

City Council Regular Meeting Transcript – 08/13/2015

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[10:14:53 AM]

>> Mayor Adler:, are we about ready to gear this up? Good morning. It is Thursday, August 13th of the year 2015. We are in the Austin city council chamber at 301 west second street. I'm mayor Steve Adler. We have a quorum present. And at 10:15 we are convening this meeting. We're going to begin today's meeting by welcoming a special guest in this chamber, somebody who I spent nearly a decade upfront and close watching in a different chamber, but it's nice to have him here locally. I'd like to bring up our senator emeritus, senator Gonzalo Barrientos.

[Applause].

>> May it please the council, I am so happy to see 10 of you up there representing the people of Austin and you, mayor, at large for everybody.

>> Mayor Adler: Thank you.

>> Without further adieu --

>> Mayor Adler: A cause, incidentally, sir, that you have championed for three decades.

>> Common sense, the right thing to do. The senate of the state of Texas, senate proclamation number 108, whereas the birth of a baby is one of the most treasured events in the life of a couple and whereas on may 20th, 2015 will be a day long remembered by Delia Garza and Ramiro Martinez Jr., for on that day their daughter, Lourdes Leona Martinez was born and whereas the beautiful baby girl weighed seven pounds, nine ounces and was 21 inches long.

[10:17:10 AM]

And whereas the safe arrival of Lourdes is the fulfillment of her parents' greatest wish. Delia and Ramiro are filled with joy over this long-awaited infant who has already found a permanent place in their hearts. And whereas it is indeed appropriate that the Texas senate welcomed this new little texan as a treasured citizen of the lone star state. Now therefore be it resolved, proclaimed, that the senate of the state of Texas, here by extend congratulations to Delia Garza and Ramiro Martinez Jr. on the birth of their precious child and best wishes for the future to Lourdes Martinez. And be it further proclaimed that a copy of this proclamation be prepared for the family as a memento of this milestone in their lives. Signed by my former colleague, Rodney Ellis from Houston, and myself. I have some resolutions to give to you, Delia.

[Applause]. Wait, wait, wait. You cannot get away without the senate of the state of Texas certifies that this Texas flag herewith presented to Lourdes Martinez by myself and senator Ellis flew over the capitol on that birthdate.

[Applause]. Members, without further adieu, I shall not filibuster, but I thought about the fact that I had

in all the time that I was in the house and the senate, never presented a little token of appreciation from the Texas legislature and the Texas senate to each one of you.

[10:19:17 AM]

So this will be the first time that we will do this. Please accept these small gifts from the people of Austin. And you can open them up. I think you'll enjoy them. They're not worth a million dollars, but I think you can report it on -- if need be.

>> Mayor Adler: We don't need to report it. No one will know this happened.

[Laughter].

>> And mayor and councilmembers while he's passing those out, I have in my hand a little token from myself from the Texas state capitol, wooden nickels, so you won't take any if anybody tries to offer you any.

[Laughter].

[Off mic]

>> Mayor Adler: Senator, can I have one for councilmember pool, who is at a grand opening in her district? Thank you.

>> With that, mayor, councilmembers, that concludes my comments. Thank you for your time. I know you have a rough time. Just remember, you can please some of the people some of the time, but you cannot please all of the people all of the time.

[10:21:17 AM]

God bless Texas and Austin.

[Applause].

>> Mayor Adler: Senator, thank you. Yes, Ms. Garza?

>> Garza: I just want to thank senator Barrientos, and for those who -- I'm sure many of you followed the 10-1 movement, but one of my first real involvement in real city, you know, committees, I was an Austin firefighter for six years, but was on the charter revision committee that recommended the 10-1 plan to the council. And he was the chair of that committee. I got to know him very well and he was such a leader. And he has been fighting for geographic representation for so many years, and so we are all sitting up here because of the work that he and so many others did. And so I'm so proud to know him and so glad that you're -- you've been such a great mentor. And so I thank you for allowing me an opportunity to serve my constituents, and thank you for the gifts that you brought today.

[Applause].

>> Mayor Adler: We have a consent agenda this morning that has 11 items on it, and then we get into the zoning, which is the balance of the items. Let's focus first on the consent items. We have some changes and corrections. Items number 4 and 5 are being postponed to September 10th.

[10:23:20 AM]

Item number 1, which is approving of the minutes -- we're only approving the minutes of the work session on August 4th and the regular session on the 6th. We are not approving minutes from the work budget work sessions. Item number 9 has also listed as sponsors councilmember Renteria and councilmember pool. We have the time certain items, there's been a request to set as a time certain item, the Lightsey matter, item number 48, to set that at 4:00 P.M. Without objection, we'll go ahead and do that. And then there is the public hearing that is set for today at 2:00. At 2:00 that's going to be postponed. I think that's the red bluff matter. Let me make sure. That's the red bluff matter. That's going

to be proposed. And then there's going to be one proclamation at 5:30 this afternoon. Items being pulled off of the agenda, item number 2 by Mr. Zimmerman. I have item number 3 by Mr. Zimmerman. Item number 6 has been pulled for discussion. That's the grove matter which I think is going to be also postponed, my sense. And then item number 48 has been pulled, that's not part of the consent agenda, but that's going to be set at 4:00. So I have -- and item number 9 has been pulled by Ms. Gallo.

[10:25:23 AM]

So the items on the consent agenda not being pulled appear to be items 1, 7, 8, 10 and 11.

>> Zimmerman: Mr. Mayor, I move adoption of the consent agenda.

>> Mayor Adler: Okay. Let me make sure there aren't any speakers. We have none. It's been moved to -- Ms. Gallo?

>> Gallo: I'm sorry, I just want to make sure -- I want to make sure that on item number 10, which is still on the consent agenda, that there was language that was added to update the ordinance that is being passed on the consent agenda. And on number C it would say the mayor and council. This was the recommendation of mayor pro tem tovo, so that has been added to the ordinance that's being passed on the consent.

>> Mayor Adler: Okay. So it's been moved to approve the consent agenda, which is items 1, 7, 8, 10 and 11, with the ordinance change, language change that Ms. Gallo just identified. It's been moved adoption.

[10:27:24 AM]

Is there a second to that? Second.

>> [Inaudible - no mic].

>> Kitchen: I wasn't clearly hearing what councilmember Gallo was changing?

>> Gallo: May I repeat that. Item number 10 currently on the consent agenda, which is the oversight bond commission, at our work session mayor pro tem tovo made the suggestion that we include under number C where it says the mayor shall work with the commission, it include the council so it would say the mayor and council. And the resolution has been changed to reflect that and the ordinance that's on the consent.

>> Kitchen: Okay.

>> Mayor Adler: Included on the consent is the items 4 and 5 to September 10th. Also included on the consent agenda the postponement of items 4 and 5 to September 10th. It's been moved and seconded by Ms. Houston. Those in favor consent agenda please raise your hand? Those opposed? It's unanimous on the dais with councilmember pool not here. Councilmember pool is at an opening in our district and will be joining us momentarily. That then gets us to the items that have been pulled. The first item to be pulled is number 2, pulled by Mr. Zimmerman. We have four speakers identified. I'm going to go ahead and call the speakers. Ms. Tovo?

>> Tovo: I apologize for not asking this during the consent portion, but I just want to be clear that the intent of the council is still to more or less postpone item 9? I've had a few questions from individuals who have been asking about that. I'm assuming our plan is still the same.

>> Mayor Adler: Yes. Our plan, my sense of council, is that item number 9 is going to be put off without debate this morning.

[10:29:28 AM]

There's a resolution in the record, when we get to that item I think councilmember Gallo will set it up,

both that and the managers too, but no discussion today.

>> Tovo: Thank you. I appreciate the opportunity to just clarify that this morning.

>> Mayor Adler: Okay. There will be an opportunity for considerable community conversation when it's being considered, a public hearing I guess on Monday, but we'll get to that item. All right. So that gets us to item number 2. I'll now call the speakers on that so that they can speak. Chuck Allen is the first speaker. Is Mr. Allen here? Why don't you come on up. Yes, sir. You have three minutes.

>> Thank you, good morning honorable mayor, members of the city council, office of the city manager, council staff and interested stakeholders. My name is chuck Allen. I am the managing director of government affairs for American airlines. Late yesterday a letter was delivered to each of you through your city mailboxes and via email. It described in some detail the concerns we have about agenda item number 2. As a long time customer of your aviation department, an employer of hundreds of well paid American airlines associates that have made their home in this wonderful community, and a significant investor in your aviation infrastructure, I am here to ask for a very short delay so that we may review the business lease that we only saw in the past week. The letter you received yesterday as well as the letters from other airlines serving your community hopefully have alerted you to concerns not only of the current airline community, but also of risk to which the city may needlessly be exposed.

[10:31:31 AM]

In the zeal to consummate a long-term lease the airlines have concerns and questions that remain unanswered. The lease you're being asked to approve today may indeed be beneficial to the city. It may be good to the airport and it might even be good on American airlines and the other airlines in the main terminal. However, it is impossible for us to come to that conclusion without a detailed understanding of the financial operational and long-term plan for the south terminal. Last Thursday night we received the details of the lease, which are greatly appreciated. Our due diligence began Friday morning and has continued everyday since, including the weekend, unabated. It is our desire to have meetings with the airport leadership over the next few weeks to completely understand the package and its benefit to all stakeholders. I'm not asking for you to vote no to a south terminal operation. I am asking you as a respected business partner to your community to simply delay this agenda item for one month in order for us to properly evaluate and understand this initiative. We have served this community for decades. We have dedicated substantial resources to your airport, its current and exciting growth, your city's been led by visionaries that have brought you world renowned to your brand. We have the greatest respect for that. We hope our partnership has earned your respect. And that mutual understanding I respectfully ask that you delay this item for one month. I am available for questions if you have any.

>> Mayor Adler: Sir, I understand the request for more time. Do you need a month to be able to do that if you got some additional time?

>> If I had some additional time it probably won't take a month, but I do need some additional time.

>> Mayor Adler: I understand. Thank you. Mr. Zimmerman.

>> Zimmerman: Just a quick question. American airlines, do you operate in any airports that have a similar type agreement with maybe a lower cost terminal operating with the main terminal?

[10:33:35 AM]

>> To my knowledge we do not. Now, there are other airports in the world that might be like that, but to my knowledge we have no operation like that in this country.

>> Zimmerman: Okay.

>> Mayor Adler: Further questions? Okay. Thank you, sir. The next speaker is sue long. Is Ms. Long here? Next speaker is Sheri hall.

>> Mayor Adler and members of the city council, I'll be brief because Mr. Allen has summarized many of the signatory carrier's concerns already. I have had the great fortune of working for southwest airlines for 28 years now and 27 of those years have been here in Austin alongside more than 200 other southwest airlines employees who call Austin home. And we have seen great growth not only at southwest airlines, but here in Austin over that time frame. With nearly 38 years of history in Austin, southwest joins the other carriers in requesting more time to review the south terminal deal before it's locked in. This proposal is unlike anything that we've encountered in our decades of air service, development and more than 90 communities, and while we appreciate the efforts to address some of the earlier concerns, absent all the facts the new details received late last week raise additional questions with real and practical consequences to weigh. Challenges including strong assurances that the customer experience at abia and T.S.A. Staffing are reflecting of the signatory carriers in the terminal should the project proceed and the process that our customers expect. Secondly we at southwest question moving so swiftly to act upon the execution of a 30-year long-term agreement which grants exclusive rights to a third-party operator over valuable airport real estate.

[10:35:47 AM]

For these reasons and others, southwest airlines joins American and the other carriers respectfully requesting more time to analyze the south terminal business deal and to meet with those responsible for abia's future before a vote to execute the south terminal reactivation today. Austin is an extremely important market to southwest and we have great plans to make it even more successful. And this success can only be achieved through a collaborative partnership where win-win solutions for all parties are identified. Southwest airlines remains a committed partner with the city of Austin and abia on plans to accommodate future growth at our airport and supporting our vibrant community, and we thank you for your consideration.

>> Mayor Adler: Thank you. Any questions? Thank you very much. Daniel miyer?

>> Good morning. Thank you for the opportunity to speak today regarding the reactivation of the south terminal. My name is Daniel miyer and I'm a manager of airport affairs for allegiant air. We operate throughout the United States and I am here on behalf of allegiant to endorse the reactivation of the south terminal. I want to stress that not all airlines oppose the reactivation of this terminal. Allegiant entered the Austin market in 2013. The Austin residents and visitors alike have embraced allegiant's ultra low fair model. Lowing us to consistently grow our offerings and passenger counts at the airport. Notably Austin as a destination city in our network which means we are focused on bringing travelers to Austin from underserved and some cases unserved markets. We want to bring more team to visit the wonderful city of Austin. Unfortunately allegiant's growth at the airport cannot continue until the Gates at the south terminal become available for use.

[10:37:53 AM]

There is barely enough space to operate the current schedule that we now have in Austin. In fact in April the airport informed allegiant that we could no longer use the Gates we had been using as other airlines now needed the Gates at the times we had already scheduled flights for. As a result, allegiant had to reschedule 78 flights, call thousands of passengers that had already booked tickets to inform them of changes and offer refunds or reaccommodations. This costly endeavor not only hurt allegiant, but caused the airport and community to miss out on valuable tourist traffic and its associated economic impact. The airport is losing revenue because of inadequate gate space. Subsequently the community and local businesses are being deprived of additional revenues as allegiant can not bring new tourists from unserved markets to Austin. The residents of Austin and those tourists and travelers wishing to

visit Austin are harmed as they are being denied additional ultra low fare service. Each day that the city delays or postpones the reopening of the south terminal is another day that Allegiant cannot add passengers, flights and new routes to Austin. The south terminal is available to all airlines at the airport and all of the airlines were provided with the financial terms at the same time. And Allegiant has chosen to engage with the airport unlike the other air carriers. If, however, one or more of the airlines are of the opinion that an unfair advantage is being created by the reopening of the south terminal, Allegiant proposes that those airlines take advantage of the south terminal by exchanging one of their Gates in the Barbara Jordan terminal for a gate in the south terminal. Allegiant will happily lease one of those available Gates in the Barbara Jordan terminal today. Allegiant and air carriers in the Barbara Jordan terminal could occupy the Gates by the other carriers if they choose the Gates in the south terminal. With that we ask the city to act today and reopen the south terminal. It will allow Allegiant to grow Austin as a destination which will bring more passengers, more flights, more ultra low fares, more competition, more jobs and revenue for the city.

[10:39:59 AM]

Thank you.

[Buzzer sounds]

>> Mayor Adler: Any questions. Mr. Zimmerman?

>> Zimmerman: Quickly before you go, the same question for you. Allegiant has a different cost model, right, an ultra low cost.

>> Yes.

>> Zimmerman: Do you have any airports where you're operating right now where you have this two-tiered approach of the regular terminal service, kind of what we have now with jet ways and all that, and then a different kind of terminal?

>> I can't name one off the top of my head that we -- there are ones that we do go into. There are several airports throughout the country that have variable rate terminals, lax, Miami, Boston. There are several ones and it's seen at other airports with different terminals with different amenities do have different rates based on what is available.

>> Zimmerman: Okay. So it's a 30-year lease we're considering. That's why I've pulled this and I'm going to support a motion to put it in committee so we can look at it more. I think it's the first of its kind. We don't have a lot of precedent to go O.

>> Understood. But we are definitely wanting to grow in Austin and hoping to get space as quickly as possible.

>> Mayor Adler: Anyone else.

>> Garza: It's my understanding that there's gate sharing going on right now that's alleviated some of the issues on a short-term basis. Is that not happening?

>> There is an agreement for gate sharing, however it is minimal. There is some available time on Gates that other signatory carriers such as southwest, American and delta are offering at one of each of their Gates. The time that it's available is minimal and is at -- probably the least desirable times of day. So our schedule is now at the mercy of their schedules. And when they change we are forced to change and we are not being allowed to grow and adequately operate our business in Austin because there is no gate space and the sharing method, while it provides a tiny amount of available gate space, is not conducive to the proper operation of an airline.

>> Garza: Thanks.

[10:42:02 AM]

>> Mayor Adler: Yes, Ms. Kitchen?

>> Kitchen: I believe that's all of our speakers. I have a motion.

>> Mayor Adler: That is all our speakers. Thank you very much.

>> Thank you.

>> Mayor Adler: Okay. This item was pulled by Mr. Zimmerman. Do you want to open us?

>> Zimmerman: I was going make a motion to refer it to the mobility committee. For the next meeting September 2nd meeting with the commitment that we would deliberate and decide on it. September 2nd.

>> Mayor Adler: There's a motion to send this to the mobility committee. They have a September 2nd meeting. We have our next meeting after that would be September 10th. That's a zoning meeting. I don't know if we would want to bring it back on September 10th as opposed to September 17th. Given the earlier conversation it might make sense if you wanted to make your motion as a place holder at this point to refer it to the committee, but bring it back on September 10th.

>> Zimmerman: I don't have any objection to that if that's what council wants to do.

>> Mayor Adler: Is there a second to that motion?

>> Kitchen: I'll second that. And then I have a question.

>> Mayor Adler: I would also like staff to come up and talk about it as well.

>> Kitchen: I don't know if there's an earlier meeting to bring it back to. Because we could refer it to the committee and also try to work it out and bring it back earlier, but I don't know if there's an earlier meeting or not.

>> Zimmerman: Mr. Mayor --

>> Mayor Adler: We have a meeting on the 27th, but the 27th is also Austin energy as well as a budget work session.

>> Kitchen: All right.

>> Mayor Adler: And the next week is the public hearing on the budget, I think. That's why we're so pressed with this time. All right, it's been moved and seconded to postpone this item to September 10th. And in the meantime send it to the mobility committee. I'd like staff to come up and talk to us.

>> Kitchen: May I make one comment? I would also say that I think I am probably speaking for the mobility committee members. That doesn't mean that we will wait to September 2nd.

[10:44:04 AM]

If we have an opportunity to work it out prior to the mobility committee, we will try to do that.

>> Mayor and council, I'm Jim Smith with the airport.

>> Mayor Adler: Hang on just one second, Mr. Smith. Ms. Houston?

>> Houston: I just want to add that because of the information that we've received about how tight the Gates are at the Barbara Jordan terminal -- Barbara Jordan terminal, I think we need to move it as expeditiously as possible because there was some scheduling timing things. The airport advisory commission has heard this a couple of times, I think. And so as quickly as we can get this done would be my suggestion.

>> Mayor Adler: And what I'm confused on this is it seems as if what's driving this is long-time airport customers that haven't had enough time in order to be able to look at the agreements. There may be an issue, may not be an issue. I'm a little bit nervous about us as council getting in to contract negotiations and details of contracts. So there's part of me that thinks the appropriate thing to do is just to postpone this if there's needing more time for people to be able to review it or for people to talk, because I haven't understood yet what is the policy issue that would send this to a committee to be put on the committee agenda. And it could be that I'm missing stuff. So as we discussed this on the dais or, sir, as you talk, that's what I'm going to be listening for. Anyone who hasn't spoken on the dais that wants to

speak? Ms. Gallo and then Ms. Tovo and Ms. Troxclair.

>> Gallo: One of my concerns with this could possibly be a policy issue because I definitely support the reactivation of the south terminal and I certainly support an opportunity to have reduced gate fees for carriers that look and need that.

[10:46:16 AM]

And we certainly, it's obvious that we need more Gates at the airport, but I do have some questions that I think we need a little bit more time to investigate. It's my understanding that currently the airport manages the existing terminal ourselves and controls the leasing of the Gates. It's my impression that in doing what's being presented to us that we would be giving away the management of the south terminal to a separate entity, and that entity would control the leasing of the Gates. So I just want to understand better why we are changing the management plan of the airport. So I think that really does move into a policy discussion, but it may be a better policy discussion for the full council instead of a committee because I think all of us would be involved in that.

>> Mayor Adler: Okay. Ms. Tovo?

>> Tovo: That's helpful to hear, councilmember Gallo. I'll speak as I did in the work session. I think it does sound like a little more time is necessary or would be valuable to the stakeholders who are involved, but it would also -- I would concur with the mayor that I believe we should get this back on our agenda as soon as possible. Perhaps not going to a committee. And if it is going to the committee, perhaps we could articulate here today what are the questions -- what are the policy questions that are remaining in addition to the one that councilmember Gallo stated.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: To that end I was just going to suggest that if we were going to send it to committee, the audit and finance committee is meeting on the 26th, which would be before our meeting on the 27th. It seems like some of the policy issues have been raised are more about the financial aspects of the contract that's being contemplated. So that's just another option before us, but everybody has made good points.

>> Mayor Adler: Okay. Do we want to hear from staff?

[10:48:17 AM]

Ms. Kitchen?

>> Kitchen: I would suggest if councilmember Zimmerman is amenable this that we change the motion to change this to audit and finance since it can be done faster.

>> Zimmerman: That's acceptable to me. But to answer the questions about the policy, I think anything that's got a 30-year lease would need some more detailed scrutiny. And the committees, as we have said, it's the best place to do it because we have four members, we can have many, many hours of testimony and deliberation, and if we don't have the committee hearing, then that public hearing would have to be in front of the entire council. Also there's that question of the expenses -- the management question I think is that the private company highstar, they're on the hook for resources. They're going to invest some money so it would make sense that they have to manage their own investments. However, the contract right now may call for us to reimburse highstar if the passenger traffic is low, they may back out of the deal and ask us to reimburse. So that's another reason audit and finance could look and find out what our upper exposure is.

>> Mayor Adler: Okay. Mr. Smith, do you want to talk to us about this issue from your perspective? What do you think we should do?

>> As we discussed in the work session and as the council has suggested, the airport can work with the

timing that you're talking about, if we can ultimately get a council decision sometime in September, that will allow sufficient time for us to continue to work with highstar to get the south terminal operational prior to the start of construction on the east end of the main terminal, which is our main concern. So the time lines generally that have been suggested is things that we could work with at the airport.

>> Mayor Adler: Okay. So that being the case then rather than us spending time here discussing it, because it will be discussed in committee, it sounds like the two issues that have been identified is the gate management question as well as the city's risk of reimbursement. I think those would probably be the two general questions. Sounds like an appropriate question for the audit committee.

[10:50:17 AM]

I think that point is well taken. So the motion is to spend send this -- to postpone this item to the September 10th meeting -- no. Postpone this item to return back to us at the September 10th meeting?

>> Kitchen: No, we changed it. Sorry.

>> Mayor Adler: Changed it to?

>> Kitchen: Go ahead, councilmember Zimmerman.

>> Zimmerman: The audit and finance committee --

>> Mayor Adler: I thought the committee was going to meet the end of August. I was trying to get us back to the council meeting on the 27th. Okay. So the motion is then to return it back to the council on August 27th, which is the Austin energy meeting. So I'm --

>> Kitchen: Would you like us to restate the motion?

>> Zimmerman: Point of order here.

>> Mayor Adler: The motion is to postpone this item to August 27th and in the meantime we'll send it to the audit committee. Before we vote on that motion I want to say this, that if it's not worked out and if it requires council deliberation, I will be moving to postpone this from the August 27th meeting to the 10th or the 17th because I don't think we have time on the 27th to actually hear this item. And we can decide it at the work session so that speakers could know not to show up on the 27th because we have so much stuff already on the 27th. But assuming that this is the time just to be able to give folks a chance to be able to look at it and work with it, hopefully to work out the issues so that we get it up a couple of weeks earlier so we can say whatever the resolution is, hopefully it will be worked out. That said, that's the motion to postpone to the 27th. I'll send it to audit and finance. Those in favor raise your hands? Those opposed? And it's unanimous on the dais. Thank you.

[10:52:21 AM]

Thank you.

>> Mayor Adler: Before we get to item number 3 let's see what we can take care of on consent on the balance of the agenda so that we can narrow the issues that are still in front of us. Can you walk us through the consent agenda for zoning and planning. And then we'll come back to number 3.

>> Morning, mayor and council, Greg Guernsey with the planning and zoning department. I'll walk through the items that I believe are consent that we can go through. First item I'd like to offer for consent is item number 12. C814-2014-0083 - sunfield pud - district 5 - approve second and third readings of an ordinance amending city code chapter 25-2 by zoning property locally known as 1901 turnersville road, at the staff is requesting a postponement of this item to your September 10th agenda. As you noted earlier mayor, this is items related to items four and five on your agenda that were already postponed. Item 13 I believe will be a discussion item. 14. C14-2014-0150 - Whiddon known as 4102 manchaca road from family residence (sf-3) District zoning to limited office-mixed use-conditional overlay (lo-mu-co) Combining district zoning. It's ready for approval on second and third readings. I'll

note that the ordinance that you have in backup, I think, does not include medical office being a prohibited use that was indicated as a prohibited use at first reading. And with that change it can still stay on consent for second and third reading. Item 15. Npa-2015-0005.01 - for the property at 1318 montopolis drive from commercial land use to single family land use. This case has been withdrawn. No action is required. 16. C14-2015-0058 - a related case. For that same property, 1318 montopolis drive and 1306 vargas road this case is also been withdrawn.

[10:54:33 AM]

No action is required. Item 17. Npa-2015-0007.01 - 8130 north Lamar. Austin civic association neighborhood area to change the future land use map to mixed use land use. This is ready for consent approval on first reading only. Item 18. C14-2015-0059 - 8130 north Lamar. This is to zone the property to general commercial services-neighborhood plan (cs-np) Combining district zoning.

Staff recommendation: To grant general commercial services-mixed use-neighborhood plan (cs-mu-np) Combining district zoning. And this is to grant approval on first reading only. 19. Npa-2015-0016.01 - for a property at 500 shady lane. Staff is requesting a postponement of this item to your September 10th agenda, item number 19. Item number 20. C14-2015-0043 - shady -- 500 shady lane. Staff is requesting a postponement of to your September 10th agenda. Item 21. Npa-2015-0026.01 - for the property at 9310 Georgian drive from in the north Lamar combined planning area. This is a change to the future land use map. This case has been withdrawn. No action is required. Item 22. C14-2015-0022 - for the property located at 9310 Georgian drive from -- the zoning case has been withdrawn. No action is required.

[10:56:37 AM]

Item 23. Npa-2015-0027.01 - for the property at 1506 west 34th street. Staff is requesting a postponement of this item to your October 8th agenda. The related zoning case, 24. C14-2015-0023 - for the property at 1506 west 34th street, staff is requesting a postponement of this rezoning case to your October 8th agenda. Item 25. C14-2014-0186 - is for the property located at 2500 south heatherwilde boulevard. Staff is it requesting a postponement of this case to your September 10th agenda. 26. C14-2014-0193 - mmk staff is requesting a postponement of this case to your September 10th agenda. Item heights rezoning - district -- located at you 4905, 5001, and 5003 pecan springs road, staff is requesting a postponement of this item to your September 10th agenda. 28. C14-2015-0003a - south -- for the property at 6900 and 6940 south I-35 service road southbound and 504, 600, 606 and 700 chaparral road. Staff is requesting a postponement to your September 10th agenda.

[10:58:38 AM]

29. C14-2015-0003b - south staff is requesting a postponement of this item to your September 10th agenda. 30. C14-2015-0019 - 5306 Samuel Huston avenue. Staff is requesting a postponement of this item to the September 10th agenda. 31. C14-2015-0031.sh. This case has been withdrawn, no action required. Item 32 for the property located at 8115 two coves drive. This is a zoning change request to rural residence conditional overlay or rrco combined district zoning. The zoning and platting commission did recommend the rr-co combined district zoning and this is ready for consent approval on all three readings. Item 33. C14-2015-0051 - few the property at 14209 ½ north interstate highway-35 service road northbound. To zone the property multifamily residence-moderate-high density (mf-4) District

zoning. Zoning and platting commission recommendation: To grant multifamily residence-moderate-high density (mf-4) District zoning. And this is to grant approval on first reading only. Item number 34. C14-2015-0054 - 901 and 907 east sixth street. From transit oriented district-neighborhood plan (tod-np) Combining district zoning to transit oriented district-central urban redevelopment district-neighborhood plan (tod-cure-np) Combining district zoning.

[11:00:41 AM]

Combining district zoning. Planning commission recommendation: To grant transit oriented district-central urban redevelopment district-conditional combined district zoning. And I would like to invite Mr. Rusthoven to come up to read some additional information in the record regarding a community benefit. And as I said, this is only ready for first reading.

>> Council on this item, we're offering one community benefit since we went to the planning commission. I'm sorry?

>> 34.

>> Mayor Adler: Thank you.

>> That additional community benefit will be that prior to issuance of occupancy, the owner will make a contribution to the city of Austin for improvements in the park, as referenced in plaza is a Sal tea oh, the amount of lesser of \$100,000 or five dollars per square foot for the fifth floor of the project. So I'd like to add that as a condition, in addition to the things already in the record. Thank you.

>> Mayor Adler: Submitted.

>> Item 35, case c14-2015-0056, property at 8240 north mopac expressway. This is a zoning change request to neighborhood commercial or Ir zoning. The zoning and planning commission recommendation was to grant the Ir district zoning. This is ready for consent approval on all three readings. Item 36 is case c14-2015-0060 for the property located at 2201 onion creek parkway. This is zoning the property to community commercial or gr district zoning. The zoning and planning commission's recommendation was to grant community commercial conditional overlay or Co defined district zoning. This is ready for consent approval on all three readings. Item 37, c14-2015-0063, for property at 25 south interstate 35 service road north and this is to zone the property to commercial services neighborhood plan or csmp neighborhood combined zoning -- excuse me, the planning commission's recommendation -- recommendation was to grant commercial services, conditional overlay or neighborhood plan, combined district zoning, this is ready for consent approval on all that he readings.

[11:02:57 AM]

Item number 38 is case c14-2015-0064. This is to zone the property at on 10307 old San Antonio road. This is to zone the property to multifamily residence, low density, mf-2 zoning. Zoning and planning commission's recommendation was grant the mf-2 district zoning. This is ready for consent approval on all three readings. Item number 39 is case c14-2015-0066, the property located at 7101 Burleson road. This is to zone the property to limited strictly services or LI district zoning. The zoning and planning commission's recommendation is grant the district zoning. This is ready for consent approval on all three readings. 40 is c14-2015-0070, for propertied located at 8504 west U.S. Highway 290. This is to zone the property to neighborhood commercial, neighborhood plan or Ir mp combined district zoning. The planning commission's recommendation was to grant the Irmump combined district zoning, ready for approval on all three readings. 41, c14-2015-0061, 16501 Bratton lane, to limited industrial or LI zoning.

The zoning and planning commission was to grant the LI district zoning. This is ready for consent approval on all three readings. 42, c14-2015-0072, to approve the zoning 1106, 1110, 1114, 11118, 11122 gulf cove, to zone the property to single-family residence, standard lot or sf 2 district zoning. The zoning and planning commission's recommendation was to grant the sf 2 district zonings and this is ready for consent approval on all three readings.

[11:05:00 AM]

Item 43 is case c14-2015-0075 for property located at 11103 1110gulf cove, the zoning and planning commission's recommendation was grant fsf 2 district sorry, ready for approval on all three readings. Item 44, c14-2015-0079, this is the zone the property located at 13311 burnet road, to zone the property to community, commercial, or gr district zoning. The zoning and planning commission's recommendation was to immigrant community commercial, conditional overlay or goc combined district zoning, ready for consent approval on all three readings. Item 45 is case c14-86-103 rct for property 801 Pennsylvania avenue. I understand at work session the owner of the property and neighbors have agreed to postponement to October 8th so I would offer this as consent postponement to October 8th. Hr is case c14r-85-0023.02, for the property located at 10010 fm 2222. This is to zone the property to research and development, plan development area or R & D pda district zoning. This would be an amendment to the ordinance and the applicable documents related to that. The recommendation was to grant the R & d.pda district zoning and this is ready for consent approval on all three readings. Item number 37, this is case c14h-2015-0001, property located at 912 east 11th street. This is to zone the property to general commercial services, neighborhood conservation combined district, historic landmark, neighborhood plan or cs hnccd, mp combined district zoning.

[11:07:01 AM]

Planning commission's recommendation was to grant the chsh district zoning. This is ready for consent approval on all three readings. Item number 48, I understand, is now time certain at 4:00 P.M. Item number 49, case c14h-2015-0007, for the property located at 903 shoal cliff court. The staff and the applicant have agreed to a postponement on this item to October 8th. That's an item number 49. And then finally item number 50, case c14h-2015-0053, for property located at 113 west 33rd street, to zone the property to family residence historic landmark neighborhood combined district, neighborhood plan. The planning commission recommendation was to grant the sf-3-h-nccd-np, and this is ready for consent approval on all three readings. And that concludes the items I can offer for consent.

>> Mayor Adler: Does anyone want to pull any of the items that were offered for consent? Ms. Tovo.

>> Tovo: Mayor, I'd like to pull item 33, please.

>> Mayor Adler: Okay. Any other items to pull off of consent? Do you want to speak to number 13? 13. That's right. I just want to add, if I can read conditions in, I'll read those and pass it on consent. That's the change the zoning on tract 1 on the site from LI to loco. Just as a reminder, this is to turn one of those industrial sites into a more mixed use retail and multifamily site.

[11:09:05 AM]

Then prior to the issuance of certificate of occupancy more than a hundred units -- the certificate of occupancy for commercial use on tract 1 must be issued, then we can bring this back for third reading a week from today on August 20th, perhaps potentially to address the 2000 trip limit because for this to be a functional workforce housing and mixed use project, we may have to sort through the traffic issues. So we'll -- hopefully we'll have that handled for next week.

>> And that would be to approve it on second reading only and bring it back for third next week.
>> Mayor Adler: Today's consent would be second only. Anything else to pull?
>> Houston: Mayor, I just need to make a comment on item 45. I'm perfectly happy with it being postponed to October the 8th. That will give time for the property owner and the neighborhoods to begin to work together and do some mediation, so by the time we get to the October 8th date, we'll be able to come together solidly about what the request is going to be.
>> Mayor Adler: Okay. Ms. Troxclair.
>> Troxclair: Item number 50, we had talked about this a little bit at work session. It's a historic preservation for -- historic exemption for a home that's valued at \$825,000. My preference would be that we postpone this item until we have the chance to take a more comprehensive look at our historic preservation proposals, but if there's not that will from the rest of the council, we can move forward. I would just request from staff that we don't have any more items regarding historic preservation come before us before we are able to have the briefing that we discussed at work session.
>> Mayor Adler: Okay. Right now it's on the consent agenda. I can certainly refer that to committee and make sure that that pops up that way.
>> If that was motion I'll second that.
>> Mayor Adler: I'll do that. I'll just go ahead and do that. I'm going to refer the issue of historical preservation to a committee to take a look at.

[11:11:06 AM]

>> But not the item.
>> Mayor Adler: But not the item. If we want to do something with the item, let's pull the item then. Let's go ahead -- do we want to talk about that to pull that item? We're going to pull item number 50 so we can discuss it and then figure out what to do. We're going to pull that.
>> Yes.
>> Mayor Adler: All right. So the items that I see being pulled off this agenda are 15 and 16 because they're being withdrawn, 21 and 22 because they're being withdrawn, 31 because it is being withdrawn, 33 was pulled by Ms. Tovo, 48 is pulled and set for 4 o'clock time certain, and 50 is being pulled by Ms. Troxclair. Everything else is on consent. Is that correct?
>> I'll make a motion when you're ready.
>> Mayor Adler: Okay. There's been a motion to approve the consent agenda second by Mr. Zimmerman. We have one speaker. Let me make sure I have that right. No, the speaker doesn't come up till later. That's been moved and seconded to approve the consent agenda. Those in favor, raise your hands. Those opposed? It's unanimous on the dais.
>> And, mayor, just note, those items where the public hearing was open, the public hearing was closed in related to those, that were offered for three readings on that portion of the agenda.
>> Mayor Adler: Yes. We'll take that vote again just to make sure. As for those items that are on consent that were open for public hearing, the public hearings are closed, and then the -- each one you designated as -- it's a third reading, unless it was otherwise designated. That's the issue?

[11:13:12 AM]

Those in favor of that, please raise your hand. Those opposed? Stim unanimous on the dais.
>> Thank you, mayor.
>> Mayor Adler: Thank you. Ms. Pool?
>> Pool: I missed our opening ceremonies because I was in district 7 at the opening of the headquarters or the corporate offices for on Amazon this morning, so I missed being able to vote on the consent

agenda. Is it appropriate for me to add my name to the -- to our paperwork to show that I would have voted yes on the consent items?

>> Mayor Adler: Yes. You'll be shown as, had you been present, you would have voted yes.

>> Pool: Thanks so much.

>> Mayor Adler: Okay. We're now going to proceed with the agenda. That gets us to the items that were pulled off the first consent agenda item. We dealt with item number 2. That gets us now to item number 3, pulled by Mr. Zimmerman. We have five speakers to speak on this item. I'll call them. The first person to speak on this item is Richard John. This is item number 3. This is on the rotation list question. Is savivoy here? Is sumit dasupka here? Is he here?

>> He had to leave a little early.

>> Mayor Adler: All right. Then you have six minutes.

>> Good morning, mayor, city council members, and I want to congratulate councilmember Garza again. That's terrific news. I'm here to speak to item 3 on the agenda, and I -- kind of to augment what I said at last week's meeting, I've reviewed your work session discussions.

[11:15:17 AM]

I was very heartened to see many councilmembers asking, I think, what are excellent questions about how this program is run, and also how the rotational contracting process works. I just wanted to come up and say that I think we should understand the purpose of the policy, the minority-owned/women-owned business procurement program. The idea was to help minority-owned and women-owned firms to get up to speed, to learn to grow and to be able to compete with established companies as they contract with the city. And in order to do that, obviously, they have to be -- well, I'll say I think the city has done a very good job, and we're at the stage now where these companies are able to compete as prime contractors, and I think it's really important that they be given those opportunities. And what we looked at in terms of the list at the last session was that it was limited to five firms who are all going to be able to meet the requirements in terms of being able to subcontract the work out -- in their proposal, subcontract the work out to minority and women-owned firms, but were not themselves minority and women-owned. And what we want to emphasize and continue to push is the meaning and the purpose behind the policy, which is to achieve the ability for a fair playing field by giving these smaller minority and women-owned firms an opportunity to grow and compete for business with the city as qualified vendors. And one of the things -- another thing that I wanted to mention is that by expanding this list, that we will be meeting the goals that the city council should always be looking to meet when it comes to contracting, which is ensuring a competitive, cost-effective, and fair process.

[11:17:31 AM]

And when I read the discussions that were happening in the work session, I noted there were discussions about the competitiveness of enlarging the field and what that would mean hopefully to lower costs, perhaps bring in new ideas, and make the process a better one for the city as a whole. So I'd encourage you to push through with what prior council's and what the people of the city of Austin have determined is a -- something that we want, that we hope for achieving a goal of, a competitive and player playing field for all different businesses, including reminder and women-owned. So I'll make it quick today. I think you have a very full schedule. I appreciate your time and I'm happy to answer any questions if there are any.

>> Mayor Adler: Any questions? Mr. John? I think we're set. Thank you very much.

>> Thank you.

>> Mayor Adler: Next speaker is marina bargova.

>> Good morning, mayor Adler, councilmembers. My name is marina bargova and I'm director of executive greater Austin chamber of commerce. First I want to thank the city for a long partnership. Through you, we are able to do some economic development and community development. Part of that -- part of what we do through that partnership with you is supporting and letting the community know about us and our program. So we actually have workshops to teach the community about certification and the opportunities that are available, not just at the city level but also at the state level with the hub program. So we're here to ask to support the execution of this contract. There is a difference between being a sub and a prime.

[11:19:35 AM]

And having mbwe enterprises, have that experience of being a prime gives the community that kind of experience that can help more people get into the program. So we're just here to -- ask for your support in this. Thank you.

>> Mayor Adler: To be clear, what you're supporting is expanding the field of the contract from the five to ten contractors.

>> Absolutely. Yes.

>> Mayor Adler: Okay. Which we were told earlier if we did that someone should move to increase the amount of contract from 10 million to 15 million so as to provide for the individual contract pieces. Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you. Shuller?

>> Mayor Adler, mayor pro tem tovo, councilmember Houston, councilmember Garza, councilmember Renteria, councilmember Garza, councilmember kitchen, councilmember Zimmerman, councilmember pool, councilmember troxclair, I live in that district. Councilmember Gallo -- I think I didn't miss anyone except the city manager's office. I'm in the neighborhood of Asian American organizations, which is 15 organizations. I'm glad to have this opportunity to explain why we would request the city council members and mayor to extend the listed five companies to ten companies. There are benefits of doing that because when we have allowed the more companies certified mbwb companies that work for the city, actually, benefit to the city, city office, to have a better, bigger pool to choose from, and their more competitiveness, the price will go lower. And also will allow the minority companies to of a chance to turn on -- get on the leadership role and become more matured.

[11:21:36 AM]

And they can compete and they can hire more people and have more job opportunity for the city, for the people here in the city. Now, I serve on the selection committee for \$2 million with \$150 million for public agency for more than 15 years. And I know if we look at the committee members, they get the point. Points are -- .2 point, 0.2 point, or one point, it's hard to tell the difference between the two firms, unless you go like two points to three points difference, then you can tell, it can cause, okay, this firm a and firm B, they have some difference. If it's within one point, it's very hard to tell. So when they look at the rotation list, the top five firms, the top five at the 89.69, and from number five -- from number six to number ten, they range from 88.48 points to 85.75 points. So they're only about three points apart within the range. So it's very hard to tell from five to six, five to seven. So I think it will be fair for the city -- for the participating companies to have the chance to participate in getting the job from the city, because I know in the past, from looking at all the selection committees, they are trying to struggle with what's a point between 85 and 86. 85.5 and 86-87, it's very hard to tell, because it's -- unless you are very skillful evaluator, knowing that most people give 85 points, it's 85 or 85.5, that

makes the difference. That makes the digital point difference. So I'm asking the mayor and the councilmembers to consider stepped the selected five firms to ten firms.

[11:23:43 AM]

Thank you very much. Are there any questions?

>> Mayor Adler: Any questions? Mr. Zimmerman. . >> Zimmerman: One quick question if you're comfortable asking. I know when I was -- of mimeoed, my mud, there were state statutes that didn't cause us to consider pricing, but I don't recall prohibitions on considering pricing. So if we've got several firms that are engineering firms that are equally qualified, is it the case that we're prohibited from considering cost, or that we're just not required to consider cost?

>> My understanding and my experience tells me that for the professional services, we are basically asking for codification base, not asking for price. That's my understanding.

>> Zimmerman: That's right. But --

>> The contractor is different. For building things, contractors, we're asking for price.

>> Zimmerman: That's right. But one of the reasons I was interested in pushing this up to ten is because I think there is a way it could improve competitiveness and did you tell competitiveness -- and cut costs for these projects and you seem to agree with that. Right?

>> Right.

>> Zimmerman: Thank you.

>> Thank you. Any other questions?

>> Mayor Adler: Any other questions? Thank you very much, sir.

>> Thank you.

>> Mayor Adler: Is there a motion?

>> Mr. Mayor? I pulled the item. I'd like to move that we increase firms from five to ten that are listed on the backup material.

>> Mayor Adler: And increase the total amount of the contract to 15 million?

>> Okay, if -- do you want to second that?

>> I'll second that.

>> Mayor Adler: It's been seconded. Thank you. Ms. Pool?

>> Pool: Thanks, mayor. I just wanted to point out that I think that this effort to support expanding the rotation and including a larger number of our minority and women-owned businesses has been working over a long period of time.

[11:25:47 AM]

It seems like this conversation has been out in our community for years, possibly. I support this motion, and I really appreciate folks who have come here today, Mr. Yong and others, to press the issue, to make our embrace of our minority and women-owned businesses much broader and stronger. I also support -- staff tells us that we need to increase the dollar figure in order to make this more likely. I think that that's -- we need to do that as well because I would not also want to hamstring it in other ways. So, again, thank you all for all the work that you have been doing, consistently, as long as I've been involved in issues at the city, I know that this has been something that has been needed. Thanks.

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: I just want to ask our city staff about if there are any things that we need to think about, about changing the number of firms that we're accepting after the applications have already been -- rfp has already been, process has already been complete. I heard some concerns that had the original rfp indicated that we would be selecting ten entities, that there would have been a lot more people that

would have the ability to apply. So I'm wondering -- I certainly think that this is an important policy conversation for us to have. I'm just wondering if there's anything we need to be thinking about, I mean, especially maybe legally, about the impact on the existing firms or in regards to changing after the rfp has already been complete.

>> Rosie Truelove, I'm director at the city's contract management. I think legally there's no preclusion to us increasing the number of firms that we're awarding the contract to.

[11:27:49 AM]

I think, as a general policy issue, when I look at -- the reason why staff brought the recommendation forward, the way staff brought the recommendation forward, because that's what's in line with the solicitation documents, when we start doing this perhaps repeatedly, then it might start to impact how likely firms are to respond to our solicitations, if they don't know what's really going to happen based on what staff's recommendation is or what the solicitation documents say, and then what might be the action of council. In this particular case, I think that we wouldn't if we had advertised a selection of ten firms at 1.5 million each, for a total contract amount of 15 million, if we would have had more or fewer folks responding to the solicitation. That's just a concern I have, and that I like to -- you know, from a procurement aspect, I like to make sure that we're being as transparent as possible with what we advertise in our solicitation process season and the contracts that are resulting.

>> Troxclair: Yeah. I appreciate that. I think this council has been pretty consistent about not changing midstream with the items that are before us. So if did the but at the same time, I appreciate the conversation that we're having. It does seem like that there is an interest and a need to take a different approach. So if -- what would our other options be, if we decided -- is there an option to reissue the rfp and have the same people applying, and then see if we had more applications? I mean, what are our other options if we, rather than just expanding or accepting the ten that are on our list today?

>> Sure. Reissuing the solicitation is absolutely an option that you do have. You can direct staff or ask staff to go back and cancel the solicitation and reissue it with different parameters in mind. It might not result in any different of an outcome. That is a great expense to the consultant community, and so I would not want to do that unless that was, you know, a kind of last result because I recognize that the firms that have submitted on this spend thousands of dollars to put together their submittals, and I wouldn't want that to be in vein for them.

[11:30:05 AM]

There would also be ramifications for staff that had been waiting for this contract to get into place to be able to move forward on some fairly substantial flood hazard mitigation projects, many of which you've been briefed on. So we would have to figure out a way to, perhaps, move forward on those, maybe bring an amendment to the last rotation list to be able to increase the authorization to allow those contracts to move forward on an existing list, while we went through with the resolicitation process because that does take time, but it's certainly an option.

>> Okay. So you don't see -- there's no other suggestions that you would have.

>> No.

>> Troxclair: Okay.

>> Since you're here -- I thought that was a good question, it's a fair question, but if I look back at the list -- let's look at potentially the other direction. What if there were maybe three or four companies -- we said we were going to award five, but if the scores came in and we had a huge drop-off after the top three, are we obligated to pick five?

>> No. The solicitation documents read that staff anticipates selecting up to five terms, and so there is

flexibility there. And if, for some reason, say, we didn't have did you understand, we didn't feel like we had five firms that came in based on the results, then we could be bringing a recommendation for less.

>> Mayor Adler: Anything else? Ms. Gallo.

>> Gallo: Thank you, mayor. And thank you, staff, for making those suggestions and answering those comments. You know, as a small business owner -- and I kind of laugh when I say that now, because in any new position, in the 80-hour-plus work week that we all have, I don't know that I qualify as a small business owner anymore, but I do really do support the ways that our city can help support small business owners, including women and minority businesses.

[11:32:06 AM]

And as I looked at the list and looked at the ranking, the first five did not include any minority and women-owned business owners as principals for that, but as you move down to the second tier of five, the rankings were very close to the top tier and it just seemed an opportunity to add three minority and women-owned businesses to that list, so it just -- to me, it makes -- it's a very common sense decision. The ranking was very close, and one of the things that companies are ranked on is experience, and it seems like we as a council have the ability to help, that experience is gained by companies being given the opportunity for that experience. And I think we as a council have the ability to help move that process along, and so as a result of that, I was happy to support expanding.

>> Mayor Adler: Okay. Any furs discussion in Ms. Houston?

>> Houston: Mayor, let me ask a question. Did we agree on 10, or I just heard councilmember Gallo say add three, which would be --

>> Still at 10.

>> Of the additional five, three of those were minority and women-owned, but thank you for the clarification.

>> Mayor Adler: Okay. Any further discussion? It's been moved and seconded that we increase the -- that we accept, I guess, the top ten and we increase the total contract amount to \$15 million. No further debate, those in favor, please raise your hand. Those opposed? Motion passes. Thank you.

>> Thank you.

>> Mayor Adler: The next item that we have, I think, is item number 6. We have two speakers to speak. This is an item that I anticipate is going to get postponed.

[11:34:06 AM]

Let's bring in the speakers first. Mr. King? Do you want to speak?

>> Yes, mayor. Thank you. Mayor pro tem, councilmembers, my name is David king. I live in the zilker neighborhood. And, you know, we have experience with pud's, planned unit developments. One we talking can taco pud that you all may recall. I reflect back on thoroughgs when I make comments about other pud's. This pud is a little different, planned unit development, but the concern I have is about the base zoning. You know, this pud zoning is not something that they're forced to do. They're coming in to ask for special entitlements, and so, you know, the community should receive commensurate amenities based on those entitlements. And the base zoning is a big issue on some of the previous pud's that have been discussed. Because we want superior development and we want amenities, and this is zoning they're requesting, it's not something they're entitled to I think we should factor that into the decision on our base zoning. So I suggest that what we consider is that if there's no zoning on a property that's requesting pud zoning, that we start with the lowest density zoning and use that as the baseline. And then, base the amenities on that. The other thing I think we should consider is, these pud's are complicated. It's not easy for the public, who owns these entitlements, these multimillion dollars worth

of entitlements that these pud's get are owned by the public. And so if we're going to grant \$20 million worth of entitlements, then we should have a clear statement of, here's the value of those entitlements, and here's the value of the amenities the public is receiving.

[11:36:13 AM]

It should be that simple and straightforward. And I think that's critical if we're looking at these pud's. Again, we're not forcing this down the developers' throat. This is something they're coming to ask for. They're asking for our property, essentially. And so I think it's important that the council set a policy that we require a clear statement of the value of the amenities being granted and the value of the entitlements being received by the public. The other thing that I think that we need to do is look back at the pud's and see how they've worked out. Is there any audit of the pud's? Have there been any audits to see that they're actually delivering what they said? Is there a call-back procedure if they don't? The taco pud pulled the site plan, and so they got their affordable housing amenity refunded to them. And so we went through all that effort, all that discussion, all that work, and the public has gotten nothing for that. And yet the developer has the value of those vitalments. -- Of those entitlements. So I think we need to look at our pud ordinance and put a more moratorium on any new pud's or just are we'll it. Thank you.

>> Mayor and members of the council, my name is Stewart Harry Hirsch. Like most in Austin, I rent and since you're going to postpone, I have nothing to say. Thank you.

>> Mayor Adler: Thank you. Those were all the speakers that we had. My view on this is the same as we discussed at the work session. I'm not prepared to vote on a baseline zoning on this property.

[11:38:15 AM]

There's more that I want to be able to learn. Frankly, my hope would be, is that we would be able to work out what the final solution was on this track and obviate battles over line zoning, as well as petition rights, and see if we can just get to a final answer that works. And I've indicated that I'm willing to roll up my sleeves as well and work with councilmembers in the area to see if we can -- if we can do that. That then comes to the question of postponing this matter, and I think that we should postpone this with enough amount of time to really be able to work through the issues, and I don't think it should be a quick postponement. Though at the same time, I think it's important that we not use the delay as a way just to avoid making hard decisions, if, in fact, there's not going to be an agreement that gets made. So I would give a sufficient time. I would ask staff to make sure that the boards and commissions, whatever else has to happen from the city level, happens timely so that on the date that we say that we're getting it back, we're in a position to be able to move forward and act and make the hard choices if we haven't otherwise worked them out. To that end and keeping it on zoning meetings, it would be my reference probably to postpone this until the October date, and not the September date. But then to really hit it hard, make sure that everything is happening outside of this body so that this thing can get up and decided, hopefully easily, but get decided on that kind of timing.

>> Thank you, Mr. Mayor. Point of inquiry, really a technical question here maybe for Mr. Guernsey or somebody, our zoning specialists I think there's still some public confusion about the concept of the baseline, you know, whether the baseline represents a zoning level or -- the way it's written in our agenda, it says baseline site development standards.

[11:40:37 AM]

And I've been trying to follow this, and I'm still not a hundred percent clear. Is the baseline referring to

zoning, or is it referring to something else?

>> I'm Jerry Rice, planning and zoning department. You're correct. The baseline is not the zoning. It is not the entitlement. It is not what is allowed on the property.

>> Zimmerman: Okay. But we keep -- I keep hearing baseline zoning, baseline zoning. I think I've heard that a hundred times.

>> The baseline and sole purpose is to determine at what level of development do you trigger what we call the tier 3 or the mandatory affordability requirements of the pud, what they are actually -- if the city council approves the pud, what the actual entitlements are with regard to use and site development regulations will be different than what the baseline is. The baseline only determines that if that third tier is triggered, at what level is it triggered. So it is not the -- what is allowed on the property, it solely has to do with the affordable housing requirement.

>> Mayor Adler: Yes.

>> Councilmember Zimmerman, when it says baseline site development standards, the baseline refers to height, building coverage, and far. So those are just generally called site development standards. And in the pud regulations, a development cannot develop above that level unless they do the affordable housing. So that's basically why it says site development standards because those are the development standards that would apply unless they are doing the affordable housing.

>> Okay. This is not in my district and, you know, it's not a fight for me. I'm just trying to get some clarity and understanding. But then based on what you just said, the baseline has importance in the connects of a pud.

>> Yes.

>> Zimmerman: So there's already a decision in place to have a pud or not to have a pud. There's public conversation on that, too, it sounds like, to me.

[11:42:39 AM]

>> You are correct. One thing I want to clarify is that the stage we're at in the process is, we have what we call the development assessment report, which is a dry run. We already did that back in June. And then as a part of that, the council may make a baseline decision. In this case there's probably a requirement to make a baseline decision because of the unzoned nature of the property. But where we're at in the bigger picture, you are correct, that that was intended to be the very beginning of the process. What has happened since then is the applicant has actually submitted the pud and over the summer, while you all -- while there was recess, we have provided them the first round of comments on our opinion of what they propose to a pud. So although we've been talking about this baseline decision, it's not a predetermined conclusion that there is going to be a pud on this property. If there is going to be a pud on this property, then maybe it -- it should probably have a baseline. What that baseline is I think is what we're going to be talking about. I want to emphasize, we are not at this point bringing forward the pud to say do you want to approve this pud or not. We're at the very kind of early stages of that process.

>> Mayor Adler: Okay. Ms. Tovo.

>> Tovo: Yeah, I'm certainly comfortable not making a decision about the baseline today and allowing parties to continue to talk about the development, and I am interested in what I've heard already about the development and their commitment to affordable housing. But I would like to just make a couple comments about the baseline. I mentioned in one of our sessions that I was, as a community member, served on the pud stakeholder revision process, and I know it was important to a lot of those who were participating in the stakeholder process that the baseline really be treated appropriately, especially for unzoned properties. And the baseline is really a snapshot of what the current entitlements are. As we know, there is no zoning on this property, but to me that means, and I think it's consistent with the

decisions of that stakeholder group made, that then became our pud ordinance, that the baseline zoning be set when there's no zoning on that tract, looking at the zoning that's around that tract, and so, you know, in looking and my staff have been looking and will continue to work with our planning staff to get some calculations.

[11:44:51 AM]

As I look at this tract, it's primarily surrounded by single family 2 zoning, by single-family three zoning, and then there is a slice that has immediately adjacent to it limited office, multifamily, and that's it. But the majority of the tract is surrounded by single-family 2 and single-family 3. And so I just want to say for the record that in looking at both the staff and the milestone proposal, I wouldn't regard either of those as accurately reflecting what the existing zoning is around that. And so for me, those baselines are not what I would regard as accurate for this site. Now, I want to be really clear. I mean, I think there was some confusion when I made this comment at our first discussion of baseline. I'm not suggesting that the site be developed as single-family, but as our attorney just said, you know, we're not talking about entitlements now we're looking at what this tract likely would have had if it had been zoned, and looking at the surrounding areas to see what that adjacent zoning is. So I fully anticipate that the proposal -- and of course we all know the proposal includes multifamily and mixed use and all that's great, but for me the baseline is appropriate on that tract. But the baseline zoning looks like primarily single-family, to me, with a portion of commercial and multifamily zoning on the side. And we have asked staff to look at running some calculations based on -- based on that assumption to see what the density, what the build-out density would be on that tract so even if we don't make a decision at this point obeys line, we have some sense of what the existing densetive entitlements are and can use that as the proposal comes forward to see whether the community benefits and the final proposal are appropriate in lieu of - in light of our pud ordinance and its goals.

>> Mayor Adler: Thank you for the comment. Ms. Garza.

>> Garza: Yeah. I would be supportive of us postponing this, but I really just want to say -- I don't want us to postpone this too far.

[11:47:00 AM]

I hope we really do have a decision if we're going to go as far as October. I would prefer a little sooner, whenever there's affordable housing on the table, I want to take advantage of that because state law precludes us from, you know, asking a developer to do that otherwise. So I will say -- I'm not a big fan, also, when developers come and tell us about their timelines and say if you don't do this, we can't do this, but at the same time, the I understand that developers have to face timelines of their own and that could increase their cost. So I'd just ask that we really, you know, work with the neighborhoods and be able to have a final decision at that October date.

>> Mayor Adler: Is the applicant here? If the council were to postpone this until October 8th, would you accommodate the council in that way?

>> Mayor Adler, good morning. My name is Jeff Howard. I represent the applicant in this case. Yes, we -- as councilmember Garza stated, we would prefer it to be sooner, but we understand that there's a lot of work to do for council, and we're willing to agree to the October 8th meeting. Hopefully, during that time we can work through our staff issues and get on commission's schedules, and we can keep the process moving in the interim.

>> Mayor Adler: Okay. Thank you. Any questions? In the Gallo, then Mr. Zimmerman, then Ms. Pool.

>> Gallo: Thank you, mayor, for this proposal. I think it's been very obvious to the councilmembers that are closest to this project, as myself and councilmember pool's office, that there's a lot of interest with --

between our offices and also the owner of the property and the neighbors in trying to come up with a solution that is a benefit to the neighborhood, and also is -- is a wonderful property. So the thing that I think we're really excited about at this point is, as councilmember Garza addressed the issue of affordable housing, which we're all very sensitive to, and as particularly in needs in our central Austin neighborhoods where housing is so expensive, both from the standpoint of purchasing and renting, that providing affordable housing on site, which the proposal that the owner of the property has come forward with already, not in lieu of, but before the process of the baseline, is really exciting because it does two things.

[11:49:30 AM]

It's a commitment to affordable housing, which we desperately need in that area, and it's also a commitment to actually build that affordable housing on site, because there are many developments that don't do that, and the affordable housing is built elsewhere, with the fee in lieu. So thank you for that. I think at that point it's my understanding that a lot of the affordable housing advocates in this community are looking at the proposal and we look forward to hearing their reaction and what they think about the proposal that's been put forward. So we have lots of layers of communication that are going on right now, and we appreciate that. And, mayor, I appreciate the idea of giving us a little bit more time to kind of pull all these together and hopefully come up with something that works for everyone. So thank you, mayor.

>> Mayor Adler: Okay. Mr. Zimmerman, I think, was next.

>> Zimmerman: Thank you, Mr. Howard. Quickly, have you estimated the holding cost? I'd kind of like that to be part of these discussions so that the council is informed of how much it costs for the project to sit there, you know, waiting for decisions to be made. You have a property tax liability right now that the property has been purchased?

>> Yes, sir. We will owe property taxes as private --

>> Zimmerman: We'd like to know those Numbers because those can be very significant costs while you're sitting here waiting for council and staff to decide. I just wanted to bring that out. If you could tell us what those are, I think that will help.

>> We can -- I can ask the client, we can look at that.

>> Zimmerman: Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks. I suppose if we're going to look at how much property tax would be paid, we can also look at how much profit the developers intend to make on the property. I mean -- and I'm sorry, I don't intend to engage a debate on that. Because I think council's goal here is to ensure that we have the best development going forward for the community. I did want to ask, is -- I don't know if staff or maybe the applicant, the Texas motor vehicle -- department of motor vehicles is still on that site.

[11:51:37 AM]

Is that right?

>> That's correct.

>> Pool: And how long are they staying on that site before they vacate?

>> That would be something for the applicant.

>> Pool: That's a question then for the applicant.

>> Councilmember pool, you're correct. Currently a portion of the property is subject to a leaseback, and I think the current agreement is for approximately two years. Certainly there are other parts of the property that could be developed right away, and there are discussions to -- I don't think the state needs

to have it for the full two years, so there are discussions to get them out of that lease a little bit sooner.

>> Pool: I think the portion of the site that DMV currently occupies is the area where you were looking at having your multifamily housing, the affordable housing, unless it's also -- there was also some interest in having the affordable housing mixed in among all of the residential, so that it wouldn't just be one site for the affordable. This goes to some of the question on the dais about how quickly the affordable housing would be built. Is that fast-tracked on the affordable housing, or do you have a process that you would go through that takes a period of time that may or may not be affected by our working further on this issue through into October?

>> So I don't think that we have -- first of all, we've identified preliminarily a potential site within our master plan. Obviously, that location could change. And so there will be some additional planning that has to happen. At this point we're at the zoning stage.

[11:53:39 AM]

As far as when that affordable housing component would come on, we'd get it as soon as it was practical and feasible to do so. Again, we're at the zoning stage and we're trying to get to the point where we can start delivering on the project, and the sooner we get through the zoning stage, the sooner we can start delivering on the project.

>> Pool: Then I have a last question on the timing for staff. I guess Mr. Rusthoven. Could you tell us, generally -- I know that the city has engaged in a small number of pud applications and developments over the last, I don't know, ten years or so, handful of them. On average, how long does a pud application generally take?

>> I would say on average, a year is not uncommon. We have one right now, the Austin oaks, that is just over a year. I can tell you probably the bare minimum would be about six months, but probably somewhere between six months and a year. We have a couple that did go even longer than that. So that's what I wanted to emphasize here, the item being postponed today is the decision on the baseline because there's an alternative proposal right now from the applicant for what we call tier 2 affordability. So we and the city staff would like to work with them on if I remember -- on firming that up and seeing exactly what it means. Although we're going to keep working on the other issues involved here, traffic, environment, height, parkland, et cetera, those issues are all still out there, too. So what we need to do is, we've given our comments to him on his initial application. We're waiting for a response to those comments, and then we'll be responding to those. We go back and forth, back and forth, and then we go to the environmental board, then we go to the zoning and planning commission, then we come back to the council with the pud. But, typically, the neighborhood, the staff, and the applicant all work on negotiating and then bring something back to the pud -- or bring something back to the council after going to boards and commissions, as a package. Whether we're recommending or not is to be determined.

[11:55:40 AM]

But we do have the affordable housing issue that we're dealing with because of the baseline question. But I just want to make sure we're not at the council level negotiating every single term of this as we go through the process because I think it would generally be more productive if you let the staff do our job working with both the neighborhood and developer and come back. Affordability is kind of put front and center because of the baseline issue, which is typically decided during the assessment phase, which would have been back in June. So we do have this one question that we're working on now at the council level but I just wanted to emphasize that we do have a lot of other issues as well that we're going to be working on simultaneously, and that the affordability by itself will probably not decide the

pud issue. There's a lot more involved.

>> Pool: So it's a fairly complex proposal that we're looking at. With regard to imagine Austin and the various clusters of development that are in imagine Austin, would you say that this 76-acre development is similar to a town center in complexity and size and density, or village center, or how would you -- how would you classify it?

>> I think that's something I'd like to get back to you on. I'd like to talk about the planning staff back at our office and look at that a little bit better and more detail. I know that it's -- you know, we're having that issue in Austin oaks as well, as which one is it, the neighborhood center, what does that mean. So I'd like to if I could get back to you on that and take a look at it some more.

>> Pool: Thanks.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Yeah. Thanks. And I think that's a good segue into a point that I think I need to clarify. When I was talking about baseline, I want to be really clear. For me, this tract offers -- is a very unique tract and offers us a really unique opportunity to see some affordable housing. It was one of the reasons why I was heartbroken when the city passed on the opportunity to purchase this tract. And so I'm really glad that the developers have highlighted affordable housing as a community benefit that will be achieved through this, but that's why I think it's so important that we get that baseline right because if it gets set artificially high, we have missed out on an opportunity to calculate affordable housing that could have been there.

[11:57:49 AM]

So the question that I submitted through the question and answer process, asking staff to calculate what the existing density would be based on a baseline that assumes zoning more similar to what is currently adjacent to it is so that we can be sure when this proposal comes in, that the affordable housing component is equivalent to what we would have gotten had we set a baseline that I believe is more in line with the existing zoning. So I think there was a comment in response to what I said out there that suggested I was saying the proposal that the milestones working on is not single-family. That's -- again, we're not talking about the -- we're trying to figure out what the existing entitlements are, not what that eventually project should be like. And it is really, really important to me that we see enough community benefits so we can say the pud ordinance has been -- the goals of the pud ordinance has been achieved. I think affordable housing is one of our really critical community benefits that we need to see on that tract. So thanks.

>> Mayor Adler: Ms. Garza.

>> Garza: I appreciate councilmember pool's questions to clarify that it is, indeed, a long process to the pud, but at any point could they withdraw their application for the pud and just go for conventional zoning? Is that right?

>> Yes, they could, or they could actually even amend this application and change it to something else. The nice thing about pud's, usually I tell the council you can't approve something more than what they're asking, which is not usually a problem. But with a pud, it's a separate zoning category that hangs to the side so we have a hierarchy, the council could approve any zoning other than pud when we finally take the case back. I want to say we're going to be working -- even though the affordable housing question is going to be put off till October, seems like, we're going to be working with other issues with the applicant as we go through, trying to get those resolved as soon as possible.

[11:59:52 AM]

I think no one he will wants to have this hanging over their head longer an necessary, on both sides. But

I just want to let you all know that, you know, this has been the one issue that's risen to the top right now, but there's a lot of other things that we need to work on as well.

>> Mayor Adler: And my sense is, when you have them moving pieces, the affordable housing piece, parks piece, and all those pieces, it's going to be real hard to resolve any of those pieces until resolving all of those pieces, because they're all -- they all relate.

>> Correct, mayor. That's what a pud is supposed to be, we're supposed to look at the package as a whole, as what the developer offering superior to what standard code is, then is it enough to justify the benefits that he's receiving and compare those to what we're receiving.

>> Mayor Adler: And that's why I was concerned, with any piece of it, trying to move ahead of the rest of the ship.

>> That's my concern as well.

>> Mayor Adler: Okay.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar. 1.

>> Casar: Just briefing, I am interested in the analysis you're doing for the mayor pro tem around what the affordable housing component might have been at different baselines so if you could share that with the whole council I think that would be very helpful. I'm sorry I'm referring to her and she's off the dais. And second, I know we've had quite a conversation around affordable housing because we've had this baseline conversation up front, but I just want to, at least from a perspective of my office, I think that that would have been the conversation either way, whether or not this was up front, income such a critical piece, I know there's the parks piece and then city and traffic, but honestly, because it's in such a high opportunity area where, honestly, the streets, you know -- I know they're getting old, but they're pretty good, and where there's good green space and there are good schools, the affordable thing really comes to the fore in that kind of situation, and will be -- while we're going to be understanding of all the other pieces, really, considering we have this opportunity to talk about affordability and pud application, looking towards your guidance and the negotiations to ensue around the affordable housing, not to say everybody hates traffic, but I think it really is an opportunity for affordability.

[12:02:08 PM]

>> Mayor Adler: Okay. We need a motion to postpone this to October 8th. Ms. Pool makes that motion. Is there a second? Ms. Gallo seconds that motion. Any further discussion? Those in favor of the postponement, please raise your hand. Those opposed? The matter is postponed. Thank you. It is pert near noon, but if we can dispense with item number 9 so people don't have to wait for this. We have a lot of people who have signed up to speak. Consistent with what we talked about on Tuesday, I think we're not going to have the speakers now. As we talked about publicly on Tuesday, but Ms. Gallo, you want to address this issue, tell us where we are?

>> Gallo: Thank you, mayor. We talked at the work session mentioned again to the public, and put that on the message board which the public has access to through the city's website, that our desire would be to comply with our council committee process. And, so as a result, I would like to make a motion to refer this item to the planning and neighborhoods council committee meeting for this coming Monday, so it's being referred to a committee meeting that's just happening in a couple of days. That would be August the 17th at 4 o'clock -- well, it will be -- the agenda that starts at 4:00, and we have several items on that agenda, so we don't have a specific time, but the committee meeting does start at 4:00. And this would be for the discussion both of the resolution that I sponsored, which was co-sponsored with mayor Adler, councilmembers Renteria and pool, also the discussion would be with the city manager's recommendations that we just received this morning. Our office has already posted that on the message board, too, so that the public has access to that through the website, the city's website. And this would

be the city manager's recommendations for changes to the existing short-term rental regulation. After the committee meeting next week on Monday, we'll be a full opportunity for citizen communication.

[12:04:14 PM]

There is a way to sign up through the city clerk's office to be a speaker. At this point, we are waiting, and I would ask the chair of that committee to let us know, we're waiting to see if we have any time constraints for this location for that time period, which is 4:00 to 7:00 on Monday. We would have the full discussion with the committee and hear full public speakers, and the speakers would be unlimited, I think, at this point. If we don't have time constraints, and be allowed a two- to three-minute speaking time, and please sign up ahead of time so we can, if possible, get an idea of how many speakers we would have. From that point, the discussion, the recommendations would go from the council committee meeting to the council meeting next Thursday for full discussion between the council members. We will have additions, changes, discussions at both the council committee meeting, and probably also at the city council meeting, and we look forward to public communication with us both from the standpoint of speaking at the meetings, the opportunity for speaking at the city council meeting next Thursday is limited because this agenda item has gone to council committee first, also part of our process. But all of the council offices are happy to take e-mails, I know, too. So do you want to add anything about the meeting schedule?

>> Casar: Yeah. We'll quick off the meeting on Monday starting here at 4:00 P.M., and I imagine, considering the number of other items that we have, that people shouldn't have to show up before 5:00, and so if, for whatever miraculous reason we get done with the items, we will take a break. I know there's so much interest we'll make sure it won't begin before 5:00 P.M. I'll defer to my committee members on any limits to the amount of testimony. I've already taken a look at the city manager's recommendations and there's enough in the resolution and the recommendations for the committee members to have a discussion probably for over an hour.

[12:06:16 PM]

So in the interest of making sure we have the time and energy to deliberate on the regulations that people are so excited for us to talk about, that I will defer to the committee about any limits on speaking. But I imagine we will certainly allow for over an hour of testimony. So if you're interested in coming and testifying, please do come down. And then I'll just defer to my committee members about how -- exactly how long the testimony will go, versus the deliberation amongst the committee members. We have the book, the chambers booked until 10:00. And I hope to get out of here before 10:00 P.M. So we will just sort that out on Monday but look forward to seeing everyone.

>> Mayor Adler: Motion to postpone this item until next week, going to the mobility committee early next week.

>> Planning and neighborhood.

>> Mayor Adler: I mean the neighborhood and planning committee, early next week. It's been seconded by Ms. Pool. Just by way of quick -- you know, we're moving this forward because there's such keen interest in the community, when you actually start wrapping your hands around all these elements on Monday, I hope that as much as we want this to move quickly, please get this right. And I want you to know that one of the options that you have on Monday in the committee is to say, we need more time. And I would rather the committee take more time than to bring something back before it's ready to come back. But that said, we'll leave it to the committee on Monday. We can discuss it Tuesday at the work session. It's been moved and seconded. Any further discussion? Hearing none, those in favor of the postponement, please raise your hand. Opposed? It's approved unanimously on the dais. That gives us

really just a few things that are left on our agenda, some we can't call until after 2:00, and one we can't call until 4:00. But we're going to move now to -- I think there's citizens communication.

[12:08:27 PM]

We're going to move to that now. And the first speaker we have is Paul Robbins.

>> Council, in the late 1980s, I was instrumental in starting Austin's multifamily program to save energy. It is the largest electricity conservation program the city has to cost effectively save low and moderate income people money. I'm saying this not to be boastful, but rather, there is a holier than thou, poorer than thou, need being repeated by some advocates of city hall that anyone that criticizes any proposal to help low income people, no matter how impractical, hates the poor. They're going to have a hard time making that accusation about me. Last Friday, the low income consumer advisory task force set a special called meeting to discuss an extreme issue, the give-away of three central air conditioners which can cost as much as \$5,000 a piece, to low income households. The low income was set in the absence of the two task force members most likely to oppose it, leading one of them to alleged manipulation. You have recently seen information about a survey of 900 recipients of free weatherization in Austin. It shows a payback of 59 years. However, Numbers from the same survey regarding central air conditioning give-aways are even more stark. With 300 homes receiving three air conditioners show an unbelievable payback of 126 years. About three percent of these homes use such jaw-dropping amounts of energy that the savings almost pays for the cost, but an issue of fairness arises if you just give free air conditioners to homes that waste energy.

[12:10:36 PM]

Nor is this the only proposal that appears to be extreme. The task force charter seeks to assist families at 400% of poverty. 400% sounds bad until you realize this means a family of four making \$97,000 a year. Why is Austin being asked to consider a family making almost a hundred grand a charity case? Rather than throwing money at problems, better alternatives exist, including on-bill financing, direct installation of led's, targeted rebates for essential uses like refrigerators, and better management of current retirerrization funds. Funds -- of weatherization funds. You will only have limited amounts of money to help the poor choose wisely.

>> Mayor Adler: Thank you. The next speaker that we have on citizens is Joe Catherine Quinn.

>> Hello, Adler, moderate tovo and councilmembers. Thank you for this opportunity to speak to you today. I am the executive director at keritoss of Austin but I'm here on behalf of one voice central Texas, a coalition of over 80 non-profit organizations who serve Austin's most vulnerable residents. I'm here to ask you to increase the health and human services department budget by \$6.7 million. This increase is needed to address the unmet needs of austinites who are disenfranchised from the mainstream economy, an economy that is benefiting some of us quite well. This unmet need was documented by stakeholders and city staff who worked together over the last two years and was a city council budget policy goal for next fiscal year.

[12:12:45 PM]

Health and human services are a vital link to creating a safe and sustainable community. And this funding is critical to addressing the -- to address the growing affordability gap. Austin has the creativity, resources, dedication, and leadership to create a sustainable community where everyone has access to basic resources for health, education, safety, and Independence. One voice invites you to be our partners in embracing this vision and supporting the solutions required to make sure this is achieved. So

I ask you, once again, to please increase the health and human services department budget in fy '16 by \$6.7 million. Thank you.

[Applause]

>> Mayor Adler: Carlos Leon is the next speaker.

>> Carlos Leon, in Austin, Texas, audition 13th, 2015, to speak what's right. First and foremost, gracias for letting me defend myself. At the July 27, 2015, capmetro board meeting, celebrating 30 years of service, mayor Adler was blocking the room's exit. When I walked straight at him with my gear in tow to leave, mayor Adler opened the door and stepped aside. However, as I went by, mayor Adler put his hand on my lower back, an unnecessary, uninvited, physical contact against me.

[12:14:58 PM]

Under the guise of help, mayor Adler's sick, flirtatious touch was actually him trying to possess, control, and exert power over me, like how homosexual males try to psychologically confuse, flip, and control us heterosexual males. Keep your hands to yourself, mayor Adler. If you lay a hand on me again, expect me to consider it assault, per Texas penal code 22.01a3, which legally frees and empowers me to use force to defend myself per Texas penal code 9.31, parts 2 and 3. Mayor Adler, how do you like being attacked without warning, with your hands tied behind your back? Legally, you are a public servant, meaning you serve me. In Jesus' name I pray, amen. Thank you, lord. God bless Texas and the nation at large.

>> Mayor Adler: Next speaker is hank lydek. Is hank here? That ends, then, citizen communication. We have councilmembers, item number 33. I think that item number 35, which was [inaudible] Was handled as part of the consent agenda, you just spoke on it for a second. That leaves then item number 48, which has been set for 4 o'clock.

[12:17:01 PM]

Item number 50 -- 33 and 50 are items we could discuss now. We have the executive session items but we discussed them previously so they don't need to be called, and item 55 we can't call before 2:00. So we could break now and come back at 2:00 if you wanted to, to pick up items 33 and 50, or we could deal with those now. Ms. Tovo?

>> Tovo: It's the council's will, but my comments and questions about 33 are relatively short. I don't know whether they'll generate other questions from other councilmembers.

>> Mayor Adler: Well, let's go ahead and do that while we're here then. We can do number 33. Ms. Tovo, you pulled that?

>> Tovo: Yes, I did. This is a zoning case that would change from csmu to mf-4, and I wanted to call up our staff and have them -- well, I'm sorry, Mr. Guernsey. I wanted to ask them -- it's my understanding that this zoning change would release them from their current obligation, which would be to create -- to comply with commercial design standards. And so I wondered if you could articulate for us exactly what -- you know, what we would be losing. It's my understanding that they would no longer then be required to provide internal circulation, internal sidewalks, some of the things that we would really want to see in a multifamily apartment complex, especially one that we hope will have families and seniors and others who would benefit from those kinds of amenities or -- I don't know that they're really amenities, they're kind of basic infrastructure.

>> So, Greg Guernsey, planning and zoning department. Mayor pro tem, you are indeed correct. By approving the zoning change to multifamily 4, and this is a multifamily project, sidewalk placement or building placement, different forms of sidewalk, internal circulation, basically shaded entryways, some of the site connectivity are requirements that you might have with a commercial project, with other tracts of land, those would not be required.

[12:19:21 PM]

You still would have some requirements for lighting, so the lighting might have to be shielded or cut off. There would be an open space requirement, about 5% of the total that would still be part of some of the requirements. They're on a suburban roadway, they're not a smaller roadway, so the requirements would be less. But they are still some that they'd be complying with. Certainly, it is a down zoning, from the sense of intensity, they wouldn't be able to do as many as with the mf--4s as they could. I want to point out there's not a traffic impact analysis. There was one done for a larger commercial project many years ago so the number of trips is greatly reduced from what it was.

>> Tovo: Let's see, so -- okay. Would it be possible to approve the zoning but require some of the conditions within a conditional overlay? I don't know if the reason they're looking for zoning change is so they don't have to comply with commercial design standards, in which case that's a different matter, but it's really -- as I said, it's important to me to make sure that if we're having -- if we have -- Austin has set a goal of being the most family friendly city in the nation, and I think each of these decisions offers us an opportunity to honor that commitment, and so I would -- I am not comfortable approving a development -- a multifamily development that will not be required to provide the kind of internal circulation and sidewalks that they would be under their existing zoning. That, to me, would not mark a good change.

>> Well, what I could do is work and talk with our law department and we'll explore those. I'm a little hesitant to answer. I don't know if we've actually done that before, but I'll work with the law department and get this approved on first reading, prior to coming back for second and third, we can have answers to those questions.

>> Mayor Adler: Does that work, Ms. Tovo?

>> Tovo: That would work for me. I guess I'd like to better, in that term, also understand what are some of the other things that would be foregone if they are not subject to commercial design standards.

[12:21:29 PM]

You mentioned shaded walkways. That, too, would seem, you know, kind of a basic provision. But anyway, yes, that would work for me if we considered it on first reading only and allowed the staff to work on those additional issues.

>> I'll also note that the applicant's agent is here if you'd like to ask them any questions, as far as their motive of asking for the down size.

>> Mayor Adler: Your recommendation was just on first reading originally?

>> Right. It was to recommend it on first reading. It was recommended by the planning commission, or the song and planning commission.

>> Mayor Adler: I just wanted to confirm the first reading. There's been a motion to approve this on first reading, with the understanding you'll come back, visit with the applicant or otherwise, and tell us where we stand on those issues. It's been moved, is there a second to that motion? Ms. Pool. Is there any discussion? Those in favor -- I'm sorry, Ms. Pool?

>> Pool: I would just say, this is in district 7 and I share the discerns outlined by staff and by the mayor pro tem, so if you would be sure to include my staff in the discussions that may happen so that we can be more fully advised on the motivations, that would be really helpful.

>> We'll notify the entire council regarding what we believe is --

>> Pool: Excellent. Thank you, Mr. Guernsey. I appreciate that.

>> Mayor Adler: Mr. Zimmerman? Your pen was up. Those in favor of approving on first reading only, please raise your hand. Those opposed? It's unanimous on the dais. Who's not here? Ms. Gallo is gone.

Other than that, it is unanimous. That takes is then to the last three items, one we can't handle before 2:00, and the other two are boss preservation cases so we're not going to decide the one. Let's come back and do boss of -- do both of those at the same time. We're going to withdraw the executive session since there are no items to be heard.

[12:23:30 PM]

We'll reconvene back at 2 o'clock.

>> Casar: Mayor, if we -- just a quick housekeeping question, if we have to come back at 4:00 are we going to come from 2:00 to 2:30 and come back at 4:00? Could we just press it to coming back at 3:00 or 3:15 or 3:30 to get it done in one fell swoop?

>> Mayor Adler: I just don't know how long it's going to take in between those two. We could come back at 3:00 or we could come back at 2:00, then leave, and come back down again. Preference? Ms. Tovo?

>> Tovo: Yeah, my preference would be -- I know -- my preference would be to take them up at 2:00 and let the folks who are here for them go, then we go up, then we come back down.

>> Casar: That's fine. Just --

>> Tovo: Irregardless.

>> Mayor Adler: My concern with doing that would be that people have seen that setting and they would probably anticipate that's when we would do that. All right. We'll come back at 2 o'clock.

[1:58:33 PM]

>>> >> >>> >> >>> >> >>>

[2:07:52 PM]

>> Mayor Adler: We're going to go ahead and reconvene for the few items that are left. Item number 55 was set for a time certain on the agenda. I think we have a postponement both sides have agreed to in that.

>> Hi, I'm donna galutti with development services department. And we understand that the party are in agreement to a postponement of one month to September 10th, 2015.

>> Mayor Adler: Okay. Ms. Gallo, did you have a question?

>> Gallo: I was not on the dais for the earlier vote on item number 33, so I would like my -- I was not here for the vote, but if I had been here for the vote, I would like the minutes to reflect that I would have voted in favor for the first reading.

>> Mayor Adler: Okay. The record will reflect that.

>> Gallo: Thank you.

>> Mayor Adler: The parties are in agreement to postpone this red bluff for 30 days. Is there a motion to postpone? Mr. Renteria? Is there a second? Ms. Houston. News objection? All in favor raise your hand? Those opposed? Postponement is unanimous. Thank you so much. I think then that gets us to the last two things on the agenda, is that right? What? One we can't do until a time certain of 4:00. Am I right, 48 into 50. And they're both preservation issues. And the question was do we want to hear both preservation issues at the same time? And come back at 4:00? Or do we want to hear one preservation issue and then come back for the one that's set at 4:00?

[2:09:55 PM]

My preference would be to have both preservation issues at the same time in case one informed the

other one.

>> Houston: Mayor, I would like to find out if there's anyone here to speak to one of the preservation issues before we make that decision.

>> Mayor Adler: Okay. Let me see -- hold on one second. What I'm trying to see is number of speakers and --

>> Tovo: Mayor, I believe the homeowners who requested the zoning change are here for item 50. And actually have been here awhile today.

>> Mayor Adler: Okay. We have two people here to speak to item number 50. And I'm going to give you a chance to speak. My preference again is not going to be to act on these until we have the preservation issues together in case the conservation that we have with the public on one informs the other. And I guess it's sort of the advantage and disadvantage when we take something and set it preferentially, for me. But I may be different from everyone else. I'm not going to set my will, but we do have people who are here, we have a time certain number at 2:00 so I will give them a chance to talk. So I'll call up Brandon tucker.

>> Thank you, council and mayor. I am abbey tucker. This is my husband Brandon tucker, and we are the homeowners of 113 west 33rd street. We were drawn to it because it was unique. After spending many hours at the county tax office sorting through micro film we discovered the most beautiful stories of our house's past.

[2:12:03 PM]

A renowned architect, Edwin creutzel, whose works can be seen all around Austin, such as the fire house and the Scarborough building, a woman, alma Harrell, who took over her deceased husband's company at the time when there were very few business women and ran it for days and is today the Olding printing company in Austin. A man, James Perkins, whose lone presence as a caucasian caucasian. His obituary read as someone who is firmly committed to the cause of civil rights. These stories and more led us to apply for this historic designation. We would argue the historic zoning program is needed more than ever as Austin sees an endless stream of demolition and remodel permits. The perceived upside of expansions and renovations of homes for the sake of more square footage and modern conveniences is something we won't be able to have with this designation. But we are happy to forego this option because we believe that the preservation of our historic home is more vital to us, our future family, our neighborhood and our city. Our neighborhood has become what it is today because of many neighbors' commitments to their historic properties. These need far more attention and upkeep to adhere to historic standards. We already have numerous restoration projects piling up, and knowing that we would have the tax abatement in 2016 will allow us to begin this work. There is seldom such a thing as an easy fix with an historic home. Finding contractors experienced with these homes is often arduous. Putting certain repairs on hold can have a devastating effect on an old home. In fact, the old house across the street from us, which was taken down to the studs earlier in will summer and being entirely rebuilt save for one side wall is a daily reminder to us that we must always stay ahead of repairs with an old house or before you know it it's too late.

[2:14:17 PM]

The historic preservation program inadvocacy civic pride and it's a pride that lies not just with my husband and me, but also our neighbors who have been encouraging us in this process every step. Way, we've acted in good faith, spending the time and paying the fees necessary to satisfy the requirements was current city of Austin policy. We ask you not to postpone this case and honor the rich history of our home. We would be happy to answer any questions you have. Thank you, council for your

consideration.

>> Mayor Adler:

[Indiscernible], and then Ms. Gallo. Ms. Gallo, do you want to start us off?

>> Gallo: Thank you. Your home is beautiful. When was it that you purchased the home?

>> 2013.

>> Gallo: And what was the date of the application for the -- for this process?

>> So we began our research earlier this year and I believe it went to the historic preservation meeting in June. And then to the planning commission last month.

>> Gallo: And when did you actually submit your application to start this process?

>> We began meeting with Steve in February or March.

>> Gallo: All right, thank you.

>> You're welcome.

>> Mayor Adler: Ms. Pool.

>> Pool: I love that you researched the history of your property. I'm a fan of historic preservation and I think it's really important and you've articulated it and hit it on the head your neighborhood's character and that is what these older homes built to the standards at the time. The Kruetzels are a prominent family in town. I think the architect may be retired now, but I know him and his family. And he married into a family that is related to Ben Ramsey.

[2:16:24 PM]

I think there's some connection with Ben Ramsey in that family, who was a lieutenant governor for the state of Texas in the 50's. So I appreciate the work that you all are doing on your property and your tenacity in choosing to go down this route and the work that you're doing to put it together. It sounds like you're clear on what you can and cannot do with historic preservation. There is some information that people say you will never be able to change out your windows, and that's actually not true. And you can't ever paint your front door a different color, and you actually can. So -- I recognize that you may have had to help educate people as to what historic preservation actually means. So I thank you for the work that you're doing and I would support your application for historic designation on your home.

>> Thank you very much. We appreciate that.

>> Mayor Adler: Hang on one second.

>> Gallo: Mayor, may I ask another question? Do you recall what the tax -- your tax bill was last year on the property?

>> It was about \$16,000.

>> Gallo: Okay, thank you.

>> Pool: And I think that there is a cap on how much of a tax discount you will get. Is it \$2,500?

>> It is \$2,500, all of which we plan to put back into our home to keep the facade looking the way that it should, and hopefully will stay.

>> Pool: Thank you.

>> Mayor Adler: I used to live at 204 West 32nd. Pretty neighborhood.

>> A neighbor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Did I miss? What are the total property taxes now?

[2:18:26 PM]

And have they been increasing over the years?

>> Absolutely. They are now at about \$16,000.

>> Zimmerman: 16,000 a year?

>> Correct.

>> Zimmerman: Ouch.

>> Tell us about it.

>> Mayor Adler: Any further questions for these folks? Thank you very much. The next speaker is Allison McGhee.

>> Good afternoon, council. My name is Allison McGhee. I'm not here to express support or opposition to any of the four cases that are before you today, but rather to ask you to review them based upon the merits of each case and the criteria required by the code of ordinances. In 2011 the city conducted a thorough analysis of the code's governing historic preservation activities which resulted in changes to the requirements for the designation that set the bar for local landmarking, higher than even the national register for historic places. And the majority of other cities and states. It limited the number of owner-initiated designations council could hear each month and it set a cap of the city's portion of the tax exemption. Prior to this the average number of properties the city designated per year was about 16. Since then the average has been five to six, with only one other property designated in 2015 to date. If council decides to take another look at our historic preservation program policies I ask that you keep those revisions in mind and also remember that since then we've adopted the imagine Austin comprehensive plan, which identifies the protection of historic properties and neighborhoods as one of the goals for our city's planning efforts. Historic zoning and local landmark zoning is the only tool the city has that can halt demolition of historic properties and provide for review of work on those properties by the historic landmark commission, which applies standards that are accepted across the country by city, state and federal agencies to ensure that historic architectural integrity is maintained.

[2:20:32 PM]

Other planning tools and recognitions such as nccd's, neighborhood conservation combining districts, national register of historic districts as well either cannot provide the same level of protection and regulation because of state law or are only honorific in nature. Without having historic preservation in our tool box the city will continue to lose the physical record of our city's heritage, a physical record that is good for our neighborhoods, good for the environment, educates our children, visitors and new residents about the importance of our heritage. And it's also a physical record that cannot be replicated once it's lost. Thank you.

>> Mayor Adler: Thank you. Those are our public speakers. We're now back to the dais. I have intended to express no view either for or against this. Generally speaking, I would support the progress and the positions that we have based on past practice. There was the question on Tuesday about whether or not we should stop and have things go back to committee. If we were going to do that, then I would want them all to go, otherwise I'm ready to vote in accordance with the practice and policy. And that was my only concern. I just didn't want us to be held to a different standard now and a different standard at 4:00. And if there's a vote to be taken now, I'll just apply my standard both times. But that was -- that's all that I was trying to raise. Ms. Kitchen?

>> Kitchen: Yes. I'm also -- don't have a preference on whether we go forward now or send to committee. I do think that what we need -- we need to be as very careful that what we are deciding on with this case and with the next case is within the bounds of the current requirements.

[2:22:43 PM]

You know, we may want to change requirements at some point. You know, we may want to look at the policies around historic designation, but that's not what is before us today. And if we -- if people feel

uncomfortable with that, that's okay, I would send it to committee, but I think I would be really, really careful that we focus on the facts that if these items meet the requirements for historic designation within our current requirements, and they've gone through that process, then I think we need to support them now and consider the policy later. And if people aren't comfortable with that then we should send them all to committee. And I'm okay either way.

>> Mayor Adler: Ms. Tovo?

>> Tovo: Mayor, we didn't have a presentation from our staff on this, so I'd like to invite Mr. Sandusky up to walk us through. The staff has recommended historic zoning on this property, so I wonder if you could talk to us for a few minutes about how this property does meet the criteria that are identified in our adopted ordinance.

>> Sure. Mr. Mayor, councilmembers, Steve Sandusky with the historic preservation planning and zoning department. This is a case that comes to you recommended by the staff and the historic --

>> Mayor Adler: Can you hold the mic closer to you?

>> Is that better? We've had our historic preservation program in Austin since 1974. And over the years we have made many, many changes to it. We have addressed the incentives and benefits of our program. We've addressed how to designate a property as an historic landmark and we've gone what was necessarily a boilerplate and standard issue program to one that has been really tailored for the needs of the city of Austin and the buildings that we have here.

[2:24:54 PM]

And we've engineered provisions for the protection of those buildings because designation as a historic landmark means precisely that these buildings are important to our heritage and they're important on several fronts. First of all, as a physical reminder of architecture. Second as in the case here, this is a house where the woman who owned it for the longest time was a single female business owner in a feel-dominated world. So this house, if nothing else, serves as a reminder to young women of today that these things are possible. And I know that I've heard some criticism of well, it was just a print shop. But that's really taking our values today and applying them to the past without really looking at exactly what that means. They didn't have computers in the past, they didn't have digital copies. They didn't have email. Everything had to be printed. So there were several print shops in town. This capitol was the largest and this specialized in receipts that you would get at a store and bank books and others like Beckman Jones published textbooks. Publishing was a very real and very important business in Austin, and especially being the state capitol, they would compete for state business to print up the various texts of legislation being proposed in the house and senate. So when we think back and realize how much we take for granted today which nobody could in the past, it makes the importance of this house even more because this was a very big business in Austin and the fact that it was run by a single female for many years makes this house an extraordinary example of the type of building that we in Austin really should be looking to preserve.

[2:26:55 PM]

We have homeowners who appreciate the history and the architecture of this house and that is why staff and the two commissions before you all have recommended for historic zoning.

>> Mayor Adler: Ms. Tovo, do you want to finish?

>> Tovo: If I could ask you a couple of follow-up questions. Our ordinance lays out different criteria that a property has to meet to qualify for consideration and you've talked a lot about the historical associations with this property and I've suddenly forgotten her name, the long time owner who was a single woman who ran capital printing. Can you talk to us about the architecture and why it is important,

especially within the context of Austin's historic structures?

>> Yes. This house is a colonial revival, but it's not your standard issue colonial revival. Colonial removal generally has a very symmetrical facade. They're two story. A lot of them are brick. A lot of them here in Texas were framed with clap board on them. But this house was designed by Edwin kreutzel who was a university trained architect and studied several styles. This house is not symmetrical. As a matter of fact, it displays almost a true colonial appearance rather than colonial revival because it has got an I-shaped formation to it. This is very reminiscent of the tide water of Virginia where this architectural style began. This house is unique in Austin. And what our program does besides saving these houses from demolition, it also regulates the changes. So this architecture, through designation as an historic landmark, will you preserved, and it is in Aldridge place, which has a variety of housing types, but this example of colonial revival really stands out in the neighborhood. And for that reason it fits our criteria for architectural significance as well.

[2:28:57 PM]

>> Tovo: And I think it was at the landmark commission, perhaps the planning commission, where you talked about this style being much more common in other parts of the country than it is in Austin. So in effect it's not just significant within Aldridge place, it's really significant and unusual as you look across the city, it would seem to me.

>> That's correct.

>> Tovo: Can you also just remind us what the property owners, if they are granted this historic zoning, what are their commitments to the city of Austin?

>> Their commitments to the city of Austin are actually manifold. Any exterior or change to the exterior or the site they need to have approval from the historic landmark commission to do that. And that approval is called a certificate of appropriateness. And what that means is this takes away a property right from these property owners. They can't just go to the local hardware store and say, I need new windows, give me the cheap ones. They have to do -- they have to maintain the historical integrity of this property. So it is at a greater expense to these property owners, but we view these property owners really as stewards of their properties rather than just the property owner because they are keeping these houses for our community. And they have to abide by certain requirements that keep the honesty of the architecture there. So that is why they need to have this extra level of review from the landmark commission that no other property owner has to undergo.

>> Mayor Adler: Okay. Ms. Houston and then Ms. Troxclair?

>> Houston: Thank you, mayor, thank you, Mr. Sandusky. I have a question about ownership. So if the current family chooses to sell the property in the next several years ask this protection stay with that property or do people have to come back and reapply, the new owners?

[2:31:04 PM]

>> No, ma'am. Once the council designates the house as a historic landmark it stays with the property, not the person.

>> Houston: So that exemption stays with the property regardless?

>> Yes. But understand too that this exemption is the capped exemption. So a new owner would also not be entitled to any greater exemption than --

>> Houston: \$2,500, is that correct?

>> Yes, ma'am.

>> Houston: Okay. And so do we do a look behind -- because historically there have been some properties who have gotten the higher amount that didn't improve their properties. And so do we now

do a look behind to make sure that the properties are being kept up to the standard of the landmark commission?

>> Yes, ma'am. We inspect every landmark every year.

>> Houston: So have some been pulled back because they didn't keep their properties up?

>> They have.

>> Houston: Thank you.

>> Yes. If they're not keeping up their end of the deal, we don't keep up ours either.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: First I want to say to the homeowners you do have a very beautiful house and I appreciate and applaud your interest in preserving it. And I was glad to hear that you do pledge to use the \$2,500 and put it back into the facade of the home. But that led me to a question that I had for our staff. Is there a requirement -- in the explanation of historic exemptions it talks about someone who is in need of a property tax reduction player so they can use that money to reinvest it into the house or restore the house. Is there a requirement that the \$2,500 be used for restoration?

>> No, not per Se, councilmember. What there is, every homeowner who is applying for the exemption every year files an application with the Travis county central appraisal district. They also file an affidavit with our office that we then provide to the appraisal district and that affidavit is a notarized statement that says that this property is in need of tax relief, they're requesting an exemption because the property is in need of tax relief to encourage its preservation.

[2:33:17 PM]

So they sign that. A lot of them show the repairs that they've made to the house over the year, the additional expenses because it is an historic landmark, but there is no requirement that they set out an itemized list of everything that they've done. The way the Texas tax code reads is that the exemption is available to encourage the preservation of historically significant buildings. So part of that could be the repairs that you do during the year, part of that is that you've not demolished it, and this is the incentive that is available to you.

>> Troxclair: Okay. But that seems to me like it could be something that we could contemplate, if we were going to change the policy going forward. That if the true purpose of this is so that people can have tax relief in order to restore their homes, that we require -- that we do some kind of reimbursement or that we require the amount of that reduction be applied to the house. It's just something that we could maybe think about. And then the homeowners mentioned that they paid a fee. What was the fee?

>> The fee is around \$1,500.

>> Troxclair: To apply?

>> \$1,500.

>> Troxclair: To apply.

>> To apply for historic zoning, yes.

>> Troxclair: Oh.

>> And that includes the application fee and the vast majority of that is the notification fees for the public meetings because these cases go to the landmark commission, planning commission and to the city council. Signs need to be posted in the yard, all these things cost money. So the total is about 1500.

>> Troxclair: Okay. I'm glad I asked that because I can't imagine that the homeowners would have wanted to pay \$1,500 unless they thought that there was a good chance that their home would qualify as an historic property. I'm prepared to the council to vote on this case now. I just, again, going forward I want us to keep in mind I think the average property tax reduction that the homeowner, an average homeowner in Austin is going to see based on a 6% homestead exemption that we had so much heated debate about was going to amount to about \$24.

[2:35:38 PM]

And so when we're talking about giving property tax exemptions that are 1,000 times that, I know there's a lot of homeowners in my district who are in need of property tax relief too and they just don't have the ability and they would love a 2,500-dollar reduction, they just don't have the fortune to live in an historic property. So that's not to take away anything from the people who are lucky enough to own historic homes in and and that we certainly incentivize the preservation of those homes, but it just -- I think we need to take everything into context. I'm happy to move forward with this case right now and I will plan on, I guess at the mayor's discretion, hopefully having the discussion at either a council meeting policy or committee meeting at some point in the future.

>> Actually, councilmember, can I address something real quick as a clarification? The \$2,500 is the maximum that somebody can get. We have historically designated properties throughout the city where their exemption is not capped because they're not reaching that 2,500-dollar limit. So I just don't want you to think that every landmark gets a 2,500-dollar exemption. That's not true.

>> Troxclair: Do you think it's the majority of landmarks?

>> No. I think it is -- I would hate to hazard a guess because I don't know, but generally if a house is worth 750,000 or more, they're going to be subject to the cap. And I would say at least a half to two-thirds of our landmarks are not worth 750,000.

>> Mayor Adler: Mr. Renteria?

>> Renteria: Yes. I'm curious, so the 2500 cap is just the city's part?

>> Yes.

>> Renteria: So what's the rest of the taxes, like the school board? How much deduction do they get from --

>> Travis county offers 2500.

[2:37:39 PM]

They match us. And then aisd offers 3500. But these are all caps. And again, it's only -- it's only properties that have high values that are going to be subject to those caps. Most of our landmarks don't get that kind of exemption.

>> Renteria: Can you tell me the difference between -- and I pretty much think I know, but what does the historic district give you that if -- like we have cases come up before us where they say they want the whole area to be zoned historic district. Do they get any benefits out of that? Why would people want to go to an historic district?

>> I think it's a difference in perspective, councilmember. When someone is coming forward with an individual building they're saying this building is special to the history and the heritage of Austin. And we want to have it preserved individually. If we look at historic districts that's a much more holistic approach and that looks at a number of houses within a specific geographic area and we do offer incentives for contributing properties within historic districts as well. And those are based on the rehabilitation of a contributing property. And the reason that there's a difference there that the last council was of very much tuned into, is that in an historic district it's architecture. All you're doing is having a collection of architectural pieces that tell the story of a particular neighborhood. An historic landmark has that added feature of, and this house is associated with somebody who really made a difference in the city. So there's that added importance to an historic landmark that houses in an historic district do not have to rise to.

[2:39:45 PM]

>> Mayor Adler: Okay. Ms. Gallo and then Ms. Garza.

>> Gallo: Thank you. Thank you for the explanation. Obviously we're in the midst of budget discussions now and fiscal impact to the city is important in everything we do. And I do want to mirror what troxclair said, which is I do think we need to have a discussion of our policy with tax abatement. So in this particular case with the caps, it looks like the total abatement on this property would be about 50% of the taxes, is that correct?

>> In this case it would, councilmember, but it's going to vary from property to property. Because the way we figure that formula is you look at the value of the land and the value of the structure and different percentages of those values are exempted from taxes. So it could be if the value of the land is significantly more than the value of the structure, then the amount of the exemption is actually going to go down because less of the property is exempted from property taxes. If the value of the structure is almost the same as the land or higher than the value of the land, then the value of the exemption goes up because the formula that we have in place.

>> Gallo: Okay. So if in a similar case of value land to improvement were to be applied to a property that because the value of the total property was higher than this and triggered the cap, what typically would you see the percentage of cap be relative to the taxes? What kind of discount, just on average?

>> Some average, I would say the exemption accounts for anywhere between 33 and 45%, but that is -- I would say that's a wild guess. Because the values of the properties vary so much. The formula that we use is that for an owner occupied property 100% of the value of the structure is exempted from taxes and 50% of the value of the land.

[2:41:51 PM]

And that's for the city and county. And then aid's exemptions are half of that. So what we do is we go through from the tcad records, the appraisal records, the appraisal values, what those values are, we run it through a tax calculator and figure out what the exemption is. If the exemption without looking any further is going to be over \$2,500 to the city then we apply the cap. So it has to be done on an individual basis.

>> Gallo: But it gives us an average idea of what we're looking at.

>> I would say between 33 and 40, 45.

>> Gallo: So obviously this impacts other taxing entities, the school district and Travis county. Does our process include their ability to offer their attitude one way or the other on this? If not I feel week making a decision that impacts the budgets and the fiscal income for those two other entities without them having a voice at the table. And they may have. It may be a process that includes that. So how does that work?

>> They do. We have included Travis county and the -- and aid. In all the discussions I've made presentations to the commissioners' court and to the board of trustees for aid, we have worked out an agreement with the aid to increase the educational utility of our landmarks for them so that they have a greater feeling that designating an historic landmark serves an educational purpose for them specifically. We're in constant contact with the other taxing entities. But all of them have recognized that preservation is a worthwhile program and all of them have continued to offer their tax incentives to promote it. They have also followed our lead at capping the amount of the exemption for the higher valued properties.

[2:43:56 PM]

>> Gallo: Thank you. Just a thought as we bring this conversation up at a committee level and start

talking about it, it seems like it would be -- I notice that we have in our backup material we have the vote from the landmark commission and from the planning commission, but I think it would also be important to ask the other entities if they would like to participate each time a property comes through this process to actually be able to have their vote on that particular property's certification included in the process too. As we talk about going forward in the future it just seems like when we do things that impact other entities, we would want to make sure that if they wanted a voice on the determination that we allowed them to have that voice as part of the process. So thank you. And once again, where this is important to me is as we've all said, you know, property taxes are so critical to people. We're having the discussion of do we want to move forward a discussion about giving either a tax freeze or additional exemption to our seniors who are on fixed incomes. And so every time we do something that impacts the ability for the city to collect taxes I think it impacts for everyone. So it's not to say that historic properties are not important. I studied architecture at UT and I love the historic nature of our city, but I think from a fiscal standpoint we need to be very careful. So thank you.

>> Mayor Adler: Ms. Garza?

>> Garza: Actually, I had a question. In the backup it says that the city's portion capped is 2,000.

>> I'm sorry, councilmember. That's what it used to be. So that's just a typo.

>> Garza: Okay, thanks.

>> Mayor Adler: Ms. Houston was next and then Ms. Tovo and Ms. Kitchen, if you would raise your hand again. Ms. Houston and then Ms. Tovo.

>> Houston: Thank you again. So on each property we make the decision and then we let the Travis county appraisal district know the decision we make, and that triggers the other jurisdictional caps, is that correct?

[2:45:58 PM]

>> That is correct.

>> Houston: Okay. So I support what councilmember Gallo was saying that on each of these that each has a different financial implication for the other taxing jurisdictions, so I feel uncomfortable making decisions that will impact, you know, what they provide as a cap or an exemption. But the other thing is something that I've said for a long time, this did not start out to be -- it started out to be historic designations for certain people and not for others. So that we're doing some better about that now, but it's still not where all people could do it because at a 1,500-dollar cost -- and I understand that for some properties there's a reduced rate, but we have places in our community that are not on a certain side of the interstate where it's very difficult to get landmark status, even if the person is recognized architecture. So if it's based on architecture, then very few of our properties will be able to receive that designation. But the people who lived there may have had certain importance. And so I understand you're beginning to kind of work on that. But I just want people to really understand that this did not start out to be something that was across the city, it was for specific groups of people and they have benefited from that bias for a long time. So it feels out of balance to me. I support -- I hate that we tear down rather than repurpose some of our beautiful buildings that we've had in this city and I look around and all of a sudden they're gone. So that hurts me. And I know in my community they're bulldozing everyday because even though they may have the age on them, a person didn't live there that was significant by our terms and the architectural style was not significant.

[2:48:04 PM]

Therefore many of our places lose out on that opportunity to have a tax break from the city, the county and the state. I just want you to keep in mind as we move forward with this conversation about what do

we do about historic preservation in our city.

>> Me, councilmember, I do. I want to add -- not to your concern. To add to your statement that we actively look at properties on the east side of the freeway for a landmark designation. Every year we go to an African-American property owner and ask them if they would be interested in landmark designation and the city sponsors that as part of black history month. So every we're we've had a new site of African-American history that the city has sponsored, so they're not liable for the fees.

>> Houston: Right. I said this just started recently.

>> About 10 years now.

>> Houston: That's recent in our history.

[Laughter]

>> Yes, not in mine, not in mine unfortunately.

>> Houston: Recent in our history. And we appreciate that, but my house wouldn't make it, I won't make it, so at some point mine will be demolished because the criteria is so stringent that some people who are -- live in low resourced areas who maybe did a lot for their community, might not be able to have that recognition. And therefore property is about generational wealth and so we won't be able to pass that property down to the next generation because of how we view historic preservation.

>> The landmark commission just recommended this past week aid da Simons' house for historic designation on hall I will ton avenue. So it is set for planning commission next month and coming to you all in October.

>> Mayor Adler: And I hope, Ms. Houston, with the great things you're going to do on this council your house will qualify as well.

[Laughter]. Ms. Tovo?

[2:50:08 PM]

>> Tovo: Mayor, I would like to move approval for landmark status for this case. I believe it does meet the criteria that we've set forth in our city's ordinance and I would go back to the except that Mr. Sandusky made that the landowners are also making a commitment to the city. They're making a commitment not just to go through a higher level of review and get approval for any kind of exterior improvements, but they're also committing to be stewards of this property and to -- I think the comment that Mr. Sandusky made was they're keeping these houses for our community and we have lost so many historic structures throughout our city that I think it's really a benefit both a cultural benefit and an historical benefit, but it also has an economic benefit to our city to preserve these structures, to preserve the structures that meet our criterias. And I believe this is one that does.

>> Mayor Adler: There's a motion to approve this item and to close the public debate. It's seconded by Ms. Pool. Is there any further discussion on this item? Ms. Pool?

>> Pool: I did just have one question. Could you clarify -- my understanding is that the municipality the city of Austin cannot prescribe the tax collections of another entity, another government entity. For instance, if -- maybe I just don't understand the taxing regime on this and maybe this is something we could have a briefing on, but -- if you could clarify that point.

>> Sure. In a nutshell because I think maybe the briefing that y'all are talking about would be the better forum for a large scale discussion. As a city we can't dictate to another taxing authority. It's their decision. In all of our discussions with Travis county and aid over the past 10, 12, 15 years, they are more than happy for us to be the gate keeper. They trust us with that.

[2:52:12 PM]

And they also have said that they will maintain their offers of property tax exemptions based upon what

this council does.

>> Pool: So it's not coercive on our part. We have not imposed our decisions on them. They have at a policy level voluntarily chosen to accept the decision at the city level.

>> That is correct.

>> Pool: And mirror that with their statuses. Okay. Thanks.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thanks. This goes back to I guess the policy question, but has anybody put some calculations on, say, this property that's coming to us now, how many more properties could conceivably qualify for these kind of abatements? When we talk about buying out some of the flood victims we asked that question, so what's our total exposure for -- it was like 5,000 properties in the floodplain and that raised some eyebrows. So I'm all for getting people's property taxes down. What I'm not for is shifting -- we're all shifting the cost. As councilmember Houston says, there are a lot of properties in east Austin and elsewhere that can't qualify. So every time one of these qualifies for an abatement there's a cost shift and someone else is paying more. Have you worked these Numbers and said that under today's rules how many properties could come forward from these kind of abatements?

>> I haven't, councilmember. And the reason -- I'll tell you, we have a new survey that is just -- we've just gone through the rfp process and this is going to survey a large swath of east Austin and it's going to provide us with the research on these houses so that we will be able to give a much better estimate as to how many potential landmarks are out there. And what I want you to understand too is we don't ever go to somebody and say let's designate your house as a landmark.

[2:54:16 PM]

>> Zimmerman: But you just said you did, you go to east Austin and look at properties and then you offer to let it be landmarked without the fees.

>> They have -- generally those folks have expressed an interest in it. So our offer is basically that we can take it as a city case for black history month. But we're not imposing historic zoning on anybody, so even though, say, there's another 500 properties out there that could qualify as a landmark doesn't mean that will ever happen.

>> Zimmerman: I got that. There's no imposition, but there is an imposition that whatever tax bay bait. Is there it will be imposed on the people that don't have the abatement. That's an imposition. So I want to approve this based on the policy we have now. The point is we're making an imposition on the rest of the taxpayers that don't get the abatement. They're going to pay more. So I was trying to understand what the total impact was. And you don't have that information.

>> I don't.

>> Gallo: So my understanding is to make this determination either the occupants of the home need to have a civic architectural importance or the architecture of the home needs an historical significance to it. And being a fifth generation austinite I know there have been many pioneer women in this community that have run businesses, so I think we are blessed with a city and a history of a lot of women that have done that. So I'm not totally convinced that the civic component of this is so strong, but could you say again and talk a little more about the historical distance of the architect because of course I'm interested in architecture also. So you talk about this particular and the fact that there are a few differences in how this style was designed for this particular house that make it unique.

[2:56:22 PM]

Is this the only house in Austin that has the architectural style to qualify it as so unique to go through this process? Or could you give us an idea of there are 100 other homes in Austin that have some

architectural style? Just a little more information on truly why the home itself is architecturally significant?

>> Colonial revival is a very, very common style, but as I certified earlier in my remarks, this is a very, very rare variation of it. This is a house that instead of having, say, a 1930's version, the revival of willing colonial style of the east coast, this is almost a reproduction. The red brick, the way the window patterns are, the quarter moons on the side of the chimney and its configuration that's I-shaped rather than a large rectangle. So I had say this is an important example of colonial revival because it's not standard issue. It's one that takes its cues from the original architecture of the tide water, Virginia, Baltimore, Georgia, and brings it to Austin. So it's very rare that that exact reproduction made it this far west. So yes, I think this house does have significance --

>> Gallo: Would you say there are not any other examples of this in Austin? You're the expert. You're the person that's out there --

>> I am the expert, but I don't know every single house in the city. I know most of them. I cannot think of any others, no, ma'am.

>> Gallo: Okay, thank you.

>> Mayor Adler: Ms. Pool?

>> Pool: I would call the question.

>> Zimmerman: I'll second that.

>> Mayor Adler: All those in favor of ending debate please raise your hand? Those opposed?

[2:58:23 PM]

Debate is ended. We'll take a vote. Those in favor of this item number 50, please raise your hand. Those opposed? And those abstaining? Renteria and Houston abstaining, the rest voting aye. This matter passes.

>> Thank you very much, council.

>> Mayor Adler: That gets us to one item left. Closing the public hearing was part of the motion, as I repeated it.

>> Correct.

>> Mayor Adler: And I had read that into the record earlier so we don't need to revote on that one this time. I think we're down next to the item, but that was called at 4:00, so we will recess and then come back at 4:00.

[3:07:53 PM]

[Recess]

[3:45:54 PM]

Charter, . .

[3:52:49 PM]

>> Test test, test test ,

[4:09:56 PM]

>> Mayor adler:we about ready?

[4:12:09 PM]

All right, we're going to go ahead. We are out of recess. We have a quorum present. Ms. Pool, are we going to do a proclamation now?

>> Pool: I do believe we are. I see Mr. Conrad out there in the audience, and I see Mr. Mizouros and Mr. Slusher. Should we go down before.

>> Mayor Adler: I think so.

>> Pool: Do this with all pomp and circumstances as the situation definitely demands. All right. So we're going to have a special proclamation and dividend service award -- distinguished award today and with me and mayor Adler -- oh, there you are, the rest of the council, we have willy Conrad and Greg mizouros and Darrell Slusher. How about y'all come up here maybe toward the middle. So we have a couple of fun things to do right now, but we're going to do it with all kinds of solemnity, so no smiling or laughing at all, which is going to be really hard. I just wanted to note, willy has worked for the Austin water department. He has also worked directly with me in my role as the city's representative to the bccp, the coordinating committee, and I will say I met willy maybe ten, 15 years ago, in -- when I was just a citizen working on some issues that mattered to me.

[4:14:15 PM]

And I could tell right away that he was a -- definitely a force to be contendetended with. And then I was thrilled with the appointment that the mayor -- the assignment that the mayor gave me to be the city's representative to the balconies canyon land coordinating committee and I could look to willy and work directly with him. He is just -- his institutional knowledge of the program and the development of it from day 1 has been instrumental in me getting up to speed as quickly as I have had to do with this assignment. So I thank you, willy, for that. Are you going to be able to withstand everything that's coming your way right now?

>> I hope so.

>> Pool: I hope so too. All right. Water -- Austin water director, Greg mizouros, you may have some comment.

>> Thank you, councilmember. Just a few words. You know, when I first met willy, probably my first week on the job as director and willy came into my office in his cowboy hat and boots, had things to update me and I was afraid at first, actually.

[Laughter] You know, I had the Marlboro man working with me. I learned he's a true leader, always has the best interest of the city at heart and he lets you know how he feels. He listens to you. He develops his leaders in his organization. He cares about his community, and, willy, I would say the 16 years of service you gave to Austin water and community, certainly the years I've been democracy I appreciate it so much. You're a great part of my team. Some of my fondest memories involve you. I'm going to wish you the best but miss you dearly, all always have a friend at Austin water and congratulations.

[Applause]

>> Pool: Franks, Greg. I will tell you that we have two things to honor willy with today. The distinguished service award to commend him for his many years of work here and also a proclamation.

[4:16:16 PM]

And mostly the reason why we had to do two pieces, two different types of recognition, is because we couldn't fit all of it on one page because the city has these constraints. So, Mr. Slusher, would you like to say a few words about willy too? And maybe you have some things to read that we weren't able to put

on the proclamation?

>> Thank you, I'm Darrell Slusher, assistant director at Austin water. And Willy reported to me for eight years and I knew him before that too. I just want to point out, like councilmember Pool said, that he really built these programs, the protection lands and BCCP management, those lands virtually from scratch. And folks might think you look at Willy's job managing 43,000 acres of preserve land, that might seem like a really glorious, pretty easy thing just to be out on the open land all the time. But I can assure you that that's not what Willy does all day. He's been doing it for 16 years. There's a lot of controversy from time to time, a lot of tough decisions to be made, a lot of interactions with the neighbors. I will say that every once in a while, Willy would get a little grumpy about that.

[Laughter] But every time we worked through it. I just want to say he always, no matter what -- no matter what the situation, he always kept in mind that his charge was to protect endangered species, carry out the federal permit for the Balcones conservation land, sorry, Ms. Houston, I think I said BCP, and to protective water quality protection lands. Since Willy is very popular, we came up with too many whereases to fit on one proclamation. So I'm going to read a few of the extra ones, if y'all would like to hear these.

[4:18:18 PM]

Whereas Willy Conrad became a folk hero to some, known for his cowboy hat, boots, trademark mustache and his ability and strength to say no when the situation merited it, whereas over the years Mr. Conrad learned the importance of not hitting the "Send" key too soon.

[Laughter]

-- And grew to appreciate president Abraham Lincoln's wisdom in waiting overnight before mailing letters. Then on a different front, this is the last one, and I'll turn it over to councilmember Pool, but whereas per 88 pigs know to -- per Erril know to run if they see Mr. Conrad disperse there's a rumor they're planning their own retirement party. We'll see about that. That's all I had so I'm going to turn it over to councilmember Pool.

[Applause]

>> Pool: Thank you. Are you blushing yet? The mayor will read the proclamation and the distinguished service award.

>> Mayor Adler: What controversy?

[Laughter] You know, the good thing about being mayor, that probably wouldn't really belong in a formal proclamation, Darrell, what you read, but I'm mayor and we turned it into one anyhow, so there's that.

[Laughter] That's for the friends. But I do have the honor and the privilege, on behalf of the council, to begin by awarding you the city of Austin distinguished service award. Distinguished service award on the occasion of his retirement from the city of Austin, after his 16-year tenure as division manager of Austin's waters, wildland vision and as secretary of the Balcones Canyon Land Conservation Plan, leading the way in building a strong land management program that is low to unique and unprecedented among American cities.

[4:20:29 PM]

William A. Conrad is deserving of public claim and recognition, and this certificate is presented in acknowledgment and appreciation, therefore, on this 13th day of August, in the year 2015, by the city council of Austin, Texas, Mayor Steve Adler signing.

[Applause]

>> Mayor Adler: and now the more formal proclamation from the city. The proclamation, be it known

that whereas Willy Conrad is retiring from the city of Austin on August 31, 2015, after serving 16 years as division manager of Austin water's wildland's division and as secretary of the Balcones Canyon Conservation Land, BCCP and whereas he guided the wildlands with a firm hand, new the BCCP backward and forward, contributed to preserving Barton Springs, was intimately involved in numerous land purchases which added to the city's preserve system and did not shy away from engaging in controversial issues when necessary and whereas Mr. Conrad carried out his critically important responsibilities to protect water quality and endangered species with a strong sense of duty and with immense respect for the citizens of Austin and the democratic system of government, and whereas Mr. Conrad's retirement celebration is August 15 of 2015, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim August 15, as well as Willy Conrad Day.

[4:22:40 PM]

Congratulations.

[Applause]

>> Pool: Would you like to say a few words, Willy?

>> I should, yes.

[Laughter] It's really -- excuse me. It's really humbling to be recognized like this. Thank you very much. But, you know, I can't take the credit for everything I'm honored for. I've been blessed to work as part of a great team here at the city of Austin. My staff, they're the people that do the work in the trenches and made me look good. I'm blessed to work for management that has my back, has taken the time to understand the challenges I face and to help me work through them and then, equally important, my peers in all the different departments that help support everything we do. So while I'm being honored for being successful, I'm that way because of the collaborations from friends, supervisors, and peers. And I want to thank everybody for the blessing and the opportunity to work here and to be part of this team. Thank you.

[Applause]

[4:25:34 PM]

>> Mayor Adler: We're going to call up item number 48. This is how we're going to proceed. I'm going to ask Ms. Kitchen to open us up in conversation on that. We have some people that want to speak. We're going to have staff make a presentation before they speak. I'm going to call up first -- in these situations the rules call for us to open and close with the applicant. The applicant in this case is in essence the city on behalf of or being articulated by the neighborhood. But I'm also going to give the property owner also the opportunity to open and close. So what we're going to do is staff is going to speak. We'll then ask the neighborhood to open as the property -- ask the property owner to open. We'll call through the balance of the list. I'm going to give the property owner the opportunity to close, the neighborhood a chance to close, and then we'll be back to the dais. Ms. Kitchen, do you want to start us off?

>> Kitchen: Okay. Thank you, mayor. Do we need a motion at this point or should I just --

>> Mayor Adler: You can go ahead and just start if you want to.

>> Kitchen: Just -- okay. I thought I would take a few minutes and just lay out the case for everyone before we go through the order of the testimony that the mayor laid out. So let me say first that I think -- I think what is important for us to remember is what's before us today. There's a lot of history with this particular development, but what is before us today is the question of historic designation for one home that is in the area that's being developed by the owner, who is the developer. So I think the question before us is whether or not that home meets the -- meets the criteria to be designated as a historic structure.

[4:27:37 PM]

And so I would suggest that it does, and I think that the city's process for determining whether it does or not has been met. And so, just briefly, the case -- and we of course will hear from the staff so I won't speak for them, but the case was referred by staff to the appropriate body to make the determination on whether historic decision was met -- zig magazine was met and that is the historic landmark commission. I will point out that the municipal code sets forth in 2-1-147 the role of the historic landmark commission, and that section sets forth the kind of criteria for the persons who are on that commission, including that they shall have knowledge of and experience in the architectural, cultural, et cetera, history of the city. And that one of their functions is to review requests to sustain or remove historic designation and make recommendations. So that body unanimously recommended this property for historic designation. So I think that we've met the criteria. Just to provide some background for folks, the municipal code at 25-2-352 sets forth -- there's five criteria for historic designation. Some of which we talked about in our previous case, but just real briefly, that includes the architecture, which y'all are familiar with. We discussed earlier. Historical associations, archaeology, community value and landscape feature. I want to emphasize community value because that's something that was not present in the case we previously discussed. Like the case we previously discussed, this does touch -- this does meet the criteria for architecture and historical association, but it also meets the criteria for community value.

[4:29:43 PM]

And the community value criteria is that the property has a unique location, physical characteristic, or significant feature that contributes to the character, major cultural identity of the city, in this case a neighborhood or a particular group. So with that said, I think that we have a situation here where the criteria for historic designation has been met. The city's process has been followed. The commission that's charged with determining whether or not historic preservation has been met has voted unanimously to say that that criteria has been met. I'll just say I think we have a win-win situation here. We have a situation where we have met the criteria for historic preservation of a property and we've done that in neighborhood where a developer has an opportunity and is developing infill because this only impacts a few houses that could be built -- -- built in that particular area. So we have the both the historic preservation and the density in the area. So with that said I may want to ask some more questions later, but I'll just stop at this point. Thank you.

>> Mayor Adler: Okay. Staff, do you want to take us through this.

>> Afternoon, mayor, councilmembers, Steve Sandusky, this case is the lightsey-russell house which came upon an application for demolition to the landmark commission. The commission voted to recommend this case for historic zoning they also allowed the applicant to remove non-historic additions to the house. There was quite a bit of testimony at the commission that this house and the accompanying development could all be in the same place.

[4:31:44 PM]

And the landmark commission's recommendation was that if removing these non-historic additions could make that happen, then they would recommend that. So that was part of their standard recommendation. The house was built in 1932 and it's excellent example of Tudor revival style. This is not an architecture designed house, it was one where a pattern book was used by a builder and the builder then expanded on the style. It was very popular at the time. And created a house for this

particular family on this lot. This house was built in Theodore low heights, which now almost doesn't exist anymore, but at the time in the 1920's and 30's this was an area of one-acre lots and houses were built with very prominent situations on those lots, on hills. And this was really one of the characteristics of the development of this area of the city. The house has a lot of Tudor revival elements as you can see in the bottom picture. It has got clipped side gables. That's one of the landmarks of Tudor revival. Also a prominent chimney with a mixture of materials. So it has stone and brick and then it has a little niche in there. And then it has the stone surround for the front door and the stone porch on the side that wraps around the side of the house. So it's very much a Texas version of a standard Tudor revival house. As I said the house was built in 1932 and the builders were Charles and Veta Lightsey. They were from Fort Worth. They had established a taxi company in Fort Worth for many years. They began to expand their business down into Austin, and they lived in another house in Travis heights for a very short period while they were building this house, but they lived in this house for the rest of their lives, and that's where -- that's kind of the crux of the matter.

[4:33:56 PM]

Charles lightly only lived another three years after building this house and then his wife Veta only lived for another five years after building the house. Ms. Lightsey was known for her parties out here and Charles Lightsey was really a very innovative entrepreneur and he had his taxi business. Owen they want into the rent-a-car business. And we might take today's values and think back, rent a car, big deal, but it was a big deal in the 1920's because a lot of people didn't even have driver's licenses then. And when you needed a car to take you somewhere you had to hire a driver and the car. So this was a way for folks to be able to get around Austin and drive the car themselves. In fact, his company was called the Lightsey drive it yourself system. So he had that, he had the taxi company when prohibition was repealed. He went into the liquor distributing business. And there's a very famous photograph of some of his taxis that he converted to beer wagons parked in front of the state capitol on 11th street, probably a little tongue and cheek, but I think he was trying to make a point. Veta Lightsey had a daughter from her first marriage, ora Claire. And/or are Claire inherited the house. She married James Russell and together she lived here until Mr. Russell passed away in the 1970's and then ora Claire sold the house in 1973. I'm sorry, his name wasn't James, it was [indiscernible]. Mr. Russell was involved in the family business, but by the early to mid 1940s they had dropped both the rental car company and the taxi company, and they sold the Lightsey interest in the liquor company. Mr. Russell had been an embalmer early on and then he went to work for the irs.

[4:35:58 PM]

So yes, the combination of death and taxes in one human being.
[Laughter]. And then ora Claire went to work for the Steck company as a proofreader. So they are the people who are -- have the most significant association with the house for the amount of time that they lived there. They built some additions. They had a secondary apartment, but basically this was their house and it's been untouched for the most part until now. So I think the house clearly meets the architectural standard for historic preservation. This is a wonderfully intact example of Tudor revival adapted to the Texas climate and its particular location. I think an argument could be made for community value because at every hearing that we've had so far there's been a very large contingent from the neighborhood who have talked about the importance of this house to the context of their neighborhood. Staff has not made that recommendation. And staff's big stumbling block on this is the historical associations because truly the people who were significant associated with this house only lived in it for five years and then for the amount of -- after 1937 it was lived in by the descendents of

those original builders, but they really did not, as far as staff can tell, have a lot of impact on the community. It would not rise, in staff's opinion, to the level of a significant historical association with the house. So staff has a neutral recommendation on this. And I guess I'll just leave it at that. I'm available for any questions.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: So let me understand. So the requirement is that two of the five criteria need to be met, is that correct?

>> That is correct.

[4:37:59 PM]

>> Kitchen: And isn't it not also correct that it's the landmark commission that makes the decision on whether or not the criteria is met?

>> The landmark commission makes a recommendation on what criteria they're basing their recommendation upon, yes, ma'am.

>> Kitchen: Okay. Would you -- would you not agree -- I thought that the staff was saying that the architectural criteria was met and the community value was met.

>> Well, we have not advanced that argument up until now, and I was just saying that from our meetings at the landmark and planning commission, there has been a lot of neighborhood interest in this. So I was just throwing that out there. That's not part of my recommendation, no, but I think if you all were inclined, then that is one of the criterion that you could consider in making your decision.

>> Kitchen: So from your perspective as the expert who deals with this, you would consider it to meet the architecture, is that correct?

>> That is correct.

>> Kitchen: And you think that the landmark commission was appropriate in suggesting that community value was met.

>> Yes, I mean, I think their decision was based upon the evidence that was presented to them.

>> Kitchen: Okay.

>> Yeah.

>> Kitchen: Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So we just heard from a couple just a couple of hours ago, right, that came up, and they were asking for a designation, and during the discussion I remember you telling us distinctly that the city doesn't impose these designations. People come forward and they ask for them. So I'm having a lot of trouble -- when I saw historic landmark commission as the applicant instead of the owner's of the property like we just had two hours ago, I mean, the red flags just came up because I thought we had just discussed that this could never happen.

[4:40:08 PM]

You don't have somebody other than the homeowners coming forward asking, you know, for the designation. So this looks like the exact opposite case. So are the owners here? Are they going to speak to us.

>> They are. And they have filed a valid petition as well.

>> Zimmerman: So this is diametrically opposed to what I was just told two hours ago, that we don't do this as a policy, we don't impose designation if the property owner doesn't want it. Isn't that what I was told two hours ago or am I misunderstanding? Is that what you heard?

>> Mayor Adler: Rhetorical question at this this point, I think.

>> Zimmerman: As a factual question, wasn't part of the discussion that the city as a policy doesn't initiate or doesn't request or require --

>> Kitchen: If I might respond to that, I think that the -- you're right, that's what we discussed earlier. I think we left out maybe an important fact, or just point that out. This was initiated as a result of a demolition request, which is a little bit different, if I'm understanding correctly.

>> That is correct.

>> Kitchen: So -- and you may want to speak to that. It's not like the city imposing, it's a situation where -- and in this case the owner is a developer, not someone who lives in the property, and I guess they applied to demolish the property. So given the fact that community value is one of the issues here, that's how this came forward. So it's not a situation where the city went out and tried to impose it. It's as a result of that kind of process. Is that correct, Mr. Sandusky?

>> That is, councilmember.

>> Zimmerman: I see the distinction, but it looked like the principle is the same. The person who owns the property doesn't want the designation and if we vote for it, we would be imposing it on the property owner.

[4:42:14 PM]

Right? Is that not right?

>> Kitchen: Yes, I guess the difficulty is that in this kind of -- the Normal circumstances you've got someone who is living in a property and they're an owner of the property that they're living in, and that's not the case here. And you've also got one of the criteria being community value, which is a feature that contributes to the character of a neighborhood. So when you combine that with the fact that the owner is the developer and won't be living there and just wants to demolish the property, if we're -- as a community, if we're going to put a value on a property that has significance to the city or a neighborhood, then we have to consider it in this kind of circumstance. I'm not saying that we have to say yes or no, I'm just saying that's the circumstance that you have to consider it in.

>> Mayor Adler: Ms. Tovo?

>> Tovo: And mayor, I apologize if you addressed this. I had to step off the dais for a minute, but there are other cases where the city has rezoned -- has recognized a property as historic even if the owner did not support it. I'm not sure if you offered that information earlier in this conversation.

>> No, I did not, but yes, there have been a number of cases where an applicant, a property owner has filed an application for demolition and the city council, in viewing the application and the importance of the house, within the context of the historical and social history of the city, has said this house is too important to our heritage and we are going to deny your application for demolition. That is within the city's police powers to do that.

>> Tovo: As councilmember kitchen said, those -- I'm going to summarize. This isn't exactly what she said, but it's in the circumstances where there's a strong community value in preserving that particular structure not just for the surrounding area, but also for the community at large, Austin at large.

[4:44:26 PM]

And I don't know very many. I mean, it's a pretty selective group of rezonings, but there was one actually within the last year where the council did vote to grant historic designation to an owner-opposed case. So there is precedent and it is perfectly allowable under our code to do that.

>> That is correct.

>> Mayor Adler: Do you know why the planning commission -- why were the five members -- there was no action recommendation taken at the planning commission because it takes six votes to do that. Is

that right?

>> Correct.

>> Mayor Adler: A plurality of the planning commission voted no. Do you know why?

>> The discussion at the planning commission was pretty much along the same lines as some of the discussion here this afternoon, that there were members of the planning commission who had ideological issues with imposing historic zoning on a property owner who did not want it. So that's why they voted against it.

>> Mayor Adler: Further conversation before we go to the neighborhood and then to the applicant? Yes, Ms. Gallo?

>> Gallo: Thank you. I'm going to ask you some of the same architectural questions that I asked on the property before. And so it's my understanding that this is a good example of Tudor revival, but could you share with me how many other examples of the same type of architecture would be present in the city?

>> Tudor revival like colonial revival is a common style in the 20's and 30's. They were part of this period revival where because of the economic times people were looking toward a more stable past and a the architecture of that past to try to give themselves a sense of confidence, nationalism and stability. So the Tudor revival really goes back to the homes of old England and during the Tudor era.

[4:46:33 PM]

They also have a wide variety of different types of different categories. There are the story book type romantic English cottages that if y'all are familiar with. There's a house, the Perry house on park boulevard would be a wonderful example of that in the city that really looks like it came out of a fairy tale. There are very strict Tudor revivals that the architecture is very plain. The only thing that really identifies them as Tudor revival is the steepness of the gables that are very prominent on the house. A lot of Tudor revivals, especially the frame ones, have what they call a cat slide roof and then an open niche. This house is really the vernacular style. They were taking their cues from the Tudor revival, the very steep gables on the house, the use of mixed materials, especially brick and stone. The use of the niche and the very prominent chimney are all hall marks of the style. To say that this is the only one in the city, I can't do that, but generally in Austin our Tudor revivals are much plainer than this. This is one of the more elaborate versions of it.

>> Gallo: So we do have other representations of this style of home in Austin right now?

>> Well, we do, but not to this degree of ornamentation.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Ms. Tovo?

>> Tovo: I forgot I wanted to ask you a question earlier. Can you give us some sense in this neighborhood in this part of town whether -- how many other historic structures there are that the city has identified?

>> There are almost none in this part of the city.

[4:48:34 PM]

>> Tovo: That was my sense of it.

>> This is an area of the city that was developed later than many, and we don't have any historic landmarks on any of these streets, bluebonnet, south Lamar. This is an area that developed later. And quite a bit later. This house is actually pretty early for this part of the city. Motion of the houses in this neighborhood were almost tract style houses built after World War II.

>> Tovo: You kind of faded out, but I thought I heard you say most of the houses were tract houses built after World War II, there weren't that many early houses?

>> There are not that many houses of this vintage in the neighborhood, no.
>> Tovo: And there are not any others in this immediate area or in the sort of broader area in this neighborhood that are identified as historic landmarks?
>> We have no landmarks in this part of the city.
>> Tovo: I would guess just based on the change in the area and the number of infill developments that there probably aren't many other opportunities for designating landmarks in that area either because there's been so much change. Do you know are there other -- is there a large pool of potential landmark houses in this area?
>> No, not really. No, I am very familiar with this part of the city and these neighborhoods, and there are some houses of this -- excuse me, of this vintage on Clawson road, but they are not of the same caliber as this. So just because the house is old doesn't mean that it has the architectural distinction to cross that first threshold to consideration as a landmark.
>> Tovo: So this is in addition to the things we've talked about, also one of the best examples in that area.

[4:50:36 PM]

>> I would say so. I'm not I am mattly familiar -- intimately familiar with every single house down there, but this one is a very good example of its style.
>> Tovo: Okay, thank you.
>> Mayor Adler: Yes, Ms. Kitchen.
>> Kitchen: Just one related question. So this street is on -- this house is on Lightsey, correct?
>> That's correct.
>> Kitchen: So I don't know if the street was named for this family or not, but it sits on Lightsey, which one could argue is the heart of this neighborhood. And the I believe if I'm correct it may be one of the last houses on that street that have not yet been developed. That's an area that's been developed quite a bit by this owner, because those are large lots that have been subdivided. So we'll hear more about that later, but I think this may go to the community value in the sense that it is -- it is -- well, I'm sure the neighbors and the developer can let us know, but I've been down there before and I think I've only seen one other older house because there's been a lot of development around that -- on that street. Are you familiar with that?
>> Yes.
>> Kitchen: Is that true?
>> The houses down there are -- there's very few still on lots this large. And yeah, it is definitely a disappearing character of that neighborhood.
>> Kitchen: Okay, thank you.
>> Mayor Adler: Is the neighborhood -- is the neighborhood here wanting to open the discussion?

[4:52:37 PM]

>> Good afternoon, mayor, mayor pro tem and councilmembers.
>> Mayor Adler: We're going to set the clock at five minutes for both of the openings and then five minutes for both of the closings. Does that work?
>> We've got what?
>> Mayor Adler: We're going to set the openings and closings for five minutes for both sides. Does that give you sufficient time?
>> Oh, is that an opening? I thought donors could go --
>> Mayor Adler: I'll let you go and then I'm going to let the owners talk and I'm trying to set a time

period for both so that it's equal, both for the opening and then also for the closing. You will each get a chance to do both and I was going to set the time for both at five minutes unless you think you need more time to do that.

>> Kitchen: But then, Mr. Mayor, what about all the people who have signed up.

>> Mayor Adler: They will all appear in the middle.

>> I think I can consolidate my presentation with the donors and they won't have to speak and I think I've got four signed up and I was planning on doing about 12 and doing the whole layout.

>> Mayor Adler: That's fine. I'm just going to try to equalize the time, but why don't you go ahead.

>> Sure. My name is Bryan King and I live next door to this property, just to the west. The Charles Lightsey house which the road was named after and if you've seen the staff report it was qualified as an architectural association and history. The landmark commission did initiate and recommend historic zoning for this 1932 house on the present lot that it sits on. If we could role this video I think it pictures - pictures are worth a thousand words. And you'll obviously notice some stark differences between this property and the adjacent property. The Lightsey house is there wrapping around it on what would be the east side, and it's that red roof in the lower. Across the street is psw's present developer, psw Lightsey 1 on 4.79 acres and they're putting 36 houses there. This property to the red roof house and now to your up screen is a four-acre parcel, and they're planning on doing 31 houses on the total of the four-acre parcel.

[4:54:49 PM]

What we're suggesting is saving the main house there, and if you notice there's a wing to the right there which was an apartment and there's a breeze way in between there that was another apartment. And those were put in in 1958 and we're suggesting those be removed and keep the main house that was built in 1932. Just to give you a flavor for the house. There is floor three driveways already existing, one for the apartment, the house and there's an easement next to it for an AT&T facility back in the woods there. I think you can go ahead and pull that one and go to my powerpoint. I think we've gotten a pretty good flavor for that. The powerpoint I probably would like to show you a little before and after shot of how our neighborhood has been scraped. I don't know the clicker. I don't have the clicker. This is before an aerial -- in 2013 and you will still see the little red roof to the upper left of the red dot there. Across the street is what the property looked like before development of psw. And here it is afterwards. If you notice, everything from Lightsey road going all the way to the north of the next road, which is cinnamon path, every one of those lots has been scraped and gone into 13, 15, six units, whatever. So radical difference in what's happening in the neighborhood. The original staff recommendation called for historic zoning. And this is the one that was formulated for the meeting in February 23rd that we had the ice storm and it was canceled, so that was postponed. So Mr. Sandusky's recommendation was to either postpone it or to go ahead and start initiating that case.

[4:56:54 PM]

So we have a couple of different recommendations and you might want to reconcile why that changed because the house didn't change, the historical significance didn't change, the people who lived there didn't change, but the recommendation for some reason did change. This is the original 1929 plat out of my abstract, as a matter of fact. The Orange one is the four acre place and the little square I drew in the corner there is where the historic house is. Across the street is the 4.79 acres that you saw that had already been pretty well scraped off. This subdivision was done in 1929. This was pretty much the first house built outside the city limits in the Theodore Lowe subdivision in 29. The lightseys were quite social. I've got handouts for you if -- you've already got them all. This would be your exhibit a -- no, B.

No, I guess I'm down to C. Charles Lightsey was a prominent businessman originating the first taxicab service in town. There were a number of statesman articles there and I gave you good copies so you can read it. Particularly there's an interesting ad that his taxis were 50 cents for one or two, thank you. That was snappy marketing, wasn't it? At one time the taxi fleet grew to about 75 vehicles and we thought Uber and Lyft created a shakeup in this town, but actually the Lightsey taxi company did because they put meters in their taxis instead of charging 50-cent. So it came before city council, there's a couple of clippings there that Tom Miller and they decided that meters in taxis were okay. Lightsey was obviously a very early Austin entrepreneur. When prohibition was abolished, he sized up the opportunity and started a liquor distributorship and very cleverly converted some of his taxicabs into delivery vehicles for beer. Here's a picture that I got from one of the Lightsey relatives that still lives in the neighborhood and this is what we call a photo opportunity.

[4:58:54 PM]

They went out in front of the capitol after prohibition, lined up three of their beer trucks and their staff to show you that prohibition was really over with. That's the falstaff Lightsey Carol trucks. And the relative that lived in the neighborhood said that Lightsey was a part owner of falstaff but I haven't dug up more than information on that. Mr. And Mrs. Lightsey were involved in the social scene. There's articles of Mr. Lightsey playing Santa Claus, charades. Social events and gathering. Charles Lightsey did pass appear an early age but his wife took over and ran the company along with daughter and son-in-law and it was quite unique for that time during the depression for a female-run business to carry on in Austin. And it was and it was successful. But it was pretty unheard of. Now, it's pretty important that we note that we are looking for a compromise situation. A compromise situation nobody gets what they want. We would like to keep the whole house there. We would like a lower density development, but this is not about whether the development goes forward or not. We need to separate that off to the side. The development going through, they are going to build homes there, but we would like to keep that house that's outlined in just the red and remove the hatched part, which is the added on 1958 apartment and the added on separate garage. And our land planner sketched up this one where we could have another lot accessed off Lightsey where there's an existing driveway to the north of the house or actually it would be to the west, but on the top of drawer your drawing and keep the Lightsey house and maybe put a garage to the side of it. And still develop the other lots just like they're laid out. So we're looking at a compromise situation and in your handouts it's number D where we show the removal of the 58 detached garage and maybe lose a lot, maybe two, maybe three, but we'll still be able to develop it for 26, 27, 28, 29 more units on what was formerly one house on four acres. It will take some fine tuning, but I know that psd is immensely talented and they can wiggle these lights around and have subdivisions and make a minor amendment to it and model this house and sell it at a premium because houses like this don't come along very often and people are interested in historically zoned houses.

[5:01:14 PM]

And the tax abatement that they would get I listened to your work session on Tuesday on how-- where would that money come from and the taxes and the hotel tax. Maintaining an historic house costs money. You have to -- you can't just go down to around 17 and buy a new set of windows. They have to be historically correct and get a certificate of appropriateness and all that stuff. So the money really dissolves in maintaining the exterior facade. It was noted that in our meeting with the planning commission that maybe the neighborhood was not in full support and a couple of neighbors had signed non-support. So I would like to mention the last 10 days of 100-degree temperature we took neighbors

and went neighbor to neighbor through the neighborhood and passed a petition and we have 275 people in support of zoning this historic. And the lion's share of them are within a 2,000-foot range of the house. We canvassed just around the neighborhood. This is the last house in our neighborhood. We had a Bradley house that got wiped out. Dr. Bradley a number of years ago. We did successfully about 15 years ago when I was president of the neighborhood association we got the Seymour Fogel house, but other than that in our neighborhood association with about 10,000 people there are no other historically zoned properties. And going against the owner's idea of doing it or not, this is a very abstract example, but what if somebody bought the paramount theater and wanted to tear it down? Does it have value beyond that that the community wants to keep this and therefore it should be zoned historic to preserve it regardless of what the owner wants to do? I'd say we need to vote this to some that's historic today, save this noble house.

[5:03:15 PM]

It's a compromise position. Let the developer build 27, 28, 29 houses next to it. Let's keep this one. After we've gone through -- we've had quite a row with how this subdivision came about. We initially thought that the property should have been done sf 6 and the applicant will probably show you some napkin sketches that we did on alternative layouts to do sf 6 versus a cut-through road. And doing it as a subdivision. So we looked at different ways and we took their drawing, which didn't have the historic house marked on it, and we just said here's some different ways to lay it out. Cut it out this way, run it through that way, napkin sketches, just brainstorming, nothing concrete. From the day one with the first meeting of the south Lamar neighborhood association and the Barton oaks neighborhood association, we pointed out to the developer we've got an historically zoned house here. We have people who were at this meeting. The agent and the applicant were not at those meetings. They weren't on board at that time. The engineer who is here was at a meeting that we had at the twin oaks library branch and we pointed it out to them again. So it's not a Johnnie come lately. It's not a stop this project. The project is going forward. Let's just give a little and save a really important house that's really important to a lot of folks in our neighborhood. Ty -- one last note. As far as precedence, Mr. Zimmerman, I can used to live in Travis heights right down the street. In 2009 almost the identical thing happened on 1312 nooning. And it was a big Victorian house with a lot of acreage around it. And the council passed a resolution whereby they zoned the footprint of the house and allowed everything around it to be developed. And that's exactly what we're talking about here. So there's precedent for that. And I'll pass this out to you also. Thank you so much.

>> Mayor Adler: Thank you. Comments? Ms. Tovo?

>> Tovo: Yeah, I'm glad you brought up that example because a few years ago that tract was developed and the historic house that Mr. King mentioned was purchased by a different owner.

[5:05:24 PM]

I know this because we looked at it when it was up for sale. It's a gorgeous place. The current owner did an extensive renovation and --

>> It's quite harmonious.

>> Tovo: Is really is a great example where a terrific structure was preserved, was restored and then the rest of the property was developed.

>> Mayor Adler: Okay. Property owner now. You also have 12 minutes.

>> Hi, good evening, my name is Casey Giles. I'm the engineer for psw real estate. This first slide shows where the house is. I think you're well aware, just east of manchaca road. This is the original home as surveyed on the property with the addition shown. You can see the wraparound porch on the side that

will come into play a little bit later. This is our land plan for the development that we've been working on for two-plus years now. The square just a rough estimation of where the home sits. You can see if you look closely we've done a lot of work with the city arborist to make sure that we have the lots and the road aligned so that we save as many trees as possible. We were able to save 17 out of 18 heritage trees. The one that we could not was in the road that goes through and that was something that we worked with staff on for a long time and city staff was in support of that because they wanted this connection, which was a whole different story. The drawing that was brought up, fails to outline the porch which under the current alignment would be in the road set back, building set back.

[5:07:33 PM]

And it shows a five foot set back on the back lot line, but you would need a 10-foot set back because the side lot set back would be five feet. But the other problem with this is that there's no garage, as was referenced, but not explored. There's really only two places to build a garage and it would be either in front of the house, which I don't think makes any sense, especially if you're trying to preserve the house because of its architecture. Or it would be behind the house, which would then be on that second lot of those two long narrow ones. What that would do, because she's are single-family attached lots they have to exist in pairs. So far the two long narrow lots have to be a pair. The units have to be a pair and they're connected by a structural element. So with the building of a garage on that lot it actually renders the lot next to it unusable. It's also too small a lot to be a single-family -- a standard single-family sf 3 lot. And then most of the lots along the block art minimum width. The ones that aren't were done that way working with the arborist to again avoid the trees and to make access to the lots possible. What this would result in is actually the loss of four to five of our units which would be smaller, much more affordable units, we're shooting in the 3 to 400 range. And then the addition of this larger, more expensive unit, the existing home, which I believe a remodel cost would be approximately twice as much.

>> Zimmerman: You just said three to four hundred what? Square feet?

>> Three to four hundred thousand, dollars, I'm sorry. And the significance is and the relevance is that the development across the street was referenced a number of times, one for the trees.

[5:09:38 PM]

I think this shows the effort that we go to to save trees that the other lot -- the aerial photo is very deceiving. If you've ever walked that lot or this one there's quite a bit of invasive growth of la guestroom China Barry, there are a number of trees that aren't hardwoods. So while the aerial photo makes it look like a jungle, a lush canopy, it's very different on the ground. So when you you're looking at the city criteria and the hardwood trees, there are very few on that site and there were a whole bunch on this site which we worked hard to save. The other side of the street also was a different product. It's a much more-- a bigger product, more expensive product. We went through an sf 6 zoning change on that site and it was a very difficult fight. Some concessions were made and we eventually were able to get the sf 6 zoning, but we didn't think that that was even going to be only possible on this site, on so there was talk of the sf 6 zoning, but that would have been fought tooth and nail. The historical association that was brought up, that's been debated a little bit. It seems to have fall especially a bit by the way side a bit. It talks about the property as a long-standing significant association with events or history, historic importance, contributes significantly to the history of the city or is significant portrayal of cultural practices of a definable group. I think you have a business owner who lived in the house for five years. He had a cab business for less than 10 years. His wife lived in the home for seven years. In the backup information if you read closer it says that his wife -- and it was his daughter, stepdaughter, it wasn't his

daughter.

[5:11:39 PM]

His wife and stepdaughter then ran the business for two years after his death and then when his wife died it was the stepson in law, I guess he would have been, that ran the business for the next five years until they went out of business. I believe by then they had also sold off the other piece of the business when he died, the distributorship. And then it was -- it was the stepdaughter and stepson in law that lived in the house for the next 50 years, I guess. This is one of the napkin sketches that was referenced earlier. As Mr. King said, -- now, I don't remember at the meeting two years ago them bringing up the historic importance of the house, but I guess if it was brought up it seems like they would have been aware of it when producing this sketch a year later. This as well as this sketch, sf 6 zoning, were printed multiple times during the preliminary process and there were approximately 50 people in the audience and nobody raised a hand to say there was an historic house at risk at that time. I think another thing to think about, that 50 or so people at those meetings versus this one is that at those meetings we were talking about connectivity and a road tying into a former dead end. And there were quite a few people there from the community, but we're here talking about an historic house and there are a lot less people. And I think what you -- what I feel is more of a united group of people against a development, against a developer. I don't feel that this issue and this historic importance was really ever one of the rain issues they every brought up nor was it mentioned in the historic commission case for community importance.

[5:13:52 PM]

This is a third drawing that was brought up as well. I think that overall I think it's just an understanding of the impact that this has on us. While it sounds like -- while it doesn't sound like much to say it's three homes, it would be 27, not 29, that we would be able to build, that's a loss of 10 percent of the project. And that is a burden increase of 10% of the infrastructure we have to build per home. So if you're building a million dollars of infrastructure and then each home is now responsible for 10 percent more of it than they would have been. So these things, they add up. So again, three doesn't sound like a lot until you put it in perspective of the overall project as a percentage. I mean, I think 10% loss of anything is something that you feel and something that gets reflected in the affordability and the development as a whole. Thank you.

>> Mayor Adler: Hold on a second. We have a question. Do you want to ask a question before the owner speaks?

>> Zimmerman: Well, I guess the owner.

>> I just had a question about the time. Did you mean -- we have three speakers and the neighborhood also has other speakers.

>> Mayor Adler: That's fine. Both sides will have more officers speakers to speak. This is just kind of an opening statement. Mr. Zimmerman, do you have a question?

>> Zimmerman: Maybe you don't know the answer to this, but I'm hearing that the community wants to keep the house. Have they offered to buy the property from you?

>> No.

>> Zimmerman: Okay. Has anybody from the neighborhood, if this is really, really, really valuable, have they offered to pay you the difference that you would have from the lack of development space?

>> No.

>> Zimmerman: I represent district 6, northwest Austin, and I've only been in Austin for 16 years. I've never heard of this property. I'm thinking probably 99.9 percent of my district don't know this property

exists.

[5:15:53 PM]

So I just want to make, I guess council aware -- I know this is in councilmember kitchen's district, but I'm really struggling to understand this whole thing.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: I'm sorry, yes, first Ms. Houston, you had a chance -- Ms. Houston?

>> Houston: Thank you. I heard you say something about a crash date and that reminded me of -- crash gate and that reminded me of something that we voted on early on in our time here. Can you help me remember what that -- how that relates to this property or the other properties, the developments -- does it relate at all? Because that's the only time I've heard about the crash gate.

>> It does. It was something that we worked out, the preliminary plan was approved with the street connecting. That was something that was very much supported by city staff.

>> Houston: Can you put a map up so I can see where we're talking about.

>> If you can put the presentation up. So at the south end of the property, which is on the left toward the bubble and dead end, a crash gate -- after the preliminary plan was approved with the street connecting through, which is something the compact and connected. And a lot of work with the transportation department and folks at one Texas center. That got approved and then later on I believe it was requested that that not connect. And I think council was given the opportunity to vote and passed a resolution to put a gate at the south end of that property that would be only for emergency vehicles.

>> Houston: Okay. Thank you for helping me remember that.

[5:17:58 PM]

>> Mayor Adler: Further questions of the applicant? Ms. Kitchen.

>> Kitchen: Thank you. Okay. So councilmember Houston, just as a reminder, the crash gate was a completely different issue and it was agreed upon by all parties, the neighbors. It was one of the things that was agreed upon by all parties, including the developer and the neighbors. And it was just a piece of the development that we approved going forward. It's not relevant. It's not at issue here and not relevant to the historic home. And it was not part of the -- as you know, we all sat down and reached agreement on the crash gate and at the time that we did that we said that the issues related to the historic home were a separate issue.

>> Yes. That was a separate compromise from anything else, that's right.

>> Kitchen: Okay. So here's my question. My question is I'm just wanting to understand you had mentioned the importance of the affordable units. And you know that we all -- that's something that's important to all of us. And I think we can appreciate the work that psd is doing around the city to help us build more affordable units where it's possible. So in this particular neighborhood can you help me understand? I think that there's something like 50 or 60 affordable units that you've already -- that you will be building and this is the third, the second or the third area along this street, along Lightsey street?

>> This is our second project on Lightsey.

>> Kitchen: Second.

>> Yes.

>> Kitchen: Isn't there another one?

>> The ones across the street are not -- they're higher priced homes. Five to six hundred, I think, with one that was eight hundred because of unique conditions. And then there's a project on Thornton road that we're doing some affordable units on. But those are apartments, not homes.

>> Kitchen: So what's the total number of units that you're building in this area?

>> Homes, we built 35 across the street.

[5:20:00 PM]

We're hoping to build 30, maybe 27 on this property. And the apartment units on Thornton.

>> Kitchen: Okay. So if we were to conclude that this home had value to the neighborhood, we wouldn't be talking about a 10%, we'd be talking about a much smaller percent if you think about all -- all the homes that you've added in this neighborhood, if you look at all those developments together. So I think that that's important to understand because this particular home is important to the character of the whole neighborhood. So let's see, I think I had another question.

>> Can I address that real quickly?

>> Kitchen: Sure.

>> Concessions during the sf 6 zoning across the street concessions were made as well. Number of units was one of those. So I think these things become additive. I think you're right that when you look at a number and you look at a big number of how many houses there are, you look at a bunch of things together, but what happens is you have these types of bites taken out of every project and you have them multiple times so they become cumulative. And I believe it's much more than just three out of 100 and whatever. I think that again similar situation happened on the project across the street where compromises end up being made and number of units are decreased there as well. So again, it's additive.

>> Kitchen: Yes, of course. I'm just thinking in terms of did -- what's before us today is the question about the historic value of this home. And one of the criteria we're looking at is the community value, which has to do with the value that the Lightsey home that's on Lightsey street has to this neighborhood.

>> Yes.

>> Kitchen: And that's a value I think and I think the 275 people, whether they're all here or not, I just have to speak to that because you made a statement that I just hope that you understand that the fact that all 275 people aren't here doesn't mean that this is not of value to them because they did sign a petition.

[5:22:08 PM]

So I'm just hopeful that psw understands that what appears to be going on here is a proposed compromise. And I had hoped that we could reach that compromise here also. But it appears that that's not the case. So let's see. I wanted to ask you one other question. I think that councilmember Zimmerman had asked you whether or not the neighbors had offered to buy or pay for the property. If it were to be zoned historic, would you then -- you would be able to sell it, would you not?

>> Yes.

>> Kitchen: Okay, thank you.

>> Houston: Mayor, I have one more question. I'm not an engineer like my colleague to my right, but looking at -- again, we don't have anything up. Somebody asked about a garage. I guess that's important to -- could the house be saved and repurposed if there was a space for a garage?

>> Well, you would have to build a garage or some type of parking for the house. And doing so some front of the house doesn't make any sense.

>> Houston: No.

>> So doing so behind the house is where that would need to go and that would then encumber an additional lot as is shown on the sketch.

>> Houston: That is the distance between the little zigzag lines and the green line? Could it be built to

the side of the house? I don't have an orientation here so I don't know what is the front and what's the back.

>> The front would be to your right, north is to your right. So the back of the house I have an arrow that's pointing that says it needs a 10-foot set back and a garage. So that would be the back of the house. Everything that's hatched is an addition that would be removed, which everyone agrees upon, but it would have to be -- a garage would have to be built somewhere, some type of parking area, parking structure.

[5:24:16 PM]

And so the place to do it would be behind the house.

>> Houston: It could be to the west, I'm guessing that is, west.

>> If you mean up to the west, you couldn't -- I guess you could push that other property line farther up and build a garage up in that area. You would still have to shift the other narrow lots over. You would have to shift -- when I measured an approximate measure of that lot putting the garage toward is exactly 57-50 square feet that would have to be worked out because that's the smallest allowable. So if you had to move the lot line anyway you would have to figure out a way to make that bigger somewhere else.

>> Houston: Just trying to help us come up with a compromise.

>> Tovo: Other questions? Councilmember kitchen. Councilmember Casar and then --

>> Casar: I'll follow.

>> Kitchen: Just a quick question about the garage. So I'm sorry, is that required. Are you saying that a garage is required?

>> It would either be garage or some type of parking structure. I guess a carport.

>> Kitchen: Would the council have an ability to give you a variance on the garage? Is that one of the concerns? Is that a zoning requirement?

>> I don't know if zoning requires a covered parking space. I know it requires I believe at least two per home. So if the idea was to have the cars out in front of the house, I guess that could be done. That would be where you would park them, I guess, if you didn't build a garage and didn't encumber the other lot.

>> Tovo: I think we should ask that question of Mr. Guernsey. Mr. Guernsey, there's no requirement that there be a garage. They just require parking spots.

>> The city's parking requirement was established in 1955. So the house would predate parking requirements. So the historic house, even though it has a garage, is not really required to have parking because it predates our parking requirements.

[5:26:23 PM]

>> Interesting.

>> Tovo: Mayor, councilmember Casar I believe has a question.

>> Casar: [Inaudible].

>> Mayor Adler: Anything else?

>> I guess I wouldn't like a house without a garage, is just my --

>> Kitchen: I just wanted to establish --

>> It is possible to sell the house with no garage.

>> Kitchen: Right. And you wouldn't have to build a garage, which means you wouldn't have to take as many of our other lots.

>> Right. You would put a driveway in front of the house and people would park in front of the house or

along the curb.

>> Kitchen: So in that scenario, am I looking at this correct, you would be losing how many lots? Two?

>> We would lose at least two, maybe three depending on if we were able to -- again, the back set back is still not enough. So we would have to move the set BAC -- we would have to move those narrow lots over, which would kind of cascade through the rest of the development.

>> Kitchen: Okay. Normally on this whole lot you would divide it into five, is that right?

>> As of now, yes, we had five. So what we'll be doing is -- if you're able to -- you would be losing, I guess, three of our proposed units, maybe four, and replacing it with the historic house. So it's a net of two to three, but one of which I don't think would be -- we'd be lucky to sell it for what we had to put into it.

>> Kitchen: I guess I'm not seeing that.

-- I'm not seeing that. I would see that you would lose the three. I'm not seeing you would lose any more than that.

>> The lots are a minimum width. So I can't move that one lot line without having to move a bunch of others. And then I would have to -- the long narrow ones?

>> Kitchen: Oh, okay.

>> Casar: Mayor, I do have a quick follow-up question. This is actually I think for Mr. Guernsey, just to follow up for her question about the minimum lot sizes there. Do we have the ability to do a variance if we so chose to allow a substandard lot or two on the side of this house?

[5:28:36 PM]

I imagine it's not in the posting language, but in the future.

>> Well, you could certainly seek a variance from the board of adjustment for -- that would be one route of doing it. I frankly don't know enough about the exact layout of the subdivision of how much room he has to make it any narrower. He does have a minimum lot width requirement and I understand he has designed this to meet the minimum lot standard requirements. So you would have to almost approve a special ordinance that would deal with this tract and I would probably want to converse with the law department. I think that's a very difficult thing to do.

>> Casar: That's helpful, thank you.

>> Mayor Adler: Any more questions for the applicant? Any more questions for the applicant? I would like the preservation officer to come back up here before we go to the community. This is a tough one for me. And I need -- I'm looking for help and guidance and so I'm going to ask some questions and I'll go through some issues that I'm wrestling with here.

>> Okay.

>> Mayor Adler: You're the preservation officer for the city.

>> Yes.

>> Mayor Adler: And it's your job to ensure that the ordinances that we have are applied in order to preserve what is so special about the city that it should deserve this kind of extra protection. Is that right?

>> That's correct. Mature and I just want to make sure that we do this in way that protects the integrity of that process. So that it is -- it is perceived as being legitimate and real. I notice that there's no recommendation that comes from you in this case. I want you to explain to me why you don't have a recommendation here.

>> I had a neutral recommendation. And at the time that the case was filed, as I said, there was -- it was clear that the house has architectural significance.

[5:30:43 PM]

I was worried about the historical associations. I think when the landmark commission heard the case and the folks from the neighborhood came out, then the community value is a second criterion that the commission can use. I just did not change my staff recommendation.

>> Mayor Adler: And I'm trying to find out why. And I'm trying -- and I want to understand better the architectural as well, again, because this is an ordinance that's supposed to protect things that are uncommonly special, of significant historical purposes, of significant value that we should protect them. And, again, I'm troubled -- I'm troubled with no recommendation. So I want to stick here for a little bit on it. We have someone who is -- has history of a business involve. It's been described two different ways. We have someone -- and I'm trying to figure out the rules that I should be adopting as I move forward so I can apply them uniformly. I'm trying to use this case to determine what is the standard for finding historical significance, not just in this case but where do I draw the bar as I'm hearing these cases over the next however many years? I want you to talk about the historical significance of this property and that context.

>> Okay. The historical significance is based upon the people associated with the property. And I had -- I had reservations about this one because the people who are -- who are the most significant in the history of the community had a very short amount of time here.

[5:32:46 PM]

Now, believe me, I also struggled with this, big time.

>> Mayor Adler: Well, talk to me about those rules. Not so much this house. I mean, I'm trying to learn what the rules are that I should be applying.

>> Okay.

>> Mayor Adler: Not just to this house but to other houses.

>> All right.

>> Mayor Adler: Because -- and that's helpful. So duration of stay in the house is one of the factors that you look at.

>> Yes, sir.

>> Mayor Adler: How does this house relate to that criteria as you would apply it across the board?

>> Well, the criterion requires that the folks who are significant to the community have a significant association with the house.

>> Mayor Adler: And in your mind as we're looking at hundreds of these cases around the city, or dozens or however many we might, how does this duration relate relative to the ones that you've recommended in the past, say, because of --

>> Well, it is a case of longevity. And we have a lot of houses in the city where someone significant may be associated with it, but it wasn't -- your honor, they were associated with another house for a lot longer. Now, these house couldn't have another house because they passed on. But it's really a matter of looking at the significance of their association. Did they define -- or did this building -- is it defined by the association with these particular people. Longevity is really the best way, probably the easiest way of looking at it.

>> Mayor Adler: And how does the longevity in this house compare to the longevity of other properties you've recommended?

>> Well, this is shorter, which is the reason that I had so many struggles with the recommendation.

>> Mayor Adler: When you were asked about community values earlier, I was unclear as to what you were saying or what you were feeling.

[5:34:46 PM]

I mean, I felt like there was additional information you had to share with us, but were not, and again, I'm trying to learn with this. Because what we do here becomes a precedent, and I want to be consistent over time with what --

>> I agree.

>> Mayor Adler: So talk to me about that.

>> Community value is something that is defined by a property's unique location or character or place within the community or neighborhood. And when this case was first presented to the landmark commission, we -- I presented it as architectural, under the architectural criteria. Since that time, there has been an overwhelming showing of community support for the designation of this house as a landmark, so that is why I'm presenting that to you all as an option, if you want to -- if you want to go the route of designating this as a historic landmark. Community value I think is something that the neighborhood has been able to show to you.

>> Mayor Adler: Now, when this was initially offered community value, why didn't you raise community value when you initially brought it up?

>> I was more concerned at that point with the historical associations.

>> Mayor Adler: Shouldn't you have been aware at that point of the community value?

>> Well, community value is something that develops over time. And it is something that the did the at the time of the hearings, you could see how many people feel strongly about it, and that they demonstrate the -- that the criteria -- criterion is being met. So community value is not something that -- generally that I would recommend at the very beginning because it takes a showing by the folks in the community to say this house is important to our neighborhood; this house has a prominent and unique location in our neighborhood.

[5:36:58 PM]

We want this saved. That's where it comes in, it's not from the outset, sir.

>> Mayor Adler: Okay. I understand that this property has a valid petition on it. Is that correct?

>> That is correct.

>> Mayor Adler: Explain to me the rules of valid petition. Is that a question for you or is that a question for Greg?

>> Valid petition as the owner has filed a petition against the proposed zoning change, that the landmark commission is recommending to you, so that would require a super majority vote at the council to change the zoning against the owner's wishes.

>> Mayor Adler: Okay. So we have two different ways that the valid petition is established. Is that correct? What are the two ways?

>> The valid petition is either the owner, say, this is a single owner saying I don't want a zoning change on my property, or a valid petition can come about from neighbors of a property that constitute 20%, but we don't want a zoning change on this property that's not ours.

>> Mayor Adler: Why does the city -- do you know why the city provides for a valid petition? Why we say in certain instances we're going to require a super majority in order to do something? Greg?

>> Greg Guernsey, planning and zoning. It's actually given to us by state law under the Texas local government code, there's a section under 211 that prescribes two ways that requiring a vote of -- 3 quarters vote of the city council in this case to override a petition, and the petition could be one made by the owners of the property, in this case the owners have filed a petition, or those within 200 feet, 20% of those owners that represent 20% of the land within 200 feet can file a petition.

[5:38:58 PM]

Our zoning regulations mimic state law in that respect, and under chapter 25.2, there's a section that has similar language that matches state law.

>> Mayor Adler: Do you know why -- what the policy reason is behind requiring a super majority to act in certain instances?

>> I think that goes probably back to the standard zoning enabling act. When the state started to create powers of zoning back in the '20s, and it was adopted by Austin in 1931 in April, these regulations had pretty much stayed the course since that time and look out for the private property owner's right, that the city is not coming in and overwhelming the property owner, and it would have to form a higher test by the local government to go over the property owner's wishes.

>> Mayor Adler: So in an instance where we have a valid petition, and we've had several that have come before the council, in what instances from a policy standpoint would you think that this council should override? Most of the time we see a valid petition that comes from the neighborhood. But however it comes, so that I know, again, in future instances, because I'm again trying to come up with a policy that I can apply consistently, could you tell me in what instances, from a policy standpoint, you think it would be appropriate for this council to override a valid petition?

>> Well, that goes back to the public good. You being council set the policy for the city and make determination whether this is an appropriate land use or not. In the end, regardless of that property owner's wishes, the state law also sets out in that same chapter that historic preservations of the public interest. So in addition to, you know, uses and heights and setbacks and using the the development standards, historic, preservation is found by the state as being one that is of value to the city.

[5:41:09 PM]

So when you come to the table and make your decision to vote yay or nay on a zoning case, one of the things that you're considering beyond use, beyond setbacks, those things of height and bulk of buildings, one is historic preservation.

>> Mayor Adler: Here's my question. So if a Normal zoning case comes before the council, not this case, when I'm casting my vote, I'm casting for what I think is right for the city in terms of zoning. Is when I'm presented with a valid petition, should I apply the same criteria or should I apply any measure of heightened criteria?

>> I would hope you would apply the same criteria, then you would take into consideration that valid petition because it's basically heightened the importance of your decision. You know, these zoning decisions aren't taken lightly. You think about the plans that we have in place, like imagine Austin. You think about our zoning regulations, our compatibility, you know, Steve spoke to and you asked about the values of the community. That's part of the decision in making the determination of zoning, for historic zoning cases. So I think you use the same criteria when the property owner presents you with a valid petition or those that present you a valid petition by adjacent property owners that have interest in what happens next-door to them as set forth in state law and city ordinance, you're looking at the same criteria, but probably taking an extra special look at be this because it forces all of you to make a decision that will be over the wishes of the property owner or those adjacent property owners that have voiced their right as citizens on these cases.

>> Mayor Adler: Okay. Thank you. Any further questions for staff?

[5:43:10 PM]

Mr. Zimmerman?

>> Zimmerman: Yes. I'm still struggling. I never heard answers to your questions. Sounds like you asked

four, five, or six times, looking for some objective criteria, you know, for the length of stay somebody needed to be or an objective criteria that constitutes someone's, you know, significance to the community, and I am just grasping -- I can't find anything that's really objective. We're being asked as a council to judge whether, you know, someone that owned the house was of significance contribution to the community?

>> Mr. Mayor?

>> Zimmerman: Help me find any kind of objective criteria. Is it ten years that somebody had to live there? 20 years? If they owned the business, did the business -- what objective metrics does the business have to have? Does it have to not go bankrupt? I can't find anything okaytive about this.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Well, I appreciate that question, councilmember Zimmerman, and that goes a good question. When I have those kinds of questions, I go back and see what the law says, and unfortunately, what we have here when we're looking at historic criteria, we have five criteria, so that's objective, what the five criteria are. But then the problem is applying the criteria. And -- which is something that, you know, some other councilmembers have raised some concerns about how we do historic zoning in the first place, and, you know, that might be something to consider. But what we're confronted with now, five criteria, that part is objective. Applying it is subjective to some extent, and perhaps the most subjective is the community value, and that is one of the five. And so, you know, the language just says: A significant feature that contributes to the character of the neighborhood. And so what we have from the neighborhood is concerns about the Lightsey home on a street that was named for that family in the middle of a neighborhood that doesn't have any more of these historic structures.

[5:45:21 PM]

And, so unfortunately, it's subjective at this point.

>> So one last question.

>> Mayor Adler: I think as Ms. Kitchen just did very ably, we have to look at the criteria that are set out in the statute. There are five potential criteria to find historical significance. Are we supposed to find any one of five or two of five or three of five? What are we supposed to do?

>> It is two of five, Mr. Mayor.

>> Mayor Adler: Okay. And the criteria, the five criteria -- what are they? They're --

>> Architectural significance.

>> Mayor Adler: Yeah.

>> Historical associations, community value, architecture, or landscape feature.

>> Mayor Adler: Architecture, archeology?

>> Archeology.

>> Mayor Adler: Historical association.

>> Correct.

>> Mayor Adler: Landscape features?

>> Right.

>> Mayor Adler: Or --

>> And community value.

>> Mayor Adler: Community value.

>> Yes, sir.

>> Mayor Adler: We have to find two of five.

>> Yes, sir.

>> Mayor Adler: Thank you. Yes, Ms. Troxclair.

>> Troxclair: And the two that have been, I guess, identified or approved by the landmark commission

are community value and architecture.

>> That is correct.

>> Troxclair: Okay. So going back to the mayor's question about community value, so is that -- are these requirements only -- would those same requirements be necessary in like the case that we had previously today, where a property owner is asking for the historic exemption, or is it only when there's a demolition permit that is opposed?

>> They apply to every case, whether it's owner-initiated or owner-opposed.

>> Troxclair: Okay. Do you think the level of -- you said in this case the community value developed over time, that you didn't necessarily see the community value when this case was first brought forward.

[5:47:23 PM]

>> That's right.

>> Troxclair: So do you think that if this property was purchased by an individual who came to the city council on their own, wanting to restore it, wanting a historic exemption, not wanting to demolish the property, do you think in that case you would have found community value?

>> No, community value is definitely something that we usually find on the -- after the public hearings, during and after the public hearings.

>> Troxclair: Okay. So community value came because of the fact that it was a developer who was wanting to develop the property and demolish the house, but in a different case where it was the property owner wanting the exemption, you don't think that the community value would have been there.

>> Well, I think -- I think we'd have to really look at that case for, you know, an owner bringing it in. Because a big part of my job is when folks come in and they have applications for historic zoning. I have to make a decision whether the case is going to be successful.

>> Troxclair: Uh-huh.

>> And I would really have to give some serious thought from the other end of the stick, so to speak, as to whether this house met the historical associations.

>> Troxclair: And how often do applications, I guess, that come before the historic landmark commission -- like what kind of general percentage? How often do they approve applications, rather than deny them?

>> For demolition permits?

>> Troxclair: Snow, just for any -- for anybody applying for --

>> Anybody applying?

>> Troxclair: Yeah. Generally, do they approve most of them?

>> They recommend most of them. But as a caveat, they're not going to make it to the landmark commission unless I can say that this is a good case. I'm not going to bring a bad case to the landmark commission because these cases are very expensive to file.

[5:49:27 PM]

>> Troxclair: Okay. So one last question. So going back to the five criteria. So there is not -- it doesn't sound like there's a higher bar when the property owner is opposed. There's no higher bar that needs to be met, that, I guess, hinges on the property owner's approval of the historic exemption.

>> No, the criteria plans to, whether the property owner files the request or they file a demolition permit and the landmark commission initiates the historic zoning case, the criteria is still the same.

>> Troxclair: Okay.

>> They're applied uniformly across the board.

>> Troxclair: Yeah. And I am struggling -- I'm struggling with that because, you know, I think -- I mean, as you said earlier, you said there was -- you said something to the effect of, we're taking a property right from the owners. You know, they're giving up a property right.

>> Right.

>> Troxclair: When we were talking about the case that we talked about a couple hours ago.

>> Right.

>> Troxclair: And in that case, those owners were willingly giving up that right.

>> Uh-huh.

>> Troxclair: But when we have a case where the owners are unwilling to give up that right, it's a really difficult thing for me to overcome.

>> Which is why we can offer them the incentive of the taxes incentive.

>> Troxclair: Sure.

>> To help them through that decision.

>> Troxclair: Right. But these property owners would have access to that same incentive, and they're still not -- they're still not supporting --

>> Right.

>> Troxclair: The exemption.

>> Mayor Adler: Let's go ahead and get to the public debate. Ms. Tovo.

>> Tovo: Thank you. I have another question for Mr. Sadowsky. Do you have a sense why the street was named after them? To me that would certify significance.

>> I do not.

>> Tovo: Okay. I haven't been able to find that either.

>> I haven't been able to find anything.

[5:51:29 PM]

It sure is coincidental, but I don't have any concrete prove.

>> Tovo: I heard one of the speakers say it was named after the Lightsey family. I'm just wondering what the criteria were for the city naming the street Lightsey after the family. Clearly there was a decision at some point that he was significant or the family was significant in that area.

>> Well, generally the street names are set out in the subdivision plat. So the city actually wouldn't have between an actual role in this, necessarily. I mean, that would have been something when the subdivision plat was filed, there would have been setting out the street names on that. So -- but I don't know -- I mean, I can't give you concrete proof of that.

>> Tovo: Okay. But it still -- then in any case, when the streets were assigned names, that family was already significant enough in that area to bear the name of the street, even though it -- there were other families in the area. Okay. Just to clarify, your initial recommendation when you made it was based on architecture and historical associations.

>> That was a draft. That was a draft. Yes.

>> Tovo: Okay. Help me understand what you mean by a draft. It looks to me -- the document I have in front of me looks like it was what was presented to the historic landmark commission.

>> No, ma'am, it was never presented. That never became a public document. That was a working copy.

>> Tovo: I see. Okay. All right. Thank you. I know this question about the length of association, as I recall, came up in the discussion about the Mary Freeman Baylor house and that was one of your reservations about recommending that for historic designation, as I recall.

>> Yes.

>> Tovo: And we had a lot of discussion in the -- within the -- among the council, but also within the community because there are -- I believe the point was made that, you know, even the national

standards are silent on what length of -- period of time qualifies somebody to be associated with that house.

[5:53:45 PM]

In that case, this was a house in Clarksville, it was a woman, as I recall, who helped found the Clarksville CDC, community development corporation. She was integrally involved in that community, that understand there were many people or at least some very strong voices, even though she had only lived there about ten years, that she was extremely significant to that community. And as I recall, Andrew Jackson, I think, only lived in the hermitage for 15 years. I'm not sure there are any locally or nationally established standards for what length of time associates somebody with that. It qualifies as a significant association in terms of the length of time. I think that's really a call we need to make, based on how -- based on whether or not, you know, we believe it meets that historical association criteria. And as you point wanted out, there are other criterion as well -- or other criteria as well, including the ones we've discussed, architecture and community value. Thanks.

>> Mayor Adler: Thank you. We'll go to --

>> Tovo: I should say, too, just by way of -- that was never -- I don't believe we ever voted finally on that. It was Braun or something like that.

>> That wasless withdrawn, yes.

>> Tovo: At that point.

>> Just one clarification. On the community value, I just wanted to clarify, councilmember troxclair had asked a question about community value. Did I -- am I understanding that your process is that you as a staff person don't make a decision one way or the other on community value because you don't have the information? Is that correct? And that's why it comes out at the commission?

>> That's the general course, yes. I mean, 99% of the cases that come through, the two criteria that are being met from the get-go are architectural significance and historical associations. So community value is something that is more of a commission decision than it is a staff addition.

[5:55:50 PM]

Staff -- than a staff decision.

>> Kitchen: Thank you.

>> Mayor Adler: Thank you. The first speaker we'll have from the public is David king.

>> I donate my time to Brian.

>> Mayor Adler: You're donating your time to who?

>> [Inaudible]

>> Mayor Adler: Okay. Then Glenn Coleman. And you have adopted time from Kevin Ott.

>> I'm --

>> Mayor Adler: Hold on one second. I'm confused about the time because you have three minutes for everyone donating your time. I'm trying to figure out how many people are donating you time. I have Kevin -- Kevin Ott. Is Kevin here? He's donated time so that would give you six minutes. And that's what you understand? Okay. Go ahead and start.

>> Then we have one for his own three minutes.

>> Mayor Adler: We have several other people. We have 15 people who are going to immediate to talk. I'm probably going to try to go back and forth as best I can.

>> Thank you, councilmembers, thank you for a very late night and for your time and attention here, and it's deeply appreciated. I want to address two things. I think councilmember Houston's question is related to the mayor's question about planning commission, what happened to you there. Planning

commission had seen this case several times. We're very familiar with the site. Planning commission knew that this developer had made a series of compromises. Those commissioners knew, having seen this case over and over again for almost a year, or, they knew how good a job this developer had done in preserving the trees. We have a letter from the heritage foundation saying good job, preserving those heritage trees, and the commission knew that. The commission knew my developer had worked with Ann kitchen's office maybe against their better judgment, to allow that gate there to shut down that connectivity, and they knew that was part of that conversation.

[5:57:54 PM]

They knew that future conversations like historic zoning were very much tied to this idea of we're going to help the neighborhood, we're going to solve the one big problem, then we'd like some cooperation coming later. So they had seen that before. They knew that my developer had not asked for sf 6, that sf-6 had been discussed. My developer had stepped back from that density and gone ahead and stayed with the sf-3. So they were aware of these things. And I left a package up there for you a little bit earlier. They even made some comments to the neighborhood saying, you know what, we've seen you here before. We thought this thing had been laid to rest. I believe the term bait and switch was one of the commissioner's exact words. What essentially is happening here is that the commission, the landmark commission is asking you to trade a -- to trade three houses at about \$350,000, and I know -- apiece. I know that's not affordable housing, but it is attainable housing for a working couple. They're asking to trade that for one 850, roughly,-thousand-dollar house. For psw to take this house, we store it, put it back on the market, it's going to come just under a million dollars, 8 hurl, 900, it will be expensive. It will not be a house families can buy to walk to Austin Richard/, with children or grandchildren playing in those trees. I've seen every one of you on this dais fighting for families and affordability. Well, fighting is a tough choice. In this case, if there were the paramount theater, councilmember Zimmerman, I think it would be easy, we'd know what community value meant. I think it's pretty clear. But I appreciate the lightseys. I don't appreciate having the burden of proof to stand here as a defendant in this case and tell you they weren't that historically significant. They were wonderful people, great people, they were hard working entrepreneurs. They were exactly the kind of people who could not afford to live in the house that you're being asked to create here tonight.

[5:59:57 PM]

They couldn't afford it. If you want to honor them, let their story move forward. Let Lightsey house become Lightsey rich, let a lot of children and families live there. I don't think you're going to honor that entrepreneurial, scrappy, post-depression spirit by turning their former house into an \$850,000 mausoleum. I don't think that's a way to honor the community value. I've left you some material in some of this community value that came up suddenly. That's exactly what happened. The neighbor, a significant portion of the neighborhood negotiated in good faith with my developer saying, we're here in good faith, solve the connectivity problems and we'll go home, and they left. And the two leaders who were negotiating connectivity at that time, in the account park land I left you, Steve Browne and victor Ramirez, both on wrote letters in support of this saying basically we got what we want, we're here in good faith. We've shut down connectivity, we appreciate that and we're stepping back. Then a remainder of neighbors, a small handful of neighbors in proximity to the house continued on with the historic zoning case. And I think my developers made a long series of compromises, a very -- 18 months' worth of compromises. We're ready to put this thing to rest. And I don't think it's good faith to ask anybody at this time in our city's history to trade probably three units in the mid 300s for one unit at 850 to 900 K. It's not a good sell for Austin. That's not a community value. Can I take my questions?

>> Mayor Adler: Any questions? Mr. Zimmerman.

>> Zimmerman: Yes. But you're illustrating my point. You're talking about a set of community values and I am kind of following your argument. Somebody else says, no, no, no, no, that's not community value. Our idea of community values is community values. And that is what's so frustrating, just to be so arbitrary about this. Many whose community values? Yours or your opponent's? It just seems like an impossible decision to ask an elected body to make.

[6:01:57 PM]

I'm still frustrated with it. But thank you for the explanation.

>> Mayor Adler: Any further questions for this speaker? Ms. Troxclair.

>> Troxclair: What is -- you mentioned the bait and switch comment at the planning commission, and I see that in this Austin monitor article. What was the context of that? What was the bait?

>> The context was that the planning commission felt like we had all worked hard to solve the connectivity issue, and that this matter of Lightsey had been laid to rest. They were not -- with some of the commissioners, were not pleased to see the item return now as a historic zoning item where a small group, a group of neighbors, was petitioning the landmark commission to have the house zoned historic. They stated to me that it felt to them like they had gotten what they wanted and then now we're coming back for seconds. And that was not appreciated, particularly by commissioner hasfield who had spent hours at this point on the connectivity issue.

>> Troxclair: So they thought when the decision was made to install the crash gate --

>> Correct.

>> Troxclair: And close off connectivity on that street, that that was the compromise.

>> Correct.

>> Troxclair: Okay. Thank you.

>> Mayor Adler: Any further? In the kitchen? Your speaker.

>> Kitchen: The first application for historic zoning was in February, was it not? Oh, I won't put you on the spot with that, but I will just say that the first application for historic zoning was well Mr. Any discussion about the crash gate. I would also like to say that it was very clear to you and your clients when we sat down and discussed compromise, because I was in those meetings, that we were segmenting off those question, and the question of the historic home was not a new one.

>> No, ma'am. As I stated in my letter, my clients viewed this holistically the whole time. It could have been watershed detention, it could have been the tree issue, could have been the historic zoning issue, but if you think about that, if you pause and reflect, part of the motivation for them to make the very bad -- in retrospect, not so wise decision to get the connectivity was in the hope to lay the matter to rest.

[6:04:15 PM]

If this is an opportunity for you and your office to work with all of us together to do that, they were willing to take that step back and work with you.

>> Kitchen: Okay. Well, this is not the place and I'm not going to drag the rest of the council through this, but you and I had specific questions --

>> We did.

>> And I had discussions with your clients that we were segmenting off those two issues and the historic home was not part of that discussion and it was going to run its course.

>> Mayor Adler: Okay. Anything further for -- thank you, sir. The next person we're going to bring up here will be Hillary deyer. Is Virginia fleck here? And you've donated your time? Okay. So you have six

minutes.

>> My name is Hillary deye re. I live at 1705 Lightsey road. On April 3rd, 2013, we met with psd for the first time regarding Lightsey 2. We asked psd, I asked, specifically, if they were aware that this was the historic Lightsey family home, and they said no. I was surprised, really, that psd had not done the research on this. We asked if they were going to save the home -- excuse me -- and they said no. And Mr. Deepen brach showed no interest in preserving anything on the property and really didn't want to discuss it any further. Is disheartened to hear that because I was hopeful they would share our interest and concern for the house. We've actually been concerned with this house for years. Psd was not the first developer to look at the property and was not the first that we talked to about saving this house.

[6:06:18 PM]

So nearly two and a half years later, here we are. Let me summarize what you've been hearing this evening. To qualify for historic zoning, the property must demonstrate significance in at least two of these five categories. Now, there are no archeology or landscape features of interest on this property, but of the remaining three, we feel this property meets all three of these criteria. The property must demonstrate significance in at least two, but, in fact, we think it meets all three. The architecture criterion has been met. Let me paraphrase historic landmark commission myers from March 23rd. It may not exactly resemble Tudor architecture in England or new England with things like dormers, the porch or metal work, but it resembles the style here and it's exceptional example at that. In terms of historic associations, we believe this, too, has been met. You've heard and you will hear some of the lightsey-russell family struggles and successes. You'll note the way this criterion is written, there are two bullet points, at least one of these has to be met. We're not really arguing so much about the first one. The lightsey-russell family were not historically prominent in the sense that you don't see their name around town on buildings, in the arts, on churches, cemeteries, things like that. But there is no question about the second point. There is no question that this family represents a significant portrayal of the way of life of people in Austin during the great depression. The community value criterion has been met. This house is a very technique and prominent location within the neighborhood. It's a very recognizable house. Everyone passes by it and knows it. It sits on the highest hill in the neighborhood. It's a significant feature that contributes greatly to our character.

[6:08:22 PM]

Were to give you a better perspective, here's a Google map showing boundaries of south Lamar neighborhood, and the red X in the middle there shows the location of this house. This map shows all the development projects that have been built, are currently being built, or there are a few on here that we anticipate happening in the near future. South Lamar is ground zero for infill development, significant, significant, dense development, where single homes are being replaced not just by a mack mansion or a duplex, but single homes are being replaced with multiple units, six, seven, eight, nine, ten, or even more units. There are very few, if any, neighborhoods in Austin that have seen the level of density increase that south Lamar has. I point this out because in all this development, our history and character have rapidly disappeared. The lightsey-russell house is one of the last vestiges of history remaining in south Lamar. It binds our community together and its loss would be deeply felt. So here we have it. This house meets the bar for the three criteria, architecture, historic associations, and community value. So where do we go from here? As Brian said, we have supported a compromised position. We support historic zoning of the main house itself, allowing the rest of the property to be torn down and redeveloped. We feel this can be of benefit to the developer. It's of benefit to the neighborhood, and it certainly is a benefit to those who would be lucky enough to buy and live in this

beautiful, historic house. Now, I'm offering one argument for individual property rights when issues come up in the neighborhood. It's not uncommon that I'm in disagreement with some of my neighbors and with Mr. King here at times, but on this issue, I'm in total agreement.

[6:10:27 PM]

I believe the historic zoning overlay in this instance presents an opportunity for the developer. Psw has argued that they have to -- excuse me -- psw has argued that by having to keep and sell this home, it will exceed their price point. However, when you stand in front of the Lightsey home, for example, right here, and you turn around and look directly across the street, not more than 50 feet away are psw's other homes, which are nearly the same amount as what they say they will have to sell this house for. That's just not plausible. Let me conclude by saying a couple of final points. It's important to keep in mind that historical zoning is a completely separate issue than the connectivity issue that you dealt with a few months ago. When you dealt with that issue a few months ago, you didn't hear anything about this.

[Beeping] So let me just finish up. We're a neighborhood obviously undergoing tremendous change and we're not here to stop that change. We're here as stewards of this change to see to it that those living in our neighborhood have a safe and appealing place to live for all time. Preserving the lightsey-russell house, this piece of history right here, this is an important part of preserving our character and our community. Thank you.

[Applause]

>> Mayor Adler: Thank you. Next speaker is Michael parava. Mr. Parava, you have three minutes.

>> Good evening. I'd like to take the opportunity to thank the council for hearing our case tonight. My name is Mike. I'm director of architecture for psw.

[6:12:28 PM]

I'm educated as an architect and have over a dozen years of experience. I'm licensed in Texas and psw has the opportunity to look at a number of projects with conservation district or historical implications, and so we're -- we tend to be well versed in these subjects and, you know, we do -- definitely do our research. And so what I'm here before you tonight is to talk about -- we talked about the different criteria that these historic designations are based upon. What I'm here to talk about specifically is the subjective nature of the architecture. I don't think anybody is arguing that the house, the lightsey-russell house has elements of the Tudor revival style. But I will argue that on a whole, this house is not architecturally significant, in my opinion. The Tudor revival style itself is based on medieval and renaissance architect, and, you know, as we look at the example here, we can see that the care and craft that's given to the house in its entirety, identifying features of the house are steeply pitched roof, these are typically side gabled, a facade dominated by steeply pitched side gable. Often they're not necessary. There's decorative timbers. At all window -- tall, narrow windows, usually in multiples with pane glazing and massive chimneys often crown. Using the same source, we have some national examples of this, and we also have some local and regional examples from this. The bottom is from Dallas. The top one is the Perry house that Mr. Sadowsky mentioned earlier.

[6:14:29 PM]

When you look at these houses, these examples and you look at the house as a whole, you can see the care and craft that's been given to this in its entirety. So as we look at the -- again, as we look at the lightsey-russell house, I don't believe there's argument that there are some elements here. There's the

arch over the door. There's the adornment and elaboration given to the chimney, but this focus is given to the center third of the front facade. We do have additional features that have been mentioned that are not typical to this style; the porch, you know, Mr. Sadowsky had mentioned the side gables. I don't see that as a hallmark of the style. And in my opinion, these eclectic elaboration are departures from the style --

[beeping] Especially --

>> Mayor Adler: Finish your thought.

>> Sure. The porch, the metal windows, pared with the neglect of the craft and care for the design of the entire house that render it -- that don't render it architecturally significant.

>> Mayor Adler: Thank you. Questions? Now, I think that Brian king was the first speaker that we had -- thank you. I think Brian king was the first speaker that we had? There are some people that signed up to speak to loan you time, which they didn't need to do because you were speaking, so I want to give them a chance to speak well if they want to. And that would include David king and Jeff Rowe, Carolyn Ashby, and Jennifer Melendez. Would you like to come speak? Okay. First I'll call David king up. David king wants to come.

>> [Inaudible]

>> Mayor Adler: And I also have Steven lacker signed up and Bruce Evans signed up and I have Allison McGhee signed up.

[6:16:37 PM]

I'm sorry I made this so confusing.

>> I'm Steve lacker and I'm willing to speak and take three minutes --

>> Mayor Adler: Steve lacker is going to get a chance to speak. Bruce Evans is going to get a chance to speak but before I call them I'm calling the people who had signed up underneath Mr. King because they didn't have to donate time to him. So them speaking does not mean you don't speak.

>> I understand, but they don't necessarily have anything prepared and are willing to donate to me or --

>> Mayor Adler: And that would be fine as well. That would be fine as well. You can either speak or donate your time to somebody else.

>> I've donated it to Mr. King and I can speak.

>> Mayor Adler: You are certainly welcome to speak if you want to. I'm going to call David king. Mr. King. You can donate your time. You're donating your time to Mr. Lacker. The next person is Jeff Rowe.

>> I donated to Brian king but --

>> Mayor Adler: Would you like to speak? You don't have to.

>> Just briefly --

>> Mayor Adler: You need to come up to the microphone if you want to. You don't have to speak. You just have the opportunity.

>> Just briefly, I live at 3300 Elwood drive. This project has been going on for an extended period of time but it's not the fault of the people that live in the neighborhood that that's the case. And if you were to actually look at this house, you would see this house has real architectural value. It might not replicate an English mansion. But it is Texas Tudor. So thank you very much for the time.

>> Mayor Adler: Thank you. The next speaker is Carolyn Ashby. You can either speak or donate your time. You're donating your time?

>> Yes.

>> Mayor Adler: To Mr. Lacker as well. Okay. And then the last person is Jennifer Melendez.

[6:18:38 PM]

You can speak or donate your time.

>> I'll speak.

>> Mayor Adler: Come on up.

>> Thank you very much for hearing us today. Thank you so much for your time and your dedication to our city. I am a native austinite. My parents, my father, like Mr. Lightsey, was an entrepreneur, and he -- he had a photo -- a photo business here in Austin. I remember living across the street from broken spoke, and my three -- my two siblings and I would stay home while my parents had a date night. They'd walk across Lamar, back when you could walk across Lamar and dance country at the broken spoke. We're just very much -- we just love Austin. We've been here for a very long time. I remember going, when I was in high school, dancing at liberty lunch and going out and having a good time. So my parents and my two siblings and their families are still in Austin. Not only Austin, south Austin. And we live in a mile radius of each other. We get together. It's our home. South Austin is our home. We have seen a lot of change in south Austin, like you were seeing in the pictures earlier. What I have seen is, what I fear is that we could take our neighborhood now and just plop it anywhere in the country and it would just be a generic neighborhood. My three kids -- I'm trying to teach them history and things that are still here in Austin that I remember. I'm having a hard time doing that. I really think this is an important home to preserve. It's the Lightsey home on Lightsey street, and that makes it Austin. That makes Austin Austin. I really don't think it's that much to ask for -- I want to meet halfway.

[6:20:39 PM]

I understand that Austin is growing still. I think it's not too much to ask to preserve our city, and I know that's what you guys are here for. You're here to preserve Austin. I think that's all. I appreciate your service. Thank you very much.

>> Mayor Adler: Thank you. The next speaker is Steven Lacker. Mr. Lacker, best I can tell, you have nine minutes.

>> Thank you. I think maybe three of those minutes should go to Mr. Evans.

>> Mayor Adler: We can do that, too.

>> Okay. You each have six minutes.

>> All right. We can make that work.

>> Mayor Adler: Yes, sir.

>> Mr. Mayor and council thank you very much for hearing us this evening, and trust me, I do appreciate that this is not an easy decision. It is difficult, largely, as Mr. Zimmerman expressed, because of some of the subjective nature of this, and because it's obviously a key component of the debate that this is in opposition to what the owner wants. That was one of the first things I had to reconcile with myself before I could decide whether I was going to take part in this or not. And for me, getting back to something objective, because I'm an engineer and I've often been accused of not having feelings, feelings don't enter into this all that much for me, although they do. But objectively, the standard for me was, does this prevent this property owner from doing anything else from their property? Does it really take away their ability to profit on the property and to develop it? And I think the case has been laid out that it does not. Yes, it impacts them. Yes, it may cause some slight burden on the additional properties, but it's part of a process that we need to go through for the greater good of preserving this home. The home, I believe, does have great community value.

[6:22:40 PM]

That community value did not, as the wording kind of made it sound, it didn't come about in the past six months. The community value has been there for a long time. People are becoming aware of it in the

past six months as this has come about because of the demolition request. I live at 1704 Lightsey, just down the street, less than a quarter mile, on a property that my grandparents bought in the 1940s, and my parents and now my wife and daughter and I have built and maintained that property ever since, so I have deep roots in the neighborhood. It's also one of the few remaining large properties. So I have to ask myself, what if I paid to subdivide my property and somebody said that my house was worthy of historic designation? I kind of wish it was, but unfortunately, it's going to fail on the architecture and on the historical association. But, if I were in the position of wanting to subdivide, I could lose that piece of - that corner of my property and still do something with the rest of it. This is not like a small house on a small lot in the urban core where declaring the house historical against the owner's wishes would pretty much eliminate anything else being done with the property. So, to me, that's the objective analysis I went through to decide whether I could support this or not, if that helps in your thinking at all. First and foremost, I believe that the house is fundamentally worthy of a historic designation. It's been touched on in great detail that it's prominent in our neighborhood, it's been there a long time, it sits on the top of a hill. We don't have anything else that's going to qualify. There is, to the best of my knowledge, one small house on del Curto that's contemporary with it.

[6:24:42 PM]

It's the less home to have preserved and protected in the south Lamar neighborhood. A lot of the others are gone. Mr. King mentioned the Brady house. I very much regretted seeing it go. But we're not totally opposed to development, either. We have worked with developers, and although there is some contention, we have worked with this developer and we have reached compromises. And I think that this is all part of a compromise process. I just think that it's very important to remember, again, objectively, that what's under evaluation here is the worth of historic designation for this house and whether it meets at least two of those five criteria, and I believe it does. I also believe that an infill developer like psw really does have the social responsibility of meeting a high standard in looking at properties like this. I think they should have brought this house to the historical commission. They should have made it the anchor of their development, which is all that we're asking them to do. They didn't choose to do that, and that's their right, but I -- I'm disappointed that an entity who gets to touch and own and change so much of hundreds and hundreds of years of accumulated history of our city didn't take that into consideration in this case. They're in the business of buying old stuff, renovating or tearing down and putting new stuff in its place, which is -- it's environmentally and economically sound for a city of this size to do. But I just think it's very important that every once in a while, not every time, but every once in a while, you pick a property that has great worth and you save it. And maybe you sacrifice a little bit to do it. In conclusion, I'd just ask you to -- to consider this very carefully and designate this house for historic preservation.

[6:26:46 PM]

And I can answer any questions that you might have.

>> Mayor Adler: Any questions? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Lacker, for coming and I spent a lot of time on the other side of the dais before I came onto this side, so I know you come and you spend the time and you sit here and wait for a chance to be heard, so I want to thank you for coming. So I want to go back to the remarks about what appears to be kind of the arbitrary nature of this. And maybe I could illustrate that quickly. If you are entitled to \$90,000 a year for your labor and your investments, what have you, and you're entitled to that, and your neighbors came and said, you know, our community values say that Mr. Lacker should pay us \$20,000, they're community values. What are community values? I don't know what community

value is. My values are that your neighbors would be entitled to absolutely none of what's yours. None. Zero. Legally, they're entitled to nothing. And so if they said to me, well, be reasonable, councilmember Zimmerman, and let's compromise. We'll only take \$10,000 of his money. So -- and call that community values. I feel like I'm in the position of trying to understand the rule of law. When I took my office, I took an oath to uphold and defend the constitution, you know, and rule of law, so I'm trying to figure out what is the legal obligation here, and I'm still not seeing it. It still looks to me like there's just at that point -- just too much subjectiveness about the process. I'm not comfortable with the compromise that I've heard. Sounds like the developer -- there's been a lot of negotiations, right, a lot of discussions, seems like from their view they've already made some compromises and they thought they had arrived at an agreement, and now this debate has come along. So I appreciate your testimony, but I can't -- I don't think I can help your cause.

>> Well, I can't help you with the legal side of it.

[6:28:49 PM]

I'm very much a pro property rights person. I'm probably one of the most in that orientation in my neighborhood. I would just argue that it's not arbitrarily coming and taking X amount of my earnings. It is in trade for something. It is in trade for something that's the good of the neighborhood and the good of the larger city.

[Applause]

>> Mayor Adler: Thank you. Next speaker is Bruce Evans. And Allison Mcghee is on deck.

>> It's so nice to look at this council, representing their districts and all parts of town now. It just warms my heart, having been part of this process to get a group of people representing us here in the city. My name is Bruce Evans. I am the vice president of the south Lamar neighborhood association. I live at 1811 Lightsey road. That's just two doors down from 1805 where this house is. Certainly I probably get more pleasure out of this house than anybody because I walk out of my front door in the morning and there it is, and it's gorgeous. There's a beautiful, beautiful big tree in the front of it. And I never really thought about it too much on the historic side. And this process started going and then all of a sudden I did become very interested. And it came up to the point where, you know, we knew that there would be this historical investigation when the developer said they were going to demo it because that's just part of the process. It's over 50 years old. So that started. And, you know, history, that really is a big part of who we are.

[6:30:50 PM]

Just like each and every one of you are -- you're historically part of the fabric that's leading the city. And Mr. Lightsey himself came in front of this body many, many times, getting -- adding a new cab to his business, or changing, you know, his needs for this -- for these businesses that he's run. And, Mr. Zimmerman, I know the answer to your question on the \$90,000, if they'd take 20, I'd say take it because they've already got a thing called income tax. They're going to get you. If you get 20%, that's not a bad deal if you're making 90 grand. So one of the things I've done is I've looked into some of the history, and the history of naming the road. I think that's where your objective approach is. I went over the Austin history center and looked at maps. They pulled out giant maps from all over. We had them spread all over the floor and everywhere. The oldest one we found that had the road visible there had no name in 1936. In a map we found from 1941, it was designated as Lightsey street on the map itself. And that's an objective thing there. That's significant. In 1950 map, it was called Lightsey road. And of course this was still out of the city limits until 1952 when it became incorporated in the city. I did not get over to the county or kinds of and dig through those to find exactly when and how it was named, other

than Jerry, Jerry Lightsey, he swears it's named after his family. And he is -- he's quite a guy. I think that brings some -- some of that community value because it was named after the man. Certainly, he must have done something significant because I know this body names streets, and you guys don't take that lightly.

[6:32:52 PM]

That is a significant thing. That's the Lightsey house on Lightsey road. We have a community -- new community park just down the street on del Curto. It's called the Tom Lasseter south Lamar neighborhood park. Tom Lasseter. He was an architect in this town. He's the guy that supervised the round holiday inn down here, the construction of that and several other government buildings, also the demolition of a lot of historic buildings. And he got a lot of those parts from those buildings. He built a house right there where the park is on del Curto, 3000 del Curto, a two-story big, massive home there. When CEO came in and built a giant development from Menchaca and Lamar all the way across to del Curto, they had to designate parkland. And the city of Austin jumped in and they bought that piece of property at our urging, and created a park. Well, the city of Austin came in and demoed that house. We just came home one day and the house was gone. The city of Austin doesn't of to go through these processes in order to enact a demolition if they so choose. And that's what happened. So we know what it feels like and how it hurts to see a gorgeous house go. And historically, I mean history, that's the sole of our city. Just like each and every one of you. You're all -- I look through here, I see Mr. Mueller, Mr. Palmer, all these past people, we see streets named after. They make significant, objective decisions in their lives, in their contributions to the city, so they deserve a fair mark. You know, he's some of the people that started the whole transportation -- you all deal with transportation every day, more Uber or whatever their new technology is doing, it's all linked all the way back, throughout -- throughout the history of this council.

[6:35:08 PM]

You all have made those kind of decisions. So I believe it makes the historic -- the architectural, and the community value criterion. I want to urge each and every one of you to understand that this is a significant house, in a significant place. This particular owner has --

[beeping]

-- Been contentious with us. That's why we're here now as a neighborhood association. We always -- we have negotiated many zoning changes and stuff with owners of property that best serve the community, but that's always with an objective to come with an outcome. It was never presented to us as an outcome from this developer. It was always their way or the highway. So, please, support this historic zoning.

>> Mayor Adler: Last speaker is Allison McGhee. S Ms. McGhee here? And we have finished -- well, we're going to now close. Would the property owner like to take any time to close? We'll go four minutes a side to close.

>> Thank you, Mr. Mayor. I'll be brief. And whatever happens here tonight, you know, there have been some productive -- there have been some very productive negotiations with both of these neighborhoods. And I know that our residents are going to feel at home there because they've met some very, very fine people, and obviously some people who care very much about the community they live in. So on the main, we're optimistic. I do want to answer briefly one thing that came up. This was Spencer Lightsey's driveway. He crossed the creek, he drove up to the top of the Lightsey house, it was the Lightsey road. I think that's fine.

[6:37:10 PM]

I don't know at some point that it was an honorarium. I think it happened organically, it was the road to his house. It was way on the edge of town back then, he came up the creek and there it was. And with regards to -- and you're going to see this over and over again in zoning changes, a developer just like you is going to have to balance priorities. In the case of this site, psw chose the trees. That was their number one priority. They didn't have their tree coverage. They wanted across the street. It looked bear to them, Lightsey 1, which, yes, has a much larger house, much different project, they had to go in there and they really, really valued that tree coverage on Lightsey 2, and they made that choice. This is also an area that I know you all remember is pretty prone to flooding. And so the developer was at great pains to do all of his detention on site. He would have to do that now. In fact, it would be -- he would be required to do it but at the time it was a decision they made, we cannot bring any more flooding to that south Lamar area, it's a very tough place already. So -- excuse me, trying to do as much of the water quality, not just detention but water quality on site. These are decisions a developer has to make. And with regards to the stewardship of the previous speakers, if you are a steward, you have to balance these priorities. For them, tree coverage and affordability outweighed any other factor on the site. Those are community values, those are things, community values, and we'd like you to set a high bar tonight. If this were the paramount, certainly owner opposition -- you know, that would be a high bar. And I appreciate the lightseys. Obviously, very grateful, and they picked a great site, and we want to continue to contribute to that site. But they're not of the level of historical significance that would warrant overcoming a valid petition. Same way about the house. It has a shout out. It has some great shout outs to Tudor revival, but it has a wrap around porch, it has iron work, it does not -- it has an asymmetrical massing, it's not Tudor, it's not, it's just a nice house.

[6:39:26 PM]

We want to put people in there at a more affordable price point than that's going to let us do so we'd appreciate your support very much in denying this historic zoning and I thank you for your time this evening. And I thank the neighborhood for theirs as well. Thank you.

>> Mayor Adler: Mr. King.

>> We looked at this house as historic from day number one. First meeting with the applicant, we looked at it historic. We did contact the historic preservation office. We contacted Mr. Sadowsky and said we're concerned about this house, from day one. But there was nothing to be done. He advised us, there's no demolition permit, nobody is proposing to tear it down, there's really nothing you can do. So we had to wait until a demo permit was, and that's when we engaged. But we did tell the applicant, first meeting, follow-up meetings, we told them all along. So there's -- there wasn't any bait and switch, it was always an issue. They were separate issues, and we negotiated those, and there was no quid pro quo. They're all separate issues. Trees were important, connectivity is important, historic zoning of the house was important. So we did it on a timely fashion. We've come to you with a compromise. We don't feel like we're winning. We'd like to keep the whole thing intact. And I think compromise is the best way to go about this. So let's lose that 58 addition, let's keep one house, maybe they lose one. The driveways are already there. We retain some streetscape too we'll have two houses that still face Lightsey, unlike canopy across the street where they built, we've got the back ends of all these houses. And by the way, I should mention that 80% of the residents in their Lightsey 1 development have signed that petition, that are in favor of saving the house across the street. Their buyers think it's important. Some of you know I served on the board for nine years.

[6:41:29 PM]

We dealt with variances on setbacks and spacing and carport locations. And this is we were most sympathetic to, historic buildings. Those are the ones you work with. I think in the case of needing a setback alignment or something, I know the neighborhood would support it and I think the hardship which you requires for you to get a variance is there because it's a preexisting building that was built in 1932. I think once and for all, let's solve the architectural question. This is bubba Tudor. It's south Austin. Let's get over it. It's Tudor, it's a Texas Tudor, let's just call it bubba Tudor and be done with it. I don't want to hear any more about dormers and gables and tall windows. It's in south Austin, Lightsey road, named after the man and it was one of the first houses built after this was subdivided in 1929. It was built in '31. So there you go. I hope you can support this. We really would appreciate it. We want to hang onto this house. It's an important house. It's a landmark house. It's on top of a hill. It has a dynamic presence. And it means something to 275 people that were gathered in ten days, not even ten days, in a hundred-degree temperature. And everybody that I talked to signed that petition. Nobody turned me down. If they answered the door, they said, oh, yeah, when they Matthew the house on dead man's curve, top of it, yes, sir. Thank you very much. I hope you support us. We really value the house. Thank you.

[Applause]

>> Mayor Adler: Thank you. We are now back to the -- back to the dais. Does anyone want to speak? In the Gallo.

>> Gallo: I didn't expect to get called on first. I have a couple of questions. Could the owners put their proposed plat map back up on the -- I'm looking at the one that has the house -- it's just a partial that has the house and then the garage and areas marked off, but I'm just trying to get a sense of the subdivision, the way it's proposed.

[6:44:08 PM]

Do you have one that's actually your subdivision plat map instead of this? I'm trying to see kind of -- there you go. Okay. And so the blue is where the house is right now? Is that correct? So ... The dotted line that was done on the one that was flashed up before was something that it's not your plat map, it's something that somebody suggested as a way to divide that, other than what you proposed.

>> The lines running north-south were suggested, yes. And then the east-west lines the narrower lines -- let's see. Yeah. So the narrower lines are basically on top of other existing, then the one north-south line is the suggestion.

>> Gallo: Okay. So go back to the other one again. All right. So my question -- we move -- in this town we move historic homes all the time. In fact, we move them multiple times sometimes. And so I'm sure as part of your analysis of all of this to try to develop the subdivision, that also the possibility of saving this house -- and I know there's a large oak tree that you can see from the pictures, you also see in your site plan that is very close to the front elevation of the house. Is there any possible way to move this house to a location where it frees up -- it only takes up one lot of your lots, instead of it taking up two lots right now and then having the encroachment of the porch and the fact that you don't have any way to get a garage tucked in there, is there any way to move it perhaps to the Lightsey -- closer to the Lightsey road where you free up those two lots that it's currently on now, then it has the ability to have a garage and have the house on that lot?

>> I don't think there's any way. I don't think the house would survive it and I don't think that there's a place to put it.

>> Gallo: And I know it being brick and stone makes it more complicated from the standpoint of how the structure moves well.

[6:46:14 PM]

And you couldn't -- if you were to remove one of the heritage trees that is showing on that Lightsey lot -- I'm not sure which direction is what, but --

>> North, I believe you're referring to closer to Lightsey.

>> Gallo: Uh-huh.

>> Oh, if I were to remove a heritage tree?

>> Gallo: I can see how it wouldn't fit because of the location of those two trees that are currently on that lot, if you were to remove one of the trees, would it be able -- would you be able to tuck it on that one lot? I'm just trying to see if there's any way to move the house that is important to the neighborhood so that it just sits on one lot, and what you would need from the city in concessions or fee waivers or variances to be able to do that.

>> Because of the right of way dedication, the width of that lot and setback and the trees, I don't think so. I don't think -- the home dimensions fit on what's there now.

>> Gallo: The home dimensions would not fit on the lot that's closest to Lightsey?

>> Correct.

>> Gallo: That looks like it's larger than the two it would be coming from that it's sitting on right now.

>> You're right. Well, no, it's probably almost the exact same size. It does have a bigger setback, and it's one lot, not two. But, yeah, so it's -- I think that that lot and the lot it's on -- they're comparable.

>> Gallo: Can you go back to your subdivision map? Thank you. Okay. So the issues would be setback. I'm not sure whether the city can help with that or not on that one lot. The issue I can see would be a tree, a heritage tree probably. And what other issues would you have?

>> Looks to --

>> Gallo: And I'm sorry, I mean, I know this is just kind of laying this on you, but --

>> Sure.

>> Gallo: -- I'm just trying to figure out if there's any way -- I know you would have an expense in the restoration of the house which probably would be easier to manage if it were not historic, that you could just restore it normally.

[6:48:20 PM]

>> Yes. In looking at the dimensions at the top, it looks like it's 51 and change for the wider lot at the corner, and then I think 35 and 27. So I think that it's -- I guess that's 62, 51 to 62, so looks like it's 11 feet narrower, if I read the Numbers correctly.

>> Gallo: Uh-huh.

>> So I think that's significant, and I think that that makes it impossible, unless there were no setback. I would have to, you know, measure it.

>> Gallo: Maybe our architect could help answer some of those questions. Not to put you on the spot, I'm just trying to figure out a way that the house stays and you don't lose additional lots, you have a house on one lot and it's able to work.

>> If we're talking about moving the house, the house will not survive a move. It will not. That's my -- we've gone, we've looked at it. I've spent a lot of time in masonry construction and restoration. It will not survive a move.

>> Can I comment on that?

>> Gallo: No, no. I wanted to give them the opportunity -- it sounds like you've evaluated that.

>> From that standpoint, absolutely, yes.

>> Gallo: All right. Thank you.

>> Mr. King did you want to say something?

>> I was just entertaining the idea that you put forth, and we certainly shouldn't try to design something from the dais because it's, you know, on the fly, but I haven't thought about moving it over to that lot, to the west, and of course the blue dot here represents the whole house and the addition, so the area that might be moved would be about half of that.

>> It doesn't represent the addition.

>> So if we were to take a look at that, if you wanted to postpone it, we could certainly look at that and come back. The fellow that did this drawing is a land planner and he does it for a living, and he came up with this and said it would work. So I could ask him to engage again and look at it if you so desire.

[6:50:20 PM]

>> You can look at this -- in this drawing, you can see that the front of the house is right up against that heritage tree and the back of the house is right up against the building set back that would need to be ten feet. So when you look at this square, it's basically that same dimension. It goes from tree to set back.

>> Again, we're designing from the dais.

>> So it's not -- I just wanted to point out it does not include this hatched area of the addition that you can see is in the adjacent lot, which here I don't have that square going into the adjacent lot.

>> Okay.

>> Gallo: Okay. And once again, I just -- I'm throwing out proposals, and you answered the question, your concern with the ability to even move the house because it's masonry and stone, and I think that becomes a much more complicated process than a frame house.

>> And it has a basement also.

>> Gallo: And it has a basement. Interesting. Thank you.

>> Mayor Adler: Further conversation from the dais in Ms. Pool.

>> Pool: I was curious to just, again, a little bit, there were some dollar figures thrown around about the cost of the homes that will be built here and the cost of the homes that were across the street. Is maybe the owner of the property or the developer able to answer?

>> Good evening. Ross Wilson, psw.

>> Pool: So could you packet us a little bit about the prices that you are planning to sell the homes for?

>> Yes. Our goal from the start was to be able to offer homes under \$400,000, when we sell these homes. Initially is why we went to the single-family attached and increased the density and offered homes that were a little bit smaller, two and three-bedroom homes that, while they are, you know, so much smaller than what we're doing across the road, still sized for a young family and trying to get some young professionals, and obviously young children back to the neighborhood.

[6:52:28 PM]

It was really looking at, when we were doing the design, and considering the purchaser of this Lightsey 2 property, we were well into the design process on Lightsey 1 and we really saw them as kind of counterpoints to each other.

>> Pool: How much are the homes in Lightsey 1?

>> They're -- I mean, some of the more custom higher-end ones are, I believe, 750 to 800,000. But initially, I believe they started at 500 to 550 range.

>> Pool: I have a little bit of knowledge of the existing neighborhood in that area and the cost of the homes, but maybe you have a better sense of the existing homes and what they are appraised at, not neighbor what they would sell at but what they are appraised at.

>> The existing homes --

>> Pool: In the neighborhoods that are in this area that you are building in.

>> The existing market value?

>> Pool: Uh-huh.

>> I guess I would probably market somewhere between 325 to \$350 a square foot based on sales prices these days.

>> Pool: I guess I can pull up the Travis central appraisal district and do a little bit of checking, but I think the homes maybe ten years ago, I think -- there's one street on there off of -- is it Litchfield? It's or Aldrich. The reason I'm asking this, the gentleman who previously was speaking, right there, you said that you were looking to build affordable homes, that was the word that you used. And I just would challenge the dollar figure that you are offering them for, if you're going to say that they're affordable, I would just ask, affordable to whom? I don't think I could afford to buy a 400,000 -- in fact, I know I couldn't afford to buy a \$400,000 home. Not my first home.

[6:54:30 PM]

I might be able to build equity and have that be the third or fourth home while I put my additional equity into something, but you're talking about affordable housing and you want us to approve this, and the basis that you are saying that these would be affordable. So I would like just to highlight the cost point that you are actually going to market the homes for.

>> Okay. We certainly don't want to represent that these are affordable housing in the smart housing program or something along those lines. It is an attainably pride home that two working professionals were to purchase. That's really our intention.

>> Pool: And I guess that's the case, although I would challenge it. I don't think I could afford to buy a \$400,000 home, unless I had significant equity built up to be able to buy the price down. So the point that I'm getting at is that you're asking for us to make some concessions to you with regard to building around this house that carries significant community importance and value to a large segment of the neighbors who are there currently and who preexist your plans to come in and develop, and you are urging us to do this on the basis of the affordable housing that you're going to build, and that it might be a little bit list affordable if you had to build around this other home. What I'm hearing is, you would make a good -- you will make a significant amount of profit from the development even if we were to approve allowing that home to stay so that you would have to build around it. It looked to me like the differential was fairly minor.

>> I think the point we were trying to make, if we lose the three homes, two homes, that the increase in the costs for the additional homes would be between five to eight percent.

>> Pool: Thanks so much.

[6:56:31 PM]

>> Mayor Adler: Ms. Garza.

>> Garza: Yeah. I'm concerned about the direction this conversation might be headed, because how many affordable housing units is not relevant to the issue here. So I would like to make the motion to designate this as a historical home, so we can start the debate.

>> Mayor Adler: There's been a motion to approve item number 48. Is there a second to that? Ms. Kitchen seconds that.

>> Mr. Mayor, point of order? Do we need to close the public debate?

>> Mayor Adler: We've closed the public debate.

>> Oh, we have? Okay.

>> Mayor Adler: Ms. Garza, do you want the address this issue?

>> Garza: Sure. I agree with the mayor that this is a hard decision for this council, but like I said a little while ago, it's not about density or infill or how many affordable units we can put here or scarcity of historical homes in sought Austin or a compromise between the neighbors and a developer, this is, does this rise to the level of this home being -- the question is simple, does it rise to the level of this house being historical. And I'll be honest, I'm not sure -- I'm not sure that it does. But -- and I'm concerned about this process. If the process is, we do a Google of articles from the 1930s to see what -- you know, what the owners did, there's a lot of concerns there because there are institutional barriers to people being business owners in the 1930s. So if we go to east Austin, I'm sure there's -- there could be lots of arguments made for historical homes in east Austin, of families there who had some kind of significance, who weren't able to be business owners because of -- because of institutional barriers. So I have a lot of concerns about this process. That being said, I have a lot of respect for boards and commissions and I often prefer to err on the recommendations that they make.

[6:58:44 PM]

So -- because when something's -- there was a home in east Austin that caused a lot of controversy that was demolished and it was where a piñata store was. I bet somebody could make an argument that there was something historical about that home and that how many was demolished and it's gone forever. And I personally have to err oath side of preserving this building, just because when something is gone, it's gone. That being said, I wanted to push for the debate because I don't get a feel that there is the super majority that's needed. But that's -- those are my comments.

>> Mayor Adler: Ms. Houston?

>> Thank you, councilmember Garza. That was very well said. I appreciate that. I want to remind my colleagues of something that another developer said when I asked about -- and this goes back to the affordability piece. When I asked about how can you determine that these houses are affordable, and they said they are affordable to people who can't afford to live downtown. So that's why I don't use that word, because it means so many different things to so many different people. But back to the historic designation of this particular property, this is going to be a difficult decision for me because my namesake was in this house longer than the people who the street was named after, ora C Russell. She lived in that house for a long time. And so just because that's an affinity for me, I thought well, that's good, but that's not really the issue here is who it's named after. It's the architectural style doesn't quite meet -- you know, it's bubba Tudor or Tudor bubba, but it doesn't steam like it has enough of the two elements there to support designation. So I'm going to be thinking about that as I listen to my other colleagues before we have to take a vote.

[7:00:53 PM]

>> Mayor Adler: Further discussion? Mr. Renteria?

>> Renteria: I just wanted to -- that pinata place was -- it probably was historic, but it was a service station, it wasn't a home. I just wanted to set the record straight.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: I respect the concerns that my colleagues have. I think one of our problems is that -- is struggling with how you apply community value, which is one of the five criteria. I think the architecture is clear and -- but if we're ever to apply community value, I think that this epitomizes it. We have a neighborhood that's been destroyed essentially as a neighborhood. Actually destroyed is probably not the right word. It's completely changed its character and that may be what is coming in the city and that may be what's important for the city. But this is a neighborhood that was a neighborhood of large lots that has been subdivided over and over. I recall the map that one of the speakers showed you where all

the development is along this same street. So this is simply asking for one house in that neighborhood to be preserved. And if that's not community value, I don't know what is. So it's hard because it's hard to objectify community value. I understand that. But for this neighborhood that is community value. And if that's not it, like I said, I don't know what is. And then I also would agree with what councilmember Garza is saying is this is -- what we have to apply here, the request is for architectural -- is for historic designation. And so the criteria is the application of those five tests. And that's what this is about here, and I think that it's been met and I would just urge you all to consider that, to vote for it, and then I know we've talked a lot about concerns about this process, and I think that both the process and historic value in general, how we apply that, and we probably need to have some discussions from a policy standpoint.

[7:03:18 PM]

But where we are right now is five criteria in the law, some subjectivity to one of those criteria, which I think the neighborhood has amply met.

>> Mayor Adler: So I guess I'll go next. This is a hard one for all the reasons that everybody has expressed so far. I am convinced beyond a shadow of a doubt that this is a significant house. I think that word was used several times. It's a significant house to the neighborhood, it's a significant house some so many ways. The test we have to define, though, isn't whether it's a significant house. The test we have to define, decide here, is whether it's historical as that falls under the statute. And I think that's the same point that Ms. Garza made as well as Ms. Kitchen has made in terms of going through those elements. There are five elements. No one has raised the landscape feature or archaeological. That leaves three. As I look at the language in the statute with respect to each of those three, beginning with community value, which Ms. Kitchen spoke to, the property has unique location, physical characteristic or significant feature that contributes to the character, image, cultural identity of the city, a neighborhood or a particular group. I'm inclined to believe that this does have community value. So I would find that that criteria would be met. But I have more difficulty with the remaining two. To have -- the next standard was historical association. The property has a long-standing significant association with persons of historical importance which contributed significantly to the history of the city.

[7:05:25 PM]

Our city is made of a history of good people and hard-working people. A history of people that have done wonderful things in their lives, and I think that the people associated with this house could be characterized that way. But as I read the description of what's required to establish an historical association we're looking for something that's more than that. We're looking for someone that has not done an incredible job along with the rest of our forefathers, but something that stands out in a particularly unique way. So I'll leave myself for a second. What makes this difficult is I'll code myself on the fence on historical associations. And that then gets me to architecture. The statute says that the architecture, the property embodies the distinguishing characteristics of a recognized architectural style, type or method of construction, exemplifies technological innovation and construction, high artistic value and representing ethnic or folk art, architecture, construction, represents a rare example of an architectural style in the city, serves as an outstanding example of the work of an architect or builder or artisan. I read that and the discussion seems to me to be mixed. We've had our preservation officer talk to us about architecture and homes before in way that really rallies us to support particular structures because they are rare or they're particular fine examples of a period or a type of construction. And that wasn't the endorsement, that wasn't the same kind of case that I was hearing. So I could count myself then torn on that one as well. So with one yes and two torns, then I have to try to find a policy that I can

apply not only in this case, but in other cases going forward.

[7:07:37 PM]

I look at the fact that this has a valid petition as being significant, just as when I have a neighborhood that comes in on a zoning case that I may or may not be willing to grant if I was deciding that question alone, but it's real significant to me when the valid petition is presented. I think the law is set up in a way to require us to find real reasons, real characteristics that go beyond the norm in order to say to a valid petition, we're not going to rule that way. And I think the rule applies however a valid petition comes to us. Usually it's a neighborhood that's coming to us with a valid petition. And I will probably over the term of my sitting on this dais give great weight and deference, at least long consideration to valid petitions. And in a case where it's -- I have one and two kind of on the line or on the fence, for a valid petition case I think that it needs to be stronger for me. And then finally, I believe in the historical preservation ordinance in our city. I think it's important. I think it's important for protecting who we are, I think it's important for protecting what is special about this city. I recognize that it's controversial and it has a lot of detractors. I think it's important that because of that we apply that ordinance in a way that helps preserve and protect the integrity of that ordinance. November the same concern about having a part of that ordinance that says it gets applied against a property owner when the property owner is not in favor of it because I think that's part and parcel of a scheme that has preservation this way.

[7:09:37 PM]

So I can pass that. But because we do that I think that the ordinance itself and the integrity of the ordinance is something that we have to protect, something I have to protect. So for those reasons I'll probably be voting in this case against the historical preservation.

>> Kitchen: Mr. Mayor, may I please respond? With regard to the architecture, I would just like to say that, yes, that can be a difficult thing. From where I sit I don't feel that I'm in a position because I'm not an architect. And when I read through the requirements it it embodies the requirements that you read, but I would respectfully say that with regard to the architecture I think it's appropriate to defer to our staff and to the bodies that voted on this. The historic landmark commission, which is composed of people who are -- who have the background to evaluate the -- to evaluate this criteria under architecture, voted unanimously that this met the criteria, which included this criteria. And our staff did say, if I heard correctly, that this was the criteria that you felt sure of, if I heard correctly. So I would just have to respectfully disagree. I also heard the concern about historical designations, but I would respectfully agree as a councilmember who is not an architect and doesn't have that background, I wouldn't apply my own criteria anyway, I would use the criteria of our bodies that are supposed to apply this. And that's the historic landmark commission and our staff. So I would have to respectfully disagree with you because I do think it does meet architecture.

>> Mayor Adler: Further discussion on this? Mid tovo.

>> Tovo: I would just -- we've had a lot of discussion tonight.

[7:11:40 PM]

I just want to raise one additional point, and that is that this is -- this does need to pass with a super majority on third reading, but if it gets a majority reading today it would stay -- it would still be an active case and I would just encourage my colleagues if you haven't seen it to go down and take a look at it. This is not in my district, as we've talked about. It's in councilmember kitchen's district, but I've had an opportunity to spend a fair amount of time in the neighborhood. I have friends in the neighborhood. My

children attended preschool in the the neighborhood. And I believe this house is really worth seeing. I was just on the road on Saturday and was struck again by it. This is an area of town that as we've talked about has so rapidly changed over the last decade or so that I think you can't -- maybe not even the last decade, really just the last five years. And it's hard to appreciate how significant this house is in that context without really seeing it. And so I concur with my colleagues who have talked about the historical significance. I believe it does meet the requirements in our code. I am persuaded that there's a strong argument to be made for association and community value. Not every house that comes before us are going to be, you know, recognized leaders at the state capitol or others, but they have had significant lives in helping build our city and I believe the information we've been presented with makes that case, that there is a value based on association. But again, I would just -- I would just request at least opportunity to keep this case moving so that if there are those among us who haven't had an opportunity to see it, that they have the time to do so.

[7:13:44 PM]

>> Mayor Adler: Further discussion from the dais? Ms. Gallo?

>> Gallo: You know, this is a tough one. It's a tough one because I love older, gorgeous historic homes, but I think for the first time since I've been sitting on this dais I'm going to abstain from this vote. And the reason is that we look to our staff for recommendations. I particularly look to our historic staff, not that you're old. Historic staff for recommendations. And it really does concern me that there is not a recommendation to approve the historic zoning from staff. I think staff has had an opportunity through this process to change their recommendation if they felt like that was appropriate. In addition, the planning commission did not approve and in addition the owner is opposed and has a valid petition. I mean, there's just so many reasons that I normally would vote no to grant the historic zoning, but the place that I'm comfortable voting no, given all those reasons, is that it's obvious that this house is important to the neighborhood. I would hope that the owners of the property would really do their best to try to figure out a way to keep the house on the property. I would not ask you to keep it on what would be two lots, but if there's a way for you to figure out how to be able to keep it, move it, reconfigure so that it only takes up one of the lots. And I would be willing to support from a city standpoint anything that you would need to be able to do that, if there's exceptions on setbacks, if there's exceptions on heritage trees. I think the neighborhood would be willing to participate in that to be able to keep the house there. So this is a tough one and as a result for the first time since I've been on this dais I'm going to abstain on this vote because there are places on both sides that I could vote in either direction, but it's right there.

[7:15:51 PM]

>> Mayor Adler: Any further debate on this? Hearing -- Mr. Zimmerman.

>> Zimmerman: I have a point of inquiry on, again, exactly what we're voting on. Can you lay that out again for me? What a yes vote means and what a no vote means.

>> Mayor Adler: The vote is to approve the historic designation on this property. If there are six votes in favor, it will pass to second reading. If there are seven votes at second reading, it would pass to third reading. And if there were nine votes at third reading, it would be approved.

>> Zimmerman: Okay. I'd like to make a few comments, if I could, about this. I have some personal connection to these kinds of houses. This has been kind of a nervous time for me, the whole subject seems really a bit arbitrary and very, very subjective, so I've been very uncomfortable. I want to share with everybody that's come because you've spent a lot of time on this, I agree with the mayor that community value, as subjective as that is, the fact that the community has gone out and gotten

signatures of people that agree with a position of the majority on this community value, I would agree with the mayor that might be there. On the value of the home and its historic significance, my grandfather was born in the Wimberley area in central Texas in 1901. His family moved homes with horses. I grew up in a family, my grandfather and my father was a home builder, so I grew up immersed in the home building business, new homes and also remodeling and renovating old homes. I've worked on these homes that I see in these photographs that were built at this time. I have some intimate knowledge of how these things are constructed, how expensive they are to take care of, the fact that if you have rotten wood to replace, they don't make that wood anymore.

[7:17:52 PM]

You have to -- if you're going to remodel that home and fix boards you have to custom cut them out of larger materials. It is extremely expensive to maintain these homes. And I would concur that even in the presence of some loose, what seem like very loose definitions of what the architectural significance is, I concur with the architect that gave us some testimony that there's really nothing extraordinary about this particular house. I don't have to walk by it. I've seen a hundred of these. I had babysitters that lived in this home when I was a kid, homes just like this when I was a kid. I grew up with these homes. So I can't support an historic designation on this. And I'm really concerned going forward that we've got to do something about the subjective nature of the way this ordinance can be interpreted. To me the oath to uphold and defend the constitution is very, very serious, and I grew up in San Antonio, the Alamo city. People died in that Alamo because of subjective government. They had a government that was highly subjective and we had bureaucrats from the Mexican government, they would issue decrees based on nothing but their opinion and say you do what I say or else I'll put you in jail. So the subjective part of government is something very personal to me and we have to have some concrete things to go on. The only thing I heard this evening interesting, somebody said as a potential for one of our objective criteria is if the original home was owned by what the street is named after. And I thought wow, finally there's an objective measure that could be used, if we have a home, the original homeowner has a street named after it, there's something objective, but I don't think that was part of this discussion. I don't think that's in the rules. But anyway, so I'm going to have to vote to not support the historical designation.

[7:19:56 PM]

>> Mayor Adler: Any further discussion on this? Ms. Pool?

>> Pool: I'll just be really, really quick. I think a lot of times beauty is in the eye of the beholder. But one of the lovely things about living in a neighborhood with an old established home is that you're there and you see it everyday and its beauty grows over time that you -- and its presence is important to you. And I think that's one of the reasons why we have preservation. We do have -- we do have some things that we value over time and they become more important to us the longer they're in place. Austin is changing so fast. We turn around and a lot of the vistas that we've taken for granted are gone or altered and they won't ever come back. So in this case I will side with preserving this home and would be happy to vote to continue this on to second reading. Thanks.

>> Mayor Adler: Thank you. Any further debate? We'll now take a vote. Those in favor of supporting the historical designation please raise your hand.

>> Kitchen: I have a question, I'm sorry. Are we voting on first reading, is that what we're doing?

>> Mayor Adler: It will depend on what the vote is. Well, someone could -- if six people vote in favor of it, it will pass to second reading. If seven people vote for it, it will pass to third reading. If nine people vote for it, it will pass. If less than six people vote for it, then it does not move further.

>> Zimmerman: Point of order. The motion was to pass it on first reading, is that right? You made the motion.

>> Kitchen: That was my question. I thought we had to move --

>> Mayor Adler: You're moving on first reading only.

>> Kitchen: I thought that's what we had to do.

>> Mayor Adler: No. We can pass on third reading at this point if we had nine votes. But certainly you can raise a motion to approve it on first reading only. Greg, is there something we should be doing here?

[7:21:57 PM]

>> Since the planning commission did not make a recommendation, there's not an ordinance in backup. So really it can only be taken on first reading tonight, which would only require the six votes affirmative to move this on.

>> Kitchen: Okay.

>> Mayor Adler: Okay. The vote is to move this forward on first reading. Those in favor of that motion, please raise your hand. Tovo, pool, Garza, Casar and kitchen. Those opposed please raise your hand. Houston, Zimmerman, troxclair, Renteria, with Gallo abstaining. The vote is 5-4-1. That can't be. 5-5-1. It does not move forward. That's the last item that we have. This meeting stands adjourned.