so I want to

-- I also participate in the capitol and committee hearings and here also in the public hearings. So I'm really proud of

-- to be a part of this city. Thank you so much. [Applause].

>> Tovo: And our next honorary citizen certificate I would like to present to yu cho ma.

>> Hello, ladies and gentlemen. I'm very proud to be in austin because I come from myanmar where we live nearly six decades in awe tore tearian government. We never have such public hearings because authority has full power. There is no chance for public to hear what the government is doing. But when I see such kind of the public hearings, I'm so surprised and really impressed. And I can share with my people what the essence of the democracy is. I'm really proud of

-- I wanted to thank giving me such kind of honorable austin citizen. Thank you very much.

[12:15:38]

[Applause].

>> Martinez: Councilmember cole had to get in her photo bomb there. These guys are impressed with public hearings, then they came to the right place. [Laughter] can I get the austin valkeries up here? Since I called for a short break I have two minutes to do the proclamations. I'm going to try to get it done as soon as I can. Come on up, ladies. So saturday marks the beginning of the season for the austin valkeries. They've been the city's premier division one women's rugby team since 1991. This talented and competitive team consistently earns selection to the national championship semifinal and final tournaments making them undeniably the most competitive women's rugby team in the region. Rugby is a perfect sport to promote physical activity for those looking to gain strength and empowerment as well as to develop teammates and friends for life. They've given back to the community through many volunteer efforts and have worked with organizations such as color cancer and voices of youth. The team functions as a local nonprofit organization and relies primarily on the community to help support not only as fans, but also financially. The team is inviting everyone interested in learning more about rugby to hunts field which is in east austin at 4107 nixon lane this saturday for a full day of mens and womens rugby kicking off at 3:30 p.M. They proudly accept all women regardless of age, race, gender or orientation and no previous experience or specific fitness levels are required to join the team. So I hope you will consider supporting the austin valkeries as our premier women's rugby team in austin so they can be our 2015 d1 women's rugby champions. I have a proclamation and I'm going to invite one of the team members up to say a few words. The proclamation reads, be it known that whereas since 1991 the austin valkeries have been our city's division one rugby club and have consistently earned collection selection to the national championship, final tournaments and whereas rugby is one of the fastest growing sports in the u.S. And will be in the 2016 olympic games it's the perfect sport to promote physical activity as well as developing teammates and friends for life. Whereas the valkerieses a nonprofit organization who solely rely on support from the community, but also give back to the austin community through their volunteer efforts and public service. And whereas the valkeries opened their

season at hunts field this weekend and look forward to becoming the 201 d1 women's national champions. Now therefore on behalf of the austin city council we proclaim october 25th, my mom's birthday, 2014 as the austin valkerries day. Congratulations.

[12:19:38]

[Applause].

>> I'd like to introduce myself. I'm diane, the current president of the austin valkerries, and as a representative of the team, I would first like to thank the council and the city of austin for the proclamation today. So thank you very much for that. I'm new to austin three years. Yeah, I'm one of those people who makes traffic horrible. But I came to austin for this rugby team and that's what's kept me here. A lot of the girls and women who play are very involved in the community. We have a lot of women that work at the university of texas. We have several grad students, some overseas grad students. We have teachers in the community, we have health professionals, including nurses, occupational therapists, physical therapists. We have city workers. We have state workers. We have firefighters and we have local artists. So we don't just play rugby, we invite into our community and we invite into our lives. We've had several players invited to the national team and a lot of our players do a lot of traveling not just in the country, but outside of the country, including canada, mexico and england. Again, I'd like to invite everyone to come out this saturday to nixon lane, 4107 nixon lane, watch some rugby, the first men's game starts at 12:00. Our game starts at 3:30. And if you want more information about us you can go to the website, it is [ww austin valkerries.Com](http://www.austinvalkerries.com). Thank you.

[12:22:02]

>> Martinez: The last proclamation of the night is proclaiming national food day in austin. We are advancing local sustainability and green initiatives by providing leadership and coordination and efforts throughout the austin community. This is why it's an honor to be joined by the office of sustainability and the sustainable urban agriculture and community garden program here at the city of austin. Along with our many community partners as we celebrate national food day. So tomorrow the city will be lunching its first online food system portal which provides information on how you can get more involved with your local sustainable food system. I'd like to also thank the sustainable food center, slow food austin and agrilife for their participation and assistance with the city to make this happen. Also tomorrow at the city hall plaza from 11:00 a.M. To one p.M., there will be information available for citizens and city employees about health connections, the food portal workshops with our sustainable food partners, raffles and much more. So this saturday the city is providing a free friendly to all ages open house style tour of community gardens in austin. There will be a bike tour starting at the blackshear community garden in my neighborhood, two blocks away from my house, at 2011 east ninth street starting at 12:00 p.M. With route maps being handed out on-site. In addition the city will be taking this opportunity to provide the general public with information about the food portal. These are the kinds of initiatives that have pushed austin to the forefront and made us one of the top green cities in the united states. So we have lucia athens with us and marty. And I'll read a proclamation and then I'll allow them to say a few words. The proclamation reads, be it known that whereas the health and well-

being of our citizens is a primary concern for our city and several innovative programs have been instituted to help austinians change their diets and their food policies and whereas our office of sustainability and the sustainable urban agriculture and community garden program have created an urban food portal to provide urban food producers and consumers with information and resources for starting a new food business and whereas the city also is addressing food security in our community, increasing community gardens, on site parkland and partnering with such groups such as agrilife, falling fruit, sustainable center and slow food austin to increase the involvement in our sustainable food system. And whereas friday we celebrate food day with a fair at city hall and is a tour of austin's community gardens and urban farms. Now therefore on behalf of the austin city council we proclaim october 24, 2014 as national food day. Congratulations.

[12:25:08]

[Applause].

>> Thank you so much, councilmember. I also want to thank sarah hensley with the parks department and meredith gray, the community garden program manager over there. They're doing great work on advancing local and sustainable food in our community. I did just want to keep it really brief, but when I think about just brief words of wisdom about food I think of michael pollen's three rules for food. Eat food, not too much, mostly plants. It's pretty easy to remember. If it's mostly plants it's going to be healthy, but we are also working with health and human services on advancing healthy habits for eating and also on advancing more local food sources. I just want to turn it over very quickly to edwin from our office. We're very excited to have him in the office of sustainability now. We stole him away from birmingham, alabama where he was running a nonprofit farm and he worked on co-authoring a book and he is a fantastic expert and passionate expert on local and sustainable foods,.

>> Thank you guys so much. I'm delighted to get up here and celebrate our local sustainable food system by inviting you to come out tomorrow to a fair at city hall. We'll be joining eight thousand other events across the country. That's eight thousand other events in almost every single city around the country celebrating national food day. National food day is an opportunity for us to recognize the importance of healthy and sustainable food policies. So everyone around the country is getting on this bandwagon. Fortunately here in austin we've been doing it for a long time, but we have a long way to go. We have a long way ago to addressing the opportunities to increase local food production and we have a tremendously long way to go to decreasing the amount of food insecurity in our communities. We still have about 20% of our children here in travis county that much at some point won't know where one of their multiple meals are going to come from. In a city like austin that's unacceptable. We have lots of great partners working to address those issues. Come out tomorrow and you will be able to meet and hear from over a dozen of those partners telling you about what they're doing and how to get involved. On saturday come out for the community garden. Get on your bike or get in a car or take the train or take an airbus or hover it is that you get around and come out and see all the fantastic things happening all around austin. Thank you so much.

[12:27:40]

[Applause].

>> Martinez: All right. We'll get back to the council meeting. You.

[12:33:28]

>> Cole: The austin city council is now out of recess. We will take up items 36 and 37. They were on the table. Councilmembers, you were asking questions. I believe councilmember spelman had just completed. Councilmember morrison, did you have some questions?

>> Morrison: I had a question for staff. These are two cases that we have. One is to change the neighborhood plan flum from

--

>> from industrial to mixed use.

>> Morrison: To mixed use. And the other is the zoning to change I.I. To li-pda.

>> There's a couple of categories, but li-pda, yes.

>> Morrison: Okay. So I was thinking about that and so the mixed

-- changing it to mixed use changes it to brown on the flum and all of a sudden I was thinking, we have mixed use all over the place. Are we saying that mixed use on a flum is appropriate? This is where I'm confused, is appropriate for industrial? Because I'm thinking of all the mixed use on the south austin combined that we're putting, mixed use is all up and down guadalupe and the corridors. So were we actually zoning

-- we were actually putting flum categories in for industrial on all those corridors?

>> Again, on a flum the operative part of a flum is I think what you're saying isn't those areas where you put mixed use as a future land use map would somebody be able to come in and ask for industrial zoning without having to seek a neighborhood plan amendment.

>> Morrison: That's correct. It was my understanding that that was only going to be seeing commercial and residential. That was the whole point.

>> Right. That is traditionally how it's been done. We rely upon a chart that was prepared in june of 2011 that we hand out to neighborhoods when we're working on the neighborhood plan. To let everyone know what's allowed in the certain flum categories and what's not. Under brown mixed use and under the I.I. Zoning category it has a footnote three and under footnote three it states that in certain instances I.I. Zoning may be used in the mixed use or high density mixed use land use categories provided that the most intense industrial use are in a conditional overlay or planned development area n this case we do have proposed pda. I would argue that the most intense industrial use allowed in I.I. Is in fact light manufacturing and the applicant in this case is requesting light manufacturing remain a permitted use. I would argue we're not restricting the most intense industrial category through the pda and I think that would be one more reason why the staff is not recommending the neighborhood plan amendment.

[12:36:13]

>> Morrison: Just to stay legal then and I guess that's not adopted by ordinance, that chart that you use, although I have to say that every time I've been involved in the consideration of a new neighborhood

plan we rely on that chart. I never knew that industrial fit in there. That was never made apparent to any -- to me during that. But it sounds to me if if we were saying -- do we have to rely on that chart?

>> We do rely upon this chart.

>> Morrison: So what does that mean for this zoning case? The way it's crafted right now does not comply with that chart. Does that mean they have to say it's out of compliance with imagine austin? What does that mean? Maybe it's a legal question. I don't know.

>> I think it's more of a legal question. What I would say it means is it's one more reason why the staff is not recommending it and is suggesting not approve it. But I don't know if this chart has the force of law. Like you said it's not part of an ordinance, but it is what is relied upon when we do both neighborhood plans and neighborhood plan amendments.

>> Morrison: And I guess that's a flag for me because we have the brown color mixed use. You look certainly in my neighborhood, all up and down Lamar, in fact, the example you were using, Jerry, of the east Cesar Chavez and east Austin neighborhoods, when they were

-- when the new 8 Austins went into

-- when the neighborhood plans went into place east Cesar Chavez went brown mixed use and it was particularly with the intent of keeping out industrial.

>> In that case we took away the industrial zoning. We down zoned the industrial zoning and placed a flum on there that was mixed use. So you're correct that under the existing neighborhood plans that we have today, east Cesar Chavez included, people could come in, request I.I. Zoning and bring it back without having to do a plan amendment.

>> Morrison: I think that's really troublesome because to me a flum you're really thinking about the difference between where

-- you know, what kind of land uses you want where and industrial is clearly contemplated to be different because it's got a different color on the map. And I do want to just correct a few things that were said earlier, and that is there was some conversation about the industrial use in old west Austin on West Fifth, south of West Fifth Street. I know that area quite well. And in fact, it's

-- there is some old time industrial properties there. There may be a couple that are still operating as industrial, but I can tell you that the neighborhood plan foresaw or completely foresaw that as an area of change. And foresaw that that would become mixed use and in fact there's something in the neighborhood plan that says explicitly we hope that this will become housing and we hope that this will become affordable housing and smart housing. It's a great location for transportation and everything. So I just wanted to correct that. This situation is in no way similar in my mind to the neighborhood plan in old west Austin and the situation in old west Austin.

[12:39:36]

>> I think some of the examples that were given were examples where you had existing I.I. Zoning and the PDA was used to add residential as a permitted use, but to me the difference is they were not areas where we had a predominance of existing industrial uses. You simply had I.I. Zoning that had kind of a legacy of a previous time.

>> Morrison: Right. And the I.I. That went to I.I. PDA in that area in old west Austin, it went 100%

residential and it could have been rezoned as mf something, but it was easier -- or cs-mu oring in. But for purposes of getting through the process as I understand it because I worked with a lot of those developers on those projects as a community member, it was just easier to push it through as an li-pda.

>> I think one another one of those cases for YOU ON DECEMBER 11th.

>> Morrison: Great. At the at&t site?

>> Yes.

>> Cole: Councilmember tovo?

>> Tovo: There were a couple of comments earlier about the fact that the residents of

-- who are

-- let's see. Was it east of congress? The residents of some of the foundation communities developments were not included in the planning team notification process. I wonder if you could tell us why that is.

>> I'm not sure about the notification. I would have to dig through the files to see exactly who was notified. I am aware of an issue with regard to the south congress combined neighborhood plan contact team in general, but there is a feeling of some of the folks who live on the east side of congress between i-35 and congress that perhaps they would like to have their own separate group as opposed to the folks who live west of congress. I believe that they feel that the folks west of congress

-- I'll let them speak for themselves, but I feel that they feel they could dominate the conversation. And I have heard talk about them forming their own group for a smaller area rather than for the entire neighborhood plan area, combined neighborhood plan area.

[12:41:43]

>> Tovo: I did hear a couple of the speakers talk about that, but on the other hand, the foundation communities developments are west of congress. Right? So that's a little bit of a different issue. But I would be interested in knowing why they weren't included within the notification process. If it's true that they weren't included, and if so why they weren't included?

>> I'll have to dig through the file.

>> Tovo: Thanks. My other question is this would seem to trigger an educational impact statement, I would think, given the number of units they were contemplating. Am I missing one in our backup?

>> It is in the backup.

>> Tovo: I did miss it in the backup. Thank you.

>> I was reading a little earlier this afternoon my recollection was that-- I can't remember the names of the schools, but the two schools, I think it resulted in 68 additional students if I'm recalling correctly. And it had two schools, one of which I think was at 112 percent will result in an additional 68 students, 34 of those would be presumed to go to galindo, 15 to bedichek and 19 to travis high. Galindo is currently at 1

-- with those additional students galindo would be at 112%. And the additional students to bedichek and travis high it said that the five-year student projection, the five-year population projection is decreasing for those two schools and that they're presumed capacity would be at 110% and 98%.

>> Tovo: I don't have it in my printed out backup. Ville to look at it online. Were you saying that the elementary school is galindo?

>> Yes.

>> Tovo: This is area zoned not to st. Elmo elementary, but to galindo.

>> The information we got from aisd was galindo. It also noted that students within the proposed development would qualify for transportation to bedichek. And then although galindo is two miles in the proposed development, students would qualify for transportation due to the location across highway 71, sidewalks, dangerous conditions, etcetera.

[12:43:59]

>> Tovo: Thank you.

>> Cole: Further questions, councilmembers? Jerry, we heard both the neighborhoods and the applicant invoke imagine austin. And we're going to have a discussion after this case about imagine austin. And I would like your opinion to what extent this project is consistent or not consistent with certain elements of imagine austin?

>> Well, because the combined neighborhood plan is really a portion of the imagine austin document or is in addition to it, and our conclusion was that this does not comply with the plan, because the plan identified this area as industrial and spoke to preserving the industrial in this area. Our opinion would be that it does not comply with imagine austin.

>> Cole: Okay. Further questions? Comments? Motions?

>> Morrison: Mayor pro tem? So this has been a really very interesting conversation and I appreciate everybody's coming down and sharing their opinions of it. You know, one of the things that we've talked about in imagine austin and that we've talked about specifically with codenext is talking about areas of stability and areas of change. And the question is I think we need to really ask the big question, is this going to be an area of stability or an area of change? Because I know there's some comment that we're just changing one thing. It's just on the corridor and all that, but the bottom line is I agree with the future vision that we need to take a stand and realize we're making a decision that may well dictate the future of this area as being an industrial area or not. It's just the way it happens. And you can't go to the place on burnet anymore, you can go here to get your plumbing size supplies. I think it would be very unfortunate for people to have to go to buda just to get plumbing supplies to be a -- to be a community it means you have different types of use everywhere you are. And it's sort of ironic that it just feels like this is all one big meeting today because we did talk about concrete pours earlier today and whether there should be allowed to be concrete pours and trucks coming in and out of downtown near residences all night long. And bottom line is it makes the area unliveable. So thank sort of tells us that, concrete trucks coming in and out, that's probably where they're headed from to get to downtown to do those nighttime concrete pours. The other ironic thing, the other topic we've been talking about today or this week is the possibility of selling an industrial site that we, the city, owned to cedar park. Cedar park really wants to buy it because there's been development all around it and they'd like it not to be an industrial site anymore. And the question is is it going to be an industrial site long-term or not? I found the testimony about this industrial area and what it means to the people that live there and what it means to the city of austin very compelling. And my vote is that this should -- we should maintain this kind of industrial area in the city of austin. And the only way that's going to happen is if we say no to this zoning case because it will be an allowance

-- it will make it clear that we are sticking with this as an area of stability. And we have to be able to say that there are some areas of stability. If everything is an area of change, we can all just pack it in and go home. The commitment that we've made is that there are some areas of stability and this is a little bit different because a lot of times we're talking about areas of stability as residential areas. But I think that the people that work there as a job center, we want to have job centers in the  
-- close in to the city and it's work that we all rely on to make our city go. And I want to make sure that we have that kind of place in the city of austin. So I'll move to deny.

[12:48:49]

>> Cole: Councilmember morrison moves to deny the zoning change. I'll just say that I share many of your concerns, and the concerns of the neighborhood, but I feel like this is part of a bigger discussion and it's really a landmark case on this issue as we try to say well,

-- as councilmember tovo said, where else have we done this and you replace it and no, it wasn't like that. So a zoning case of such significance I think we should have a full is a council. So I would really like to not deny the zoning change, but have it go only on first reading and have an opportunity for mayor leffingwell to hear the case also.

>> Spelman: Mayor pro tem? I don't believe we're ready for three readings anyway. Is that accurate, mr. Rusthoven?

>> We do have an ordinance and a restrictive covenant based upon the planning commission motion.

>> Spelman: So we could do this on three readings?

>> Yes, you could.

>> Spelman: Since I have the floor, I understand wanting to look for areas of stability, but I don't remember signing up for that. I don't remember seeing that in my job thou shalt identify areas of stability and maintain them. It seems to me we're crouseing our role here with responding to market forces, which is what I think we end up having to do almost all the time as opposed to trying to drive them. We're talking about an area here which is very close to one of the major arterials, two of the major arterials in town, south congress and ben white, where land prices have gone up because it is a good transportation corridor into downtown and job centers around town, including a job center behind the neighborhood to the east in the industrial area. It's a very good position to put a whole bunch of people if it weren't for noise and the trucks and smells and all the other things that go with being in an industrial area. And I think it's one of the reasons why the land prices could be reasonably expected to go up. And whenever that happens we'll have a reduction in affordability of the housing, not because of anything we're doing, just because of the location. And because of I think what is the biggest single fact of our existence on this dais and what it is that jerry and his staff have to deal with, which is we have a million people moving to town and we have to find some place for them to live. And whether we find someplace for them to live or not they're going to find place someplace to live and our job is to try to work with the market forces a we're given as well as we can to try and minimize the damage and maximize the benefits as best we can. It seems to me that this particular site, because it is almost entirely within a quarter mile of a bus stop, within a quarter mile of a major arterial, is a reasonable place to draw the line if we're talking about encroaching into what is up to this point always been an industrial area. Physical we were to go the other side of this lot, go further east than this spot, we're

asking people to walk more than a quarter mile, more than five minutes to get to that bus stop. We're no longer talking about corridors on arterials. Now we're talking about taking over a neighborhood. And I think that's a very different story. If this lot were located another half mile to the east in the center of that industrial area I don't think we would be having some conversation. I don't think we would be pursuing it because they would know it was clearly wrong. But because of its proximity to congress, because it is only a five-minute walk, because there is a reasonable place to draw that line at a quarter mile distance from south congress, I'm inclined to say that it's okay, particularly given that the biggest problem with this site from the developer's point of view is the developer's problem. If they can't do something about the way it smells, wait it vibrates, the noise of the place, they won't be able to sell the units and it is in their interest to do what's in the public interest to eliminate or at least dramatically reduce the possibilities for conflict between the residents and other users of this site and the industrial areas around it. So I'm inclined to vote against the motion and to vote in favor of letting these guys go ahead and do this.

[12:53:33]

>> Cole: So are you prepared to make a substitute motion? There wasn't a second.

>> Spelman: Let me make another motion and see if we can get a second for it. I move approval of the project in question on all three readings. And actually, allow me to fix that. Given that we're missing the mayor and you think the mayor should be involved, I'm willing to

-- that makes sense to me. Let me move approval of this project on first reading only.

>> Cole: I will second that motion with the understanding that I am very concerned about the compliance with the imagine austin and the staff's recommendations against the project and I'm hoping that there will be further work between the neighborhood and the applicant between now and second reading. Councilmember martinez.

>> Martinez: I think I can support this on first reading, but here's what I want to say from a policy standpoint. This is not the first time we're going to see this in limited industrial zoning. It is the cheapest property in austin per square foot and whether you look at corridors like ed bluestein boulevard where there was once motorola and bus link and we zoned all the vacant land on the inside of 183 as I.I., I think we're going to see this repeatedly. So from a policy perspective, if we're going to start seeing this we need to figure out how is this going to come to us and what will it look like and what are the community benefits upfront. That's not in this case, but I still think there's a tremendous amount of conversations to be had in this case in regards to things like community benefits, affordable housing. I think because it's on a core transit corridor it's a potential site or at least a potential area for this transition to start happening more frequently. But I can't get comfortable with this on all three readings because the concerns that I still have about the overall project. But I'll support it on first reading with the understanding that I want to make sure that we have a full conversation coming back to second and third reading. And specifically I do want to hear the story about affordable housing because I understand -- I don't know if it's the contact team or who voted to oppose affordable housing on this site, but when we're talking about using market forces to deal with affordability, this is one example of where I think we can do that without subsidies or without affordable housing bonds. I just would like to have a broader conversation before it comes back to us.

[12:56:09]

>> Cole: Councilmember riley.

>> Riley: I agree with the comments of my colleagues, councilmember spelman and councilmember martinez. We have a tremendous need for housing in this city. This site is off congress avenue and right next to the metro rapid stop and the opportunity there is just too great. Yes the site does present some challenges, but we have the opportunity at this point to be able to address those challenges and we're working with an applicant who has indicated every kind of willingness to step you and address those in the course of this zoning case. I'm happy to support it on first reading.

>> Cole: Councilmember tovo.

>> Tovo: I'll just say that I'm really torn about this one. I will say my initial response to the project was that it sounded like a good one. It's providing housing in an area where we need more. I agree that I am also very eager to hear the affordable housing discussion and also as I expressed earlier this is located not terribly far from a school that was proposed for closure not too long ago and if we're serious about trying to work and address some of the challenges that the school district has with our planning decisions, then this is the kind of opportunity to do so. And so building

-- changing the zoning to allow for significant residential development that will primarily not serve families with children doesn't seem to be in sync with that particular goal that we've talked a lot about. On the other hand, I found this discussion completely compelling, particularly the business owners who stepped forward and talked about the long-term potential effects on their ability to do business within that industrial area. I found those arguments extremely compelling and I'm not ready to support this case as a result. I am concerned and I think councilmember morrison articulated this best. We do need to have some areas of stability in a city that is undergoing significant change and we need to be able to provide places for people to do business as well, including for industrial purposes. So I am glad to hear that this is going forward on first reading. I'm pretty familiar with this area, but I welcome the opportunity to go down and really get a better sense of this tract and its proximity to the industrial use case. But again I'm not prepared to support this this evening.

[12:58:42]

>> Cole: Councilmember morrison?

>> Morrison: I just want to throw a couple of other points that I hope

-- I have a feeling this is going to pass on first reading and I hope folks will just keep in mind as it's contemplated over the next couple of weeks, and that is the fact

-- I think we really need to sort some of these things out because I hear about

-- of course we have a need for housing and it's great to have housing accessible to bus stops, but we also need to balance in there that he is great to have job centers accessible to bus stops and this is apparently a job center. And one of the things we're losing in the city

-- I guess you can say it in a different way. We have an increasing equity gap, income equity gap in this city. And if we drive workforce level jobs and trade jobs out of the city, you know, it's going to become worse and worse and we are going to be

-- we're going to solve the problem of the haves and have notes but just not having any have notes. That's not the way to solve the problem of an income equity gap. [Applause]. I just hope we can think about this one. [Applause].

>> Cole: Okay. There has been a motion and a second. All those in favor say aye? Those opposed say no. That passes on a vote of four-two with councilmember tovo and morrison voting no. [One moment, please, for change in captioners] ... Regarding an alcoholic beverage waiver from a torchy's taco on 1822 stick avenue and they are requesting this item to be on your november 6th agenda and then item number 54, public hearing to consider an ordinance amending city code chapter 25-6, staff is asking for a postponement on that agenda. So we ask for those four items for postponement.

[13:01:56]

>> Cole: Entertain motion to postpone 43, 44, 53, 44.

>> Spelman: So moved.

>> Cole: Is there a second?

>> Second said. 43, 44, 53, 54 have been postponed. That passes by unanimous vote.

>> And I will introduce virginia collier who will work through our annexation public hearing items. No action occurred today, just the public hearing.

>> Cole: Thank you.

>> Good evening mayor pro tem and couple, I am virginia collier from the planning commission planning and review department and this is one of 7, number 45-51. Council will not be taking action on this these item this is evening and ordinance scheduled for november 20th with proposed effective date of november 17th. Item number 45, braker valley area including 375-acres in northeastern travis county and it is in the city's etj and underdeveloped and the city will provi for municipal services to this area as described in the service plan and this concludes the staff presentation for item number 45.

>> Cole: Entertain a motion.

>> Second.

>> Cole: Second, all those in favor, say aye.

>> Spelman: No motion, closing public hearing.

>> Cole: Right.

>> Spelman: Close the public hearing.

>> Tovo: [Indiscernible]

>> Cole: We didn't vote.

>> Tovo: [Indiscernible] that was the one we accidentally annexed last time.

>> Cole: Okay, there has been a motion and a second. All those in favor, say aye. Aye. Those opposed say no. That passes on a vote of 5-0 with council member mike martinez offer the dais.

>> Item 46 is bridge plant parkway area that includes 71-acres in travis county, currently located in the cities limit's purpose system in partially etj, and it is underdeveloped and no imminent plans have been filed and the city will provide full municipal services in this area according to the service plan and this concludes item on 46.

[13:04:00]

>> Cole: Entertain a motion on item 46. Second, all those in favor, say aye. Aye. Opposed say no. Passes on a vote of 5- 0 with council member martinez off the dais.

>> Item number 47, city of austin f.M.12 landfill area, 422-acres of southeastern travis county currently in the city's etj and the annexation area includes approximately 12-acres of necessary parcels to make the necessary city property consistent with the city limits. The city will provide full municipal services in this area as described in the plan and this concludes staff's presentation of item 47.

>> Second.

>> Cole: All those in favor, say aye. Opposed? That passes by unanimous vote. With council member martinez off the dais.

>> And the next one is 223-acres in southwestern travis county and etj and a apartment community underway and scheduled to be concluded early 2015. The city will provide full municipal services in the area as described in the plan and this concludes for item 47.

>> Close public hearing. All those in favor, say aye.? Of all opposed say "no pass on 5-0 with council member martinez off this.

>> The next one is item number 49 [reading number 49]

>> Cole: Second. All those in favor, say aye. Opposed say no, passes on a vote of council member martinez off the dais.

>> Item number 50 is the stone creek ranch area, this includes approximately ten acres located in southern travis county, located in the city's etj and adjacent to the city's full purpose jurisdiction on the outside of the tracks. It is undevelop and includes portion of slaughter town home project. Annexation will bring remainder of the proposed development into the city limits to avoid the city limit line cross through did middle of the project. We will provide full municipal services to the area as described in the service plan and this concludes staff presentation for item 50.

[13:06:11]

>> Motion to move.

>> Second. All those in favor, say aye.? Opposed? No.

>> Pass pass.

>> Item number 51 which includes 152-acres of southern travis county and it colludes vistas of lot single family lot subdivision. The city will provide municipal areas in the service plan and concludes the staff presentation of item 51.

>> Spelman: Mayor pro tem.

>> Cole: Yes.

>> I want everybody to know the quick council member machine.

>> Cole: All those in favor, say aye.? Opposed, passes 5-0 with council member martinez off the dais. Okay. Now, george d mr. Sapalek, item number 52, the code next.

>> Good evening, I am george and we have dan and lisa weis and peter park and we are here to conduct a public hearing on the code approach alternatives and annotated outlines for codenext, effort to rewrite the city's land development code. You received a briefing on this report three weeks ago on october 2nd. We would like to just touch on a few brief items before opening the public hearing. And

while they are getting the presentation set up, what we would like to cover is just briefly the introduction to the three alternatives that are contained in the report, a summary of the board and commission action that we've received these

-- on this report, and then talk a little bit about the staff recommendation, why we are recommending alternative 2. And finally talk just a moment about the next steps, once you take action on

-- on this

-- take action on this item. This is a

-- an important milestone in the codenext process and it is a time at which you give us the direction on which approach to pursue in rewriting the land development code which will take place over the next two years. There are three approaches that were outlined in the report. The first that we call the brisk sweep would be called some minor cleanup and editing of the existing land development code. The approach 2 is the deep clean and reset which would involve more significant change, a completely new reformat and organization, significant rewriting of the content and various other changes, and then the third option is the complete makeover which would involve, again, a complete reorganization, a new format, and further rewriting of the content as well as further implementation of the form-based code. So the boards and commissions that have reviewed this report are listed on the screen in front of you. And they include the waterfront planning advisory board, community development commission, zoning and planning commission, environmental board, design commission, planning commission, residential design and compatibility division and the code advisory group. Most who looked at the report recommended approach 1 or some variation thereof. The community development commission recommended some additional commissions dealing with affordability. The environmental board recommended either approach 2 or approach 3. The code advisory group recommended approach 2 with some modifications to include more significant review of the code content. I would like to turn over the dais at this point to dan perelick and go over approaches 2 and 3 and why the team is recommending approach 2.

[13:11:06]

>> Thank you, george. Well, good evening, I am going to keep my presentation very short because I know we presented this to you once. We know you are going to have some pretty specific questions for our team to answer, so I have nine slides I am going to go through probably ten minutes, maybe a little bit shorter. I do want to mention that we have not forgotten about the code diagnosis that we did, that was pretty telling to us that the code was in need of dire help to make it functional, they saw complexity and lack of clarity and the hard nature of using the code. So as a foundation, we still feel that way and, really, that informed our approach alternatives. So I just have a handful of points to make tonight that

-- to start off the conversation, responding to some of the questions and comments that we have heard since we were here last, a couple of weeks ago but the first point I wanted to make was that approach 2, in terms of why we feel approach 2 is a good fit for us and is a thoughtful, measured way to move the city of austin to the same outcomes as approach 3, and so what this means is that we feel that it's necessary for a code that's going to basically introduce a new operating system. It's going to look and feel and function very different than your current code, that we feel that the city is going to need time

to learn how to use that code, whether it be the staff decision makers, you know, the neighborhood groups, developers in there, consultants to actually learn the code and once the code

-- they learn how to use the code, it could very quickly sort of catch up to the ultimate desired outcomes of approach alternative number 3. The second point I wanted to make, there seems to be some confusion about the extent of content changes in approach number 2 and just wanted to make the point that there are substantial changes that would be a component of approach number 2. Just to give you some examples, just some of the low-hanging fruit. We have talked a lot about the fact that there is likely going to be new based zoned districts, not only new form based districts but also likely new use-based districts. A lot of times we like to collapse existing zones, create the number of zones as small as possible to keep the code as usable as possible. We are going to look very carefully at compressing all of the different layers that are inherent in the combining district and reduce layers of complexity we talked about in the diagnosis. Different articles or different subchapters, like subchapter e, for example, the commercial defin and mixed use

-- commercial design standards and mixed use, we actually feel strongly that we can take the intent of the new standards and within the new system create a clearer, much more objective process to get the built results. So we feel that's a part of the code we can

-- where the content changes will happen. And then there is going to be a lot of changes and a lot of work spent on just creating consistency throughout the document, so that's going to take a lot of time and energy, and that's inherent in approach number 2. I think where a lot of the confusion has been was in this table here that compares the approaches on the content writing line. We put approach alternative 2 has a moderate level of content rewriting and approach 3 has a high level and what we realized is that is in more comparison to one another, we wanted the point that approach number 3 would have sort of a broader level of rewriting, but in comparison to what you have, approach alternative 2 will have a substantial amount of content change and rewriting, so I just wanted to clarify that point. The third point I wanted to make is that approach 3 is a much bigger effort, and I just want to make sure that you all are considering the potential impacts on the timeline as well as the potential need for everyone crease in resources, if we go into approach alternati 3, and resources meaning staff commitment, sort of capacity of staff and sort of delegating more staff to the process as well as resources in terms of more financial resources to the project because of the

-- it will be a much broader scope of work I wanted to make a couple of bigger step notes of this imagine austin calls for focus of growth in activity centers and corridors and this process will reinforce that. I know there is a lot of concern about sort of up zoning or increasing intensity in different rates throughout the city and imagine austin has given us clear direction in terms of location of activity centers, both in central austin neighborhoods, as well as new growth areas and suburban areas that the code will be using as a focus for the implementation. The next big picture item is we

-- we want to reinforce once again, there is no intent in this process to get rid of the neighborhood plans. The neighborhood plans will be a fundamental part of the new code. We feel that as part of this process, based on our experience in other communities that had similar neighborhood planning processes, we can provide the neighborhoods with a series of more effective tools to implement their vision and their plans. I wanted to mention that there were some questions in conversation last time about how other big cities have approached their code rewrites and efforts that might be compared to approach number 2 or 3. You know, city of miami, sort of

-- they wrote a city wide form based code and the other city wide code that gets talked about a lot is the denver city wide code rewrite. I want to point out that peter park is a member of our core code writing team. He was the planning director of denver when they did their code rewrite, so if you have specific questions, these options might relate to experience in these other cities, like denver, you should feel free to sort of call him and ask him questions. Just the last slide here, clarifying next steps. I just want to make sure you all know kind of where we are going after the decision is made on the approach.

Obviously we need to deal with the transition of the council, educating the new council, and bringing this decision back to the council early next year

>> shortly thereafter, we will actually be jumping in early 2015 into the drafting of the code. That will be overlapped with testing of the code, where we will have

-- we are

-- we are envisioning having sort of conversations on specific topics within the code, both as code talks and as an opportunity for people to sort of give feedback as we are thinking about different approaches. That testing may come in the format as workshops or surettes looking through the code and then 2015, we are looking to release the first public review draft, that's a glimpse of the whole new system together, all of the bits and pieces people have seen over the course of the year and over the course of late 2015-2016, a lot of back and forth, feedback, discussions about that complete draft code, and looking to adopt a draft of the code in late 2016 and move into the mapping in late 2016 or early 2017, so you can see we have done a lot of work, a year and a half plus worth of work but there is a lot of work to be done. I want to make sure you have the overall process in mind as we sort of discuss the approach alternatives document. Thank you.

[13:19:30]

>> Spelman: Mayor pro tem.

>> Cole: Council member spelman.

>> Spelman: I know a lot of people will have a lot of questions for you and most of us will wait until after the public hearing. My apologies for jumping the gun but because you have the timeline up, let me ask one question about it.

>> Sure.

>> Spelman: From a practical point of view, this is the alternative 2 timeline?

>> Yes.

>> Spelman: How is this going to differ from the alternative 3 timeline?

>> We

-- the

-- what we are thinking is that the timeline for approach alternative number 2 will be extended because we had focused our attention on approach alternative 2, we are not sure how long that might extend, but what I

-- our initial thought is approach alternative number 3 will probably extend the timeline to the extent of the study sort of dismantling and putting back together of the code would be much broader and extensive.

>> Spelman: Give me a number. Are we talking another year or two years or is it just too hard to tell

because you don't know how bad things are?

>> I think it's too hard to tell but I would say at least six months. Maybe a year. We are not absolutely sure but I would say as a rough estimate, it is probably that.

>> Spelman: Is some extent that contingent on what kind of public acceptance or not there is or not of what you come up with?

>> Yes, and it depends heavily on the public process and whether or not that will include engagement, improvement, surettes as the timeline moves forward.

>> So your opinion is based on your experience with other cities with regard to support of alternative number 2, describe for us of what particular involvement there is embedded in the timeline.

>> It's the motion extensive we have in a code rewrite.

>> Spelman: Good call. [Laughter]

>> yes. And, you know, there has been a call for the code talks, which will be the hot button items and that's still moving forward. We are trying to finalize a list of what those might be or come up with a list of what those might be. We are thinking we typically do just code updates, where it is more general where we are coming and doing a presentation on progress up to date and maybe items that have come up or new ideas we want to present to people before the whole things gets put together, and then there may be workshops or surettes involved in that process as well.

[13:22:05]

>> Spelman: What that looks like will be clearer as we get further down the line but you are envisioning more public involvement in this code process than you have ever before?

>> Yes, and I think it will greatly reinform the rewrite.

>> Spelman: Thanks.

>> Cole: Council member .

>> Morrison: Thanks for coming to see us again. And so the topic of the caag, they suggested two and some of them

-- and they voted to say but with code rewriting high instead of moderate, which you have addressed and form based code high, instead of medium, and that's what I spent a lot of time chatting with one of your colleagues yesterday and I found it very informative to talk about the vision with regard to moderate and high with regard to form-based code, because when you think high, you think, wow, we are just going to do everything form-based and we really need to start talking about form-based code as something other than form-based code because you aren't talking about throwing uses out the window.

>> Yes, absolutely.

>> Morrison: But what did become clear to me which really helped me understand what expand the timeline, what was conveyed to me

-- and maybe you could comment on this, if we took the high approach for form-based code in 3, that what we would do

-- let's start with 2. With 2, I understand, we would take a few different areas, a few different obvious areas suggesting, for instance, downtown, airport boulevard, the burnet corridor, and things like that, and work to codify a form-based for that, for those areas and maybe one residential neighborhood and that that would, of course, talk about uses because we aren't talking about necessarily mixing, oh, I

don't know, heavy industrial uses with retail and residential, or maybe we are, but ... Just kidding ...

[13:24:19]

[Laughter].

>> Thank you.

>> Morrison: But we are talking about uses. But then what I understood

-- and then for the residential neighborhood, to get

-- to find some form-based definitions to capture the character so if there are lots of narrow houses that are capturing the character in actually codifying, that you would do that kind of character and code. And what I understood in

-- under 3, we would do that for the whole city. And so or

-- as opposed to just a few examples, which means trying to codify the character in this form way of every neighborhood. Obviously there will be thing that is transfer from place to place but we would do that for the whole city as opposed to some

-- you might say a sampling of areas in the city. Would you say I accurately captured what you are thinking?

>> Yes, I think that was a really good explanation. The one thing

-- so we

-- we have been

-- our process has been very successful sort of testing the code as we draft it in preselected areas. We don't know what those would be yet

-- but you gave a good potential list of types of areas. The form-based code that we would create in option 2 would not be that much different than the one in option 3 because we still do a fairly rigorous assessment that we started with the community character manual. The primary difference would be the geographic area that would be tested and mapped with the form based coding so, again, it goes back to the mapping and the time and energy it takes to do the mapping exercise.

>> Morrison: Although I understand that, that you get your

-- sort of your code form and then find out what belongs where in the city. That's the mapping. But I guess one of the things I will be interested to observe from the outside as it goes on is how detailed those are. Because, for instance, one thing I brought up was what about the mcmansion ordinance and some say that should go in the based district. And that belongs some places and not others but there is a lot of different characters of neighborhoods around here, and so to accurately capture that in a way that is detailed enough to be meaningful but not too detailed to have too one different in every neighborhood would be quite a challenge?

[13:27:08]

>> Yes, and I think that's one of the things we get really excited about and thrive at. [Laughter] it is hard, like I said, one of the biggest challenges of a code that applies so broadly, is to make sure that you can preserve the character, but at the same time, just have enough flexibility that can it apply to more than one neighborhood.

>> Morrison: Right.

>> Because the last thing you want is a code that only applies to one neighborhood because it's kind of one of the problems with your system now, is the area plans

-- the systems that don't work together and that don't speak to each other. So we wouldn't want to do that. And I feel pretty confident

-- we don't know what the answer is yet

-- but feel pretty confident we could create a new set of based zoning standards that could integrate the intent of the mcmansion ordinance, if we got to the point of maybe there are areas that we can't quite figure out how to make it work in the base zone, that we aren't just going to throw that intent out. We know there is a lot of hard work in it, but we think we can create a better tool.

>> Morrison: So, okay. I appreciate that. But that to me is a whole bunch more work, and that's why you are talking about six months, a year, whatever, to be able to make sure you have got tools that capture everywhere in the city, and then go through the process of actually getting people to agree with that?

>> Yes. It is not a short process.

>> Morrison: Yes. And let me ask you. There was one other thing I think that was brought up between 2 and 3 that might be raising some concerns and I acknowledge there are some people that want one or nothing, 0, and that is the by right review, and that's expressed as medium in approach 2 and high in approach 3. Can you give some examples of how that might

-- of what might be something that could be by rights in approach 3 but not in approach 2? Where we still keep it, I guess, discretionary?

[13:29:11]

>> I will start by giving an answer and I know peter always has a great anecdote to this and I will invite him to add on but I think the first thing to remember is what enables a by right process is very careful thought and consideration given to the standards that are created so the intended result is very clear and the review can be very objective, as opposed to leaving a lot of subjectivity into the review and the decision as to whether it should be allowed or not.

>> Morrison: So you are talking about our downtown density program is a by right. Would you say it is a by right review as opposed to have to come in and get a discretionary vote?

>> I can admit I could know more about the downtown density bonus system. It depends on how specific it is, in terms of if you get more units, are there parameters to the

-- are there form parameters that cap the height or the far to go with that? If they were, you might say it would be a by right. I think density bonus is a tough one. It might be building a certain building type on a vacant lot and there are very clear parameters that here are the palette of the five building types, the duplex, townhouse, bungalow court that are allowed on that lot in that location with that zoning, and if it meets the checklist criteria, the setbacks, heights, size of the open space on off street parking, it should be by right. They should

-- you should be able to

-- the reviewer should be able to check the boxes and it should move along in the process.

>> Cole: Council member morrison, I wanted to remind you that we do have speakers.

>> Morrison: I know but I

--

>> Cole: I want to make sure you knew.

>> Morrison: I think this is

-- I think it's informative and I want the speakers to hear it.

>> Cole: I know. I just didn't think I said anything about it.

>> Morrison: All right. But, see, I don't know why that's different than what we do now. Maybe it's just that it's a little more complicated and things are scattered and the code so the review gets complicated and mixed up.

[13:31:21]

>> It is a combination of the lack of clarity in the code that you are not sure if it's allowed or contradiction in the code or maybe the process in which you are jumping the review around to different departments to review different parts of the code that make it harder to just call it by right and for it to be a really clear path from

-- from start to finish.

>> Morrison: Do you have

-- could you add to this?

>> I can.

>> Morrison: Please.

>> [Indiscernible - no mic]. If we can get what we ask for [no mic] we can do what we want. Meaning, the code that you have now is [mic sounds] get the results that you want. And a lot of what we talk about in terms of by rights, you know, you have a code that one doesn't have to be [indiscernible - no mic]. And the process in denver, so much development that was desirable in a city of [indiscernible - no mic] always had to go to [indiscernible - no mic]. To everyone quite frankly but if you [indiscernible - no mic] early on from the city council members thought that every development permit would be given -- require a zoning change.

>> Can you speak in the mic?

>> Morrison: I think the microphone works better over here.

>> Sorry. So

-- I mean, that's howdies functional the code was, so when we talk about by right, it just means that more of the development that is coming can be reviewed under a code that everyone can rely on, whether you are the developer side or whether you are the neighborhood.

[13:33:37]

>> Morrison: Okay. That's helpful. I get the concept you want to have a code that works for the kinds of buildings that are being built and that makes sense. When I think of

-- on the other hand, in some discussions when I just have been chatting about this, when we talk about by right review, I think about places in our code where we don't have by right review. For instance, commercial design standards, there is something called alternative compliance, but on the other hand, we put that in there because the developers asked for it because they were concerned about the

commercial design standards not really functioning at the level that they needed to. So I guess that might be an example where maybe we could get rid of the alternative compliance if we get the commercial design standards right.

>> That's right.

>> Morrison: But it doesn't mean

-- this will be rhetorical and I hope you say yes

-- it doesn't mean that we are going to say that the decisions that the council makes now in terms of, you know, does it make sense to beiving, you know, huge increases in entitlements, we aren't talking about that going away. I hope that's not going to be part of what by right review means. Would you agree?

>> Yes, absolutely.

>> Morrison: Well, thank you for being here. That's all I have right now.

>> Cole: Do you have questions before the speaker?

>> Tovo: A quick one. I didn't get a handle on how much longer option 3 would take. I think I heard you say 6 months to a yearlonger in drafting and then additional time for public input, is that more

--

>> well, to be really straightforward, we don't really know because we spent more of our time on approach 2 and the timeline we created was for approach 2 and so we need to step back if that's the direction we go and assess that but it's going to be at least an additional 6 months.

[13:35:46]

>> Tovo: And since there is not a clear picture of how much more time it will take, it is also probably too early to estimate how much more expensive it will be?

>> Yes, we don't know that right now.

>> Tovo: But we are certain it would be more expensive

-- potentially more expensive

-- substantially more expensive?

>> Yes, because what it is the depth in which we sort of dive down

-- we know there are some problems at the upper level that really dive down and pull the code apart and spend the time finding the external issues and rewriting the content and also the number of different titles we touch, for example, because this isn't

-- we know this isn't just about zoning but the technical manuals that we

-- are we reformatting those, are we questioning the content in every single one of those. So it takes us to the next level in approach 3, so it's right

-- it takes longer because there is no work or thought put into it, the end result. A lot of reason why the end result can rely on a by right system because there is a lot more thought and extensive thought given to the refinements in the title 25.

>> Tovo: Thank you.

>> Cole: Council member riley.

>> Riley: I have one more question about the time frames. You mentioned on one of your slides that approach 2 represents a thoughtful, measured way to get to the same outcomes as option 3. With

option 3, we are talking about a much bigger effort that would take a lot more time.

>> Yes.

>> Riley: I gather what you are saying, with option 2, we would eventually see an interest in extending form-based codes in those same areas that we would be getting to in option 3 but the time horizon would be much further out. Is that right? If so, what kind of time horizon should we be thinking of to get to the same outcome?

>> Yes, that's absolutely right. That's a good summary. I think that

-- I wouldn't wait any longer than a year after the initial areas are mapped and put into place in terms of form based code application after it is looked at and assessed and you can look after the first form-based areas are mapped and get an understanding of how they are functioning. You can kind of dovetail it in but it is likely a year of assessment is not that long of a time to wait but knowing the system is there to spread as quickly as is desired or necessary to other areas. And it also depends on the extent of participation and design effort. Is it a design surette, is it coordinated with a neighborhood plan update? Is it an activity center that resides within a neighborhood plan but the whole neighborhood plan is not going to be updated? So there is a lot of different variables but I don't estimate it needing to wait very long, in approach 2, after the initial form-based application is done, to be able to assess where and how it should spread.

[13:39:06]

>> Riley: And in doing that, we

-- I gather we would be on our own? That the

-- your current

-- you don't anticipate under the current contract that you would be involved in that work after the initial work?

>> Not necessarily. I mean, through the course of the rewriting of the code, there is a lot of education that's done, for the staff that are doing it every day and the public decision makers that the ideal scenario, we might get a call every once in a while from a staff member to ask a question on something they quite wouldn't understand but I wouldn't see a need for us as a consultant to be around full-time or as

-- or as much effort as we are going to put in the next year and a half, two years.

>> Riley: Okay. Thanks.

>> Cole: Okay. Knew we will go to our speakers. Steven yark.

>> I made it back just in time. I literally just walked in the door. [Laughter] good evening mayor pro tem , and council, I am steven uric and the board of agra, a grassroots organization which speaks in austin for everyone. I am here today because we look at

-- we have endorsed option 3, approach number 3 as the best vehicle for which we can realize that end and that's why I am registered as neutral on this item, because I believe that the recommendation from staff is insufficient. Our recommendation from staff and the consultants of option 2. I think there is two main points here that really need to be said, and that's, number one is if you compare the diagnosis off the code and I imagine that the staff recommended as well and the recommendation, you will see that the recommendation is really insufficient to meet the number of problems that are called out in the

diagnosis. The diagnosis goes into incredible detail and then they come out with this very middling not quite there, not quite together, not sufficient recommendation for where we should go going forward. The second thing that needs to be said, I think, is that while this council, I understand, is making a decision next month and then the new council will reaffirm that or revisit it come april or march, something like that, really this decision has already been made. This council unanimously adopted the imagine austin comprehensive plan and that plan calls for rewriting the land development code to realize the compact and connective city, one thing called out in it. In that plan we have a growth concept map with dozens of extenders and activity corridors which we have said need to change. This is where we are going to go and direct growth. If we roll out with this option 2, which only will apply to some limited area of the city, we won't realize the vision of imagine austin, the vision that you unanimously have adopted. So I think option 3 is really what is necessary. We have all agreed that any rewrite is necessary. Something has to happen but option 2 is simply not sufficient. So I urge you to support option 3. Thank you.

[13:42:40]

>> Cole: Computer went down. [Indiscernible] mckinney. I believe you have two donated speakers.

>> Two donated speakers, whitney prophet and john hampton.

>> Total of 9 minutes.

>> And ken barter would like to come after me.

>> Okay.

>> Thank you, mayor pro tem and council members. I appreciate it. I do have a

-- actually, there is a powerpoint queued up by the previous guy. Hopefully we can get it up here.

Actually, while that is happening, I will go on and say we are supporting option 2 with a high content rewrite on green infrastructure, sustainable water management in option 3. And that is for imagine austin that the

-- our previous comprehensive plan did not have green infrastructure sustainable water in the comprehensive plan, and so to put it in to our new

-- and the land development code, to put it into our land development code, that would mean a high emphasis on it, to actually get it into the new code, so

-- and then we will be kind of talking about that now. I don't see that up here. Okay. So we are the american society of landscape architects, texas chapter austin section, asla austin, and this is our previous on the codenext. To integrate nature and city into compact and connected

-- I am sorry? Excuse me. Nature and city is what the staff has now collapsed, green infrastructure and water sustainable management into so we say integrate city into come pack and connected and council member riley I think has the book on the dais. It is that thick of a book and it had 8 priority programs, two of which were green infrastructure and sustainable water management and we want to make sure those are in the code as well, as compact and connected. Are we there? Should I come over there to do it? All right. So our vision is

-- we take the position that imagine austin goals are goals of compact and kenninged and a way that are vibrant, healthy and meaningful and by creating this, that successfully integrate it is built of aspects for environment and quality of life for everybody. To achieve this recommendation, we recommend

codenext be informed by green infill codes such as seattle green factor andashington dc's green area ratio. Next please, seattle green factors have been in operation since 2006, basically as a green infill code that goes into up zoned areas that are more dense with green elements, such as rain gardens on your right and visible landscape on your left. Rain gardens, pervious pavers, green walls, everything you can think of to increase filtration into the soil depth to increase that to be able to offset the impacts -- negative impacts of increased impervious cover. Next. So on unrelated topic of imagine austin, water conservation management and urban heat island effects, microclimate modification, green infill regulation, urban agriculture and green compatibility. Next. So on the water conservation management, we recommend to establish watershed scale requirements for green infrastructure that include minimum amounts of pervious vegetated cover per watershed and consider future build-out conditions. Now, look at onion creek, and we flooded and didn't know this was going to be happening. Water went over north lamar once again. We don't even know the cumulative impact for adding impervious cover in dry watersheds yet. Watershed has not yet had an opportunity to model it. So as the new zones might be developed, we feel like it would be important for watershed to kind of weigh in on how it might impact a particular watershed in town. Next. Require -- this is on water conservation management, require on-site water reuse strategies that include rain water, graywater, reclaimed water, storm water, air conditioning condensate and all other that is not potable. We want to use potable but where we can we are interested in water strategies. Thank you. Also incentivize absolute reductions in existing impervious cover and redevelopment, and this is with a performance based approach much like south central waterfront is working toward, at the top slide, that's what it looks like today with a little bit of green along the lake and then with green streets and basically green infrastructure, how that might change it and increase the existing pervious. Thank you. The next one to incorporate water collection and collection and distribution green infrastructure as part of the completion streets effort to treat storm water runoff before it enters creeks and lakes. This is one of our customer's, bagby streets and recognize the importance of cool, shaded public and private realm by establishing required minimum performance criteria for microclimate modification.

[13:48:44]

[Reading graphic]. And I think the main thing is going into form based code but green infrastructure sustainable water management soil in the performance based category and criteria. Next. So again, my modification, we all know our streets are important but planting new trees will be important as well. This is a cumulative impact and the office of sustainability have looked at, you know, our temperatures are supposed to rise another 10-degrees over the next 70 years, so we need to be thinking long term, not just short term. Next. Green infill regulations will sustainable sites initiative developed by asal, the lady bird wildflower center and the university of texas beau tannal garden for technologies for that, and then green infill requiring that redevelopment projects in key centers along major corridors cluster development in a way that decrease the impact on impervious cover and has this groundwater recharge. These are just images to say that civilians could be clustered and you could actually have more green areas than currently. If you take a shopping center, for instance, right now that may be almost 95% impervious cover, you can imagine clustered building where you have more green and more water infiltration. Next. So developing specific and targeted incentives to offset the negative aspects of urban

growth, such as attention to vegetative impervious cover, attention to trees and more public integrity, and also on site and then you heard about the food day tomorrow, and urban agriculture and recommendation provisions and guideline that is make urban farms, community gardens and front and backyards garden possible. Next, green compatibility. We looked at missing middle housing and we think another way to look at it through green compatibility. Next. And that will be looking at live oak trees, green walls, green roof, basically bioswells, making that 25-foot zone compatibility zone as green as possible to buffer commercial or multifamily from the single family. Next. So going forward, we recommend strengthening of the role of specific city entities including office of sustainability and the imagine all the green regulatory team, girt which goes across watershed, pard, urban forestry and problem some other entity I am not aware of and boards and commissions such as environmental board and design commission are within the process of forming the new code. At this point in time, we -- there is not a clear pathway and we are hoping that clear pathway gets defined as quickly as possible. Next. That the codenext process provide formal mechanism which asal austin can contribute as an informed professional stakeholder organization so that core nature and city principles adopted and imagine austin are carried forward. For instance in your barkup today there is a letter from aia and cnu and we also have a letter from texas asla but it didn't make it in your backup. We are a professional stakeholder organization that deals with development process on a day to day level. Next. And that the groups that are mentioned above collaborate with the code consultant team in the presentation of the code talk on nature and the city in early 2015. Again, we had two talks on compatibility and we are encouraged that this will be a code talk on nature in the city. We understand the imagine austin speaker series will have something on december 10th but also we are interested in a code talk at the same level that the compatibility talks were designed and executed. Next. And a recommendation that a key team member who is a licensed landscape architect from the state of texas -- we are all licensed for health, safety and welfare be designated the ensure the core green infrastructure of the sustainable water quality programs are integrated into the code. Next. And just to let you know how many of us there are, a lot of times you see me. We have some more people here to talk, but it's pretty much across the board, the major firms in town. So we really do appreciate your time and thank you.

[13:53:13]

>> Cole: Thank you. Frank hair

-- council member morrison has a question for you.

>> I am sorry.

>> Morrison: A few questions. Your recommendation, your overall recommendation, am I right, you think we could do this by adopting approach 2 but with the content rewrite being high for green infrastructure

--

>> and sustainable water management.

>> Morrison: And sustainable water management?

>> Correct.

>> Morrison: Thank you.

>> Frank [indiscernible]

>> [indiscernible - no mic].

>> Cole: Oh. Go ahead.

>> Mayor pro tem, council, thank you for this opportunity. I appreciate that. My name is tim bargainer, I am president elect of the texas chapter of the american society of landscape architects. Also referred to as asal. You heard ellie refer to it that way or eleanor. At a national way, the asal supports and participates in the green infrastructure collaborative, which is a network of 7 or 8 federal agencies and devoted to expanding the use of green infrastructure technology such as rain gardens, permeable pavement, rain water harvesting, land conservation and wetland protection to improve natural management of storm water. Asal along with 25 public and private sector organizations joined our national administration's new collaborative to foster community resilience, strengthen natural resources and support vibrant sustainable communities nationwide. The purpose of the new collaborative is to facilitate cooperation, foster coordination and create effective communication among the signatory organizations in a way that will encourage widespread adoptions of green infrastructure where appropriate. In early october, the national president, mark frott represented the asal at the white house green infrastructure collaborative kickoff event, where stakeholders discussed operating as a network based learning alliance. And identified ways that collaborative can advance efforts to build capacity for green infrastructure implementation. It provided a platform for national stakeholders to leverage joint efforts, to promote multiple community benefits of using green infrastructure, share and build knowledge around merging green infrastructure technologies and policy issues, facilitate shared inquiry into the best ways to encourage adoption of green infrastructure. As part of that collaborative, asal and other signatory organizations committed to using this new platform to advance the adoption of green infrastructure as a means of supporting an array of water quality and community development goals. As the texas chapter of asal, we are hoping the local efforts here in austin, through the codenext process, continue to advance efforts to build capacity for green infrastructure implementation. We have been thoroughly impressed with our local chair of the asal austin codenext committee, eleanor and her efforts over the last ten months and we'd like to emphasize, as we see it, four points moving forward with the codenext process, some of the points eleanor previously addressed, first to strengthen role of the interdepartmental regulatory team and the environmental board, next to include asal austin as an informed stakeholder and participant in the codenext process. Next to empower the above groups to collaborate on a nature and city code talk, and, last, to add a key person who is a licensed landscape architect to the codenext team. Again, as eleanor stated we are on approach 2 on green infrastructure water management as we have in imagine austin.

[13:57:09]

>> Cole: Thank you.

>> Thank you very much.

>> Cole: Frank herran and frank, gail whitfield donated time to you.

>> How many time do I have, mayor pro tem?

>> Cole:9.

>> Good evening, pro tem and council, my name is frank herran. I am an active member of a number of

organizations that have already publically supported approach 3, some of them at a press conference at city hall yesterday. In particular I am a member of the board cnu and on its bolls committee, and doing double duty presenting with them tonight because the other director had to leave earlier. And also the director and the legislative chair for the central texas commercial association of realtors and they want me to tell you that they are strongly and unanimously in favor of approach 3. I want to be real clear that this is not an indictment of opticoe or anybody else on the consulting team. They are doing a bang up job. And they are doing really well. We are having a friendly disagreement on this numeric digit and it is two versus three. I suspect that the reason we got that disagreement has to do with the history of and current political context in this particular city, and then I remember option 2 being chosen because to them in this city, this seemed to be the right approach. All six of you and I know what the political context is when it comes to land use in austin. And I think it's something not to make an analysis and recommendation based on that but I suspect what's going on here is that. When we began imagine austin, we are going into our 6th year since that process started. When we began, we started with an overall goal of trying to figure out how best to accommodate our projected growth. Growth of 750,000 people over the following 30 years. Our actual growth since we started is exceeding projections. And so we are looking somewhere between 150,000 and a million people and we made some commitments this time and a s

-- we are going to come up with a plan and this time we will implement it. And I will make it happen, something I am going to do with

-- something we didn't do with the last plan. We also committed to accommodate that growth within our planning area, and currently the final draft of imagine austin still says that that's what we are going to do. And it commits further that of that 750 estimate, 610,000 or 81% of those additional residents would be accommodated within the city of austin, within the city limits.

[14:01:02]

[One moment, please, for change in captioners]

>> it says there will be redevelopment of those established neighborhoods and it gives a list of types of redevelopment that will occur because everywhere from single-family to duplex to triplex to small apartment complexes to institutional uses and commercial uses. And it talks specifically with those areas being outside the corridors and activity centers. It seems to me that this vote is virtually the same vote that you took in june of 2012. Are we going to really implement imagine austin or are we not? Are we going to accommodate our growth or are we not? I respect and admire every member of the consulting team, but I think the political context is there's still an effort by the same people who opposed imagine austin to undermine its application and its implementation. Their mindset has not changed dramatically since 2012. We all know that. I think option two could lead to a very dangerous off-ramp in the implementation of what we now spent more than five years trying to accomplish. The biggest problem I see is that if we now give specific neighborhoods that are sometimes controlled, as we all know, by just a handful of people, basically an election to opt out of everything we've done, at least the most significant new updated development tools that are being proposed, we're going to wind up with some portion of this city preventing us from reaching our citywide goals. It only takes a few people in a specific neighborhood association to say we don't want affordability in our neighborhood. We don't

want affordable housing in our neighborhood. We don't want all of these things that imagine austin was drafted to address and to solve. We don't want those solutions in our neighborhood. And to whatever extent they're allowed to say, no, we want to stay with the old rules, sprawl continues and our problems will continue to get worse. I ran across a study that came out of the university of utah recently that ranked 220 american cities in terms of their ability to control sprawl. And we came in -- out of those 220 we came in fifth worst in the country. It's not coincidence that we have the fourth worst traffic congestion. It's not coincidence that we keep getting less and less and less affordable. Because we have for 20 to 30 years now tried to restrict population increases within the center of the city. I can look at the last two census maps. It's happening, it's continuing to happen. And we're either going to do what we said this time or we're not. Ky see a very likely scenario where the second approach would be much longer and much more expensive. Imagine all the little battles that could come out of neighborhoods opting in and out and who is controlling the neighborhoods and who is a representative. I see that as a possible mess. Chaos. And I don't think that's an exaggeration. We put together a negotiated document over a three-year period that said we're going to be compact and connected and in that imagine austin document we say sprawl is bad. We've got to get away from it. I would urge you on behalf of the organizations I came here to represent as well as myself individually to go for approach three it's the only way we can get there.

[14:06:39]

>> Cole: Thank you, frank. Next we've alex scarborough. Alex scarborough, who is our last speaker. Not here. Okay. Colleagues, that is the conclusion of all of our speakers. Any further comment and discussions? Councilmember martinez.

>> Martinez: Just as a reminder, we're keeping the public hearing open for when it comes back so that folks understand that there's still time to sign up and speak as it makes its way back to council.

>> Spelman: Mayor pro tem, I hate to prolong a meeting, but I've got

-- I have this burning question, and dan is here, able to answer this question at least to some extent. And I've got to ask him while everybody else is watching

--

>> Cole: You don't have a powerpoint, do you?

>> Spelman: I do not. I very much do not.

>> Cole: Then you can go ahead. [Laughter] pep.

>> Spelman: You just heard frank. I don't subscribe to all his rhetoric, but I understand exactly where he's coming from. The building of this town, as you know from your diagnosis, is painful, time consuming, exceptionally annoying, extremely expensive. Sell me on the idea that two is going to get us to a point where frank will be a happier guy than three.

>> I don't know frank that well, but

--

>> Spelman: Or somebody that represents the cartoon version of the things that he said.

>> Yeah. I think what we had tried to do in these approach options is split out the mapping process from the [indiscernible] process, but it's hard to do because there needs to be some overlap. But what approach three really talks a lot about is the extent of the matching of the form-based zones in the

short-term versus it being more sort of systematically and sort of tested in approach option number two. I guess

-- I think both options are viable options. I think

-- I do feel that there's an advantage to taking the systematic approach of testing the code, adopting the code and testing the code. Do I understand that there might be some concerns about that approach?

Absolutely. In terms of well, if we take that first step and we test it, are we going to have lot to enable it to spread as aggressively as is necessary to implement imagine austin? I can understand that as well. I would say that a lot of time and energy would put into building as the code is being written the support, the understanding for that new code so that we do everything that we possibly can to enable that support to enable the code to spread, is that going to guarantee that. Absolutely not. We can't ensure and it always will be a bit of a question mark. But the way we've seen it in other communities that has been effective. And I do feel that benefit of sort of the learning phase and the testing phase could be really valuable.

[14:10:12]

>> Spelman: We'll have more to say about this and have more about this later. Thank you for the first cut.

>> Cole: Well, I certainly appreciate the dialogue. There's still a lot for us to consider between the option two versus option three. I appreciate the consults being here and this has felt a little like a town hall meeting so it's really nice. Is there any further comments or discussions? I'm entertaining a motion with respect to this item. Councilmember morrison?

>> Morrison: You mentioned that there's a lot more to discuss of option two and I think there are some people asking us for option one too and I just wanted to acknowledge that.

>> Cole: Yes. There's a lot more for to us discuss about all of the options that are on the table. And tonight we have decided that we're not taking any actions. But I think we still need to make a motion. I will entertain a motion that we keep the public hearing open and we still consider all the options and I guess postpone the item until november the sixth.

>> So move.

>> Cole: Councilmember morrison makes the motion that we keep the public hearing open, leave open the consideration of all the options and take this up on november the sixth, and that was seconded by councilmember spelman? All in favor? That passes unanimously six to zero. If there's no further discussion, this meeting of the austin city council is adjourned.