

## City Council Regular Meeting Transcript – 2/25/2016

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[12:30:19 PM]

>> Mayor Adler: So we're now back up to the dais. I'm going to convene, today is Thursday, February 25, 2016, we're in the city council chambers at 301 west 2nd street. The time is 12:28. We're going to convene this meeting. We're going to do citizens communication, then we're going to recess the council meeting so we can finish the Austin energy meeting. We're going to call up citizen communication. The first speaker we have is carolannerose Kennedy.

>> (Indiscernible).

>> Mayor Adler: Canceled, okay. That gives us Paul ma Madero. Is Paul Madero here? Okay. And Erica Crespo is on deck.

>> Okay, my name is Paul Madero and she's going to translate in English, my English is not good.

[Speaking in Spanish]

[12:33:16 PM]

>> Mayor Adler: Gracias E.

>> His name is Paul Madero. He's part of the cactus rose trailer park and he's come here to talk on behalf of his neighborhoods and they are in a big discussion, and they're very concerned in a conversation about what's happening to them and the possible displacement, and he recalls a conversation that he had with a soldier in Vietnam who talked about meeting his enemy and also the loss of their soul. So this would kind of be loss of their soul, the soul of Austin, if they are displaced from this place, and this is a place where they have lived and called home for more than 20 years. They've survived tornados, they've survived floods, and so they're hoping that they can continue to live here in Austin. And so that's a message that he's come to talk about, the cactus rose trailer park, which is an issue that will be coming up before the council in March. It's an zoning issue, but for them it's more than zoning. It's about their homes and possibly being displaced. Thank you.

>> Mayor Adler: Thank you. Thank you, sir.

[Applause] Next speaker is Erica Crespo. And David king is on deck.

>> Good afternoon, council. Thank you for having me. The vision for Austin is to make our city the most livable city in the country, and I am standing before you today because I personally feel excluded from the city's vision. In order for Austin to be considered a livable city the foremost qualifier would be affordable housing. With the increased property taxes and outrageous rent prices throughout the city, I would like to know who the city of Austin is being made livable for. How much money does someone have to make to be welcome to live within the city limits of Austin? What is the overwrought image of this ideal Austin resident?

[12:35:19 PM]

I can already tell you that my thoughts and feelings are that I am being unjustly disqualified from continuing to make Austin my home, and I do not understand why. I am a college-educated young professional, just a few years into breaking into the career that I went to graduate school for, and I cannot find a single one-bedroom apartment to rent within my monthly budget. As a result, I have to live with two roommates just to afford a place to live. I work in Austin. I shop in Austin. I pay taxes in Austin, but I am struggling to find an affordable place to live in Austin. However, I am fortunate. There are so many other people who are being economically disenfranchised because the cost of living in Austin is so high, and I would like to know how the council is going to address this problem. What are the specific actions being made by this council to make Austin a livable city for everyone who wants to call Austin their home? Or is the council only concerned with making Austin a livable city only to those who are willing and able to pay top dollar? I urge the council to consider individuals like myself in these discussions and action items. The young working professional with career ambitions and big dreams, the recent college graduates who are moving here for work but struggle to find affordable places to live. Think about the working class, people who cannot afford to live in these fancy downtown highrises, and nor do we want to, but what we do want is to know that our presence in Austin is valued. We want to know that this council is concerned with the unfair burden that the cost of living in this city is placing on us, and we want to know that this council is doing something tangible about it.

[12:37:25 PM]

Until then people like myself will continue to feel like we are intentionally being excluded from the city's vision and therefore not wanted. Thank you.

[Applause]

>> Mayor Adler: Thank you. David king is the next speaker, and then after Mr. King Jeffrey archer is on deck.

>> Thank you, mayor, council members, mayor pro tem. You may have heard about a new book titled shadows of a sunbelt city by Elliott tredder, assistant professor of geography at the university of Calgary. In his book tredder made the following observations regarding the influence and control that businesses and developer interests have on Austin's land development. He said there's a general ignorance of how deeply ingrained business and developer interests have become in the region. He wrote, what is impressive to me about Austin is just the complete kind of denial of the ways that the business community through its various principal organizations is able to control power. Powerful businesses influences moves in more indirect ways such as bond collection, the rewriting of the city's land use codes and other avenues. Tredder's observations are borne out through recent land development issues here at city hall. The recently approved parkland dedication ordinance was amended in favor of developers through a last-minute selective stakeholder process that included real estate and home builder interests but purposefully excluded neighborhood voices, like the Austin neighborhoods council. Our complaint-based enforcement of land development regulations favors developers because it puts neighborhood residents in the role of watchdog. In my neighborhood we have seen recurring noncompliance issues with mcmansion projects, residential demolition permits and erosion controls. We found compliance issues, verified by the city with erosion controls on 17 residential development projects in the neighborhood.

[12:39:28 PM]

Had we not caught those, they would have gone unnoticed. Residents who monitor and report compliance issues are the targets of threats, intimidation and bullying by developers. As some of you have experienced firsthand yourself. The codenext land development code rewrite process is dominated

by developer and business interests. Business and developer interests are represented on city boards and commissions. Some businesses use bullying and intimidation tactics to dictate city policies and regulations and override the will of voters and duly elected city council members. Uber and Lyft are using their power on network transportation companies. Council member Kitchen is a target of a recall effort driven by businesses. Turnkey vacation rentals tried to silence Renteria or reforms. Airbnb effectively wrote the short-term rental ordinance that allows commercial hotels in our neighborhood. We need to ensure they don't dominate policies. We need to establish a charter to get a minimum criteria for recall, based on incompetence, malfeasance or misconduct. We should pass a resolution to identify a third party to processes that favor businesses and developer interest in conflict with equity, justice and fairness policies, and we should move to proactive inspection process for residential demolition and residential development projects. Could the fact that Austin's development policies are -- that the fact that Austin's development policies are dominated by business and developer interests be a key reason why Austin is the most economically segregated city in the city? Thank you.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: Jeffrey Archer and then Bill Oakey.

>> Oh, what a tangled web we weave when first we practice to deceive.

[12:41:34 PM]

Sir Walter Scott. Mr. Mayor, council members, good afternoon. I'm here to address the mayor's media roll back of pilot affordable housing offered to police, teachers and firefighters. Just when exactly were you planning to tell the landowners of your quiet planning with the developers to reappropriate our property to a private company guised as a public taking when all it is is a developer linking one of his private subdivisions to another part of their private subdivisions. When are you going to tell us about the quiet planning deal that involves our property? It seems that the people of the mayor's office haven't bothered to brief the current council members and the property owners' families living between the developers' two properties. It was sometime between 2003 and '05 that the encounter would lead to a private enterprise trying to take my property, with the aid of the city officials. Over the years there has always been the coming and going of real estate types, prowling, looking, poking around. I have no idea, until being alerted by our cattle man with the -- that a trespasser was on our property. With our property being breached and trampled by surveyors, we moved to a mode of simply waiting for a notice of a hearing letter or a letter from Travis county.

[12:43:46 PM]

We are in the E.T.J., and the city of Austin has no jurisdiction over the E.T.J. When we have problems we call the sheriff, Travis county sheriff department, not APD. When we have a fire we call the Travis county fire rescue people, not Austin fire department. My family has paid taxes for over 60 years. I've served on communities, in this community on various committees and believe I have a good understanding of the processes and procedures city/county must follow, and I end with a concealed truth. That's all a lie is, even by omission or commission, we never do more than cloud issues. The truth stays in the undergrowth, waiting to be discovered.

>> Mayor Adler: Thank you very much.

>> Josephine Park. Thank you for your time.

>> Mayor Adler: Thank you. Bill Oakey is the next speaker and then Judi Edwards is on deck.

[Applause]

>> Thank you, mayor, Adler and council members. I have a proposal that I posted on my blog last night, Austin affordability.com, and it has to do with how to make housing more affordable. Some of the ideas that have been discussed recently by the city involve developer subsidies and geographic tax abatements, which actually just shift the burden to some other taxpayers, and it's a very difficult problem.

[12:45:48 PM]

No one has been able to come up with a really good solution to making housing more affordable. So I did some research and I got to thinking that perhaps the city could explore various options of joint home ownership. It's legal in the state of Texas for a homeowner to talk to a friend or relative and enter into a joint ownership agreement. So, for example, if you're finding that with your budget it is hard to live and pay the property taxes and the mortgage payment on your home, you could contact a rich uncle or a friend or someone who you trusted and enter into an agreement, and that person would be taking an investment in your home. Let's say, for example, that this person agreed to put up 40% of your equity and then from that point forward assume 40% of your mortgage payment, your insurance and your property taxes. Then later on if the house is sold, you would split the proceeds 60/40. This would be a good investment opportunity for that individual and it would also be an opportunity for you to be able to live in your home within your budget and not be forced out of your neighborhood, which is happening so often to people who see their property appraisal skyrocket year after year after year. Well, the way to expand this joint ownership initiative, and this is what I'm actually proposing, is that the city look into the possibility of expanding that opportunity, perhaps through allowing real estate brokers to help homeowners find an investor in their home or perhaps even though allow mortgage lenders to -- I'd like to be able to call Wells Fargo and say, I'm interested in selling a portion of the equity of my home so that I -- so that I can reduce my tax burden and my mortgage burden, but I don't think there's anything like that available right now.

[12:47:54 PM]

And I don't know what the legal implications of this proposal are, and I don't know what the real estate policies are since I don't have an area -- any expertise in the legal or the real estate profession, but I think this is something that could be explored. I actually think -- I have found in my research that there are some places that have nonprofit organizations or even local housing authorities that set up something like this, but I just wanted to lay it out there on the table since I know that housing affordability, home affordability is such a difficult thing. I figured I would just throw this idea up against the wall and see if anyone is interested in pursuing it, and I hope they are. So thank you very much.

>> Mayor Adler: Thank you. Our next speaker is Judi Edwards, and Helen Pease is on deck. Is Judy here, or Alan? Yes, Ms. Pease, why don't you come on down. And Quione Behman is on deck. And I apologize if I've mispronounced that name. Ms. Pease.

>> Can you hear me okay?

>> Mayor Adler: Yes.

>> All right. Before I begin on the topic that I have, but I'll still try to keep it under three minutes, I would like to encourage citizen attendance for the upcoming quick-off of the aquatics master plan. If you represent either Dove Springs, Shipe or Turner-Roberts, that's going to happen in the first part of March. It's important to get your citizens down there for that because as a member of the aquatics advisory board we don't know why people don't go to pools, but we want to know why they don't go to pools.

[12:49:56 PM]

It's -- we've talked to the people that do go to pools. We know why they're there. They're already there. What we want to know is why the other people aren't. My topic today is zilker park. I'll make it really fast. The yogi Berra quote, nobody goes there anymore, it's too crowded. We're about to put meters in there, actually the meters are in there already. I'm sure there's good justification for those meters, but I haven't heard of any citizen input except the citizens that come up to me when I go there every day and say, what's going on with the meters? So we didn't draw straws or anything, but I'm down here to express opinions, not only my own but others. Barton springs pool and the area around zilker park, those are the crown jewel of our park system. We're not in New York central park, we're not San Francisco golden gate park. We're not as expansive, we're not as well-known, but please let everyone go there. Weekends are when people can afford the time to go there. We're going to meter that area. It's disingenuous to say we're not metering most of the year in that area, because zilker park is closed from the last week in September until about the 10th of January, so we don't see that. So really the only free time to go there on the weekend under this plan is the time from, say, the 10th of January until about the 5th of March. Signs are already up that summer hours begin the 5th of March, which I personally find to be kind of funny since we're not even in spring yet, we're already in summer hours. Good for us. We've rolled ahead of daylight savings time. But I think where I really draw a line on this one is that the people who can afford to go there, district 1, Ms. Houston's district, right there, they work hard for the \$5 that we're about to charge people to go there. They have no other way to go there but to drive their car. I see more and more people on Saturday and on Sunday having picnics.

[12:52:01 PM]

This may be just unaffordable for them to do this. They can't go Monday through Friday. They're working one job, two jobs. I don't know how many jobs they're working. But now they're going to go into this queue where they go in and look for a space. Does it save us anything? It's traffic control -- can I continue, please?

>> Mayor Adler: You can finish your thought. Finish your thought.

>> The idea is that it's traffic control, but it isn't traffic control. Just as much traffic is going to roll there as always. The difference is that the people who go there now will simply be the people who can afford to pay \$5 to do it. Last year the mayor had a traffic solution, which I think was worth trying. I don't know actually how it turned out, but I do know we tried a traffic solution, but I do not think that solution includes paying on the weekends -- I'm not personally affected. I go during the week. Thank you for your time.

>> Mayor Adler: Thank you. The next speaker is quione behman. And please tell me how to pronounce your name.

>> Good morning being -- or good afternoon. It's quione behman. That's okay. A lot of people mispronounce it. I want to thank you all for allowing me to address the council and speak about an issue I feel necessary enough for me to attend today. As a native of Austin, Texas, born here at St. David's hospital, growing up here in many of the parks and recreation around us, and growing to compete nearly for a basketball state championship in basketball at an austin-area high school in 2006, and then graduating with honors at academic allstate and then going to university of Houston and graduating with honors and a double major in specificity with sports management, I find it appalling to find a consistent contingent of applying myself to the parks parks and recreation department here in the past four years where I have documented applications, and to a specific similar entry level parks program, recreation specialist, and have yet to receive one call back interview, one -- one call-back, one interview or even acknowledgment of a field position at this position without me verifying myself.

[12:54:29 PM]

And I have personally reached out to both Mr. Patrick cranza and director Sara Hensley, where I only received guidance saying that I need to seek volunteer opportunities and more buzz words in my application for future recognition. I have been a steady patron for many years at multiple centers throughout Austin, such as pan am, sair ghosta, gibbons, gust -- and recreation parks and I find very few improvements in certain demographics areas, which leads me to my concern and cause of address today, because as an African American male it is a systemic calculated oppression on me where odds are against me. But this is not a cry for pity or an attempt at an egocentric goal or personal anecdote to try to generalize and imagine monolith group. This is me being a single witness in the city of Austin to where I used to call home and I feel very excluded, where I can see gentrification projects have been voted on throughout central Austin and east Austin, check boxes segregate nonviolence criminals marked with a scarlet word, unfit, buzz words to qualify some candidates as preferred and others are improper to do so, and councils that vote other African American male figures who cross boundaries, others to freely jump upon. I see reports such as these in Austin as a decrease of population, and one steady demographics, African Americans, where merge when I grew up was as high at 13% and now currently at 7, which doesn't -- doesn't represent the migration of 5,000 African Americans who have been subtly removed from the city. I'll finish this last point. A 2014 report a thousand African American youth who probably see less than ten mills inside the parks and reg raition positions and zero in managerial goes it positions.

[12:56:39 PM]

I feel you should address this as not just a department issue but a city issue. Thank you for your time.  
>> Mayor Adler: Thank you. Zoila Vega. Our last speaker. Ms. Vega.  
>> I'll Zoila Vega. I'd like to ask you to have a public hearing for discussing the changes that have been made to the coyote management policy. This came to you in December, mayor, and you assigned it to the public safety committee and to the health & human services committee. There was a joint meeting scheduled for January. And officers have delayed until March. Now the meeting in March has been canceled because staff says there have been no changes and everything is going as it was before. But that is not correct. And the reason that I'm worried and insisting is because coyotes need to be managed. Coyotes attack dogs and pets, and they also attack children. These pictures are from other cities. We have not encountered this in Austin because of the program we have. We're lucky to have that program. But we cannot count on that. If the city continues to do like they're doing and coyotes -- saying just let it be, it's nature, we'll end up with that. This is the state of the current program. On average, 30 to 60 pets, mostly dogs, are killed by coyotes, in the county and Austin. Of those many are killed in front of their owners. It's terrifying. Those are really aggressive coyotes and only 10 to 20 aggressive coyotes are removed in the city. If you look at this chart you can see the number of -- it was very high. In 2005 when the problem started, and then it decreased because of the program managing coyotes. Then there's a spike in 2014 but it decreased again. A public hearing is needed. The policy as set forth in the current coyote management plan has changed. The current practice does not continue to be in effect. At one of the several changes is Ms. Hammond told Texas wildlife services to not travel within city service and private land until she checks with legal.

[12:58:44 PM]

This was in November. This is the email she -- wildlife services, don't trap until I meet with you. Then she meets with them in December and still want to check with city legal. It's already -- one is still

(indiscernible) One to the side. And if they decided that decision needs to be made public. This is the second point, the number of 311 coyote calls related -- to the wildlife services has decreased significantly since December 2015. They used to get around 80 calls for -- for 311, and in December, January and February they're only getting about 10 to 14. At the same time the 311 calls are still about the same amount. This impacts Travis county as well, not just the city, because they have a program and they're not backing out of it. And it's against the current coyote management policy and the approved coyote management contract. This is why Travis county needs, because the program relies on averaging all the phone calls and giving them a rating. You can see with this indicator that the program is working. When it started in 2004 the indicator was 2.6, which is very high, and it has been maintained under control. This is why the city is in breach of the contract, and I can send you this if you are interested. Thank you.

>> Mayor Adler: Thank you. Those were the items in our community citizens -- citizens communication. Yes.

>> Garza: Mayor, I wanted to comment, I know it's been said a couple times, I too like mayor pro tem used to be on that side, and if I was lucky enough not to be in court on Thursday I used to come and speak at noon. So I absolutely sympathize with council member Gallo, I understand the frustration with Austin energy and I'm hoping we can fix that, but this is the one time certain I think we have to honor, and I think the intent was because of working folks, because I've also sat in this gallery for five hours past midnight, so it was for working folks to have the opportunity to come during their lunch hour and then be able to go home.

[1:00:53 PM]

So I really hope we continue to honor that one 12:00 time certain.

>> Mayor Adler: I'm going to go ahead and recess the city council meeting and turn the gavel over to the chair of Austin energy.

[2:13 PM]

>> Mayor Adler: That puts us back after recess into the city council meeting. It is 2:13. Do we want to see if we can get through the consent calendar in the next 10 or 15 minutes so a lot of staff can leave or do we want to break now for lunch? Ms. Kitchen.

>> Kitchen: If we're really talking 10 or 15 minutes, it's okay. But some of us haven't eaten anything and it's 2:15. I appreciate the ability to eat the dais but I just can't do that.

>> Mayor Adler: Do we want to make a shot at seeing what we can do on consent?

>> Zimmerman: Mr. Mayor, I would like to make a motion for a brief recess, 20-minute recess.

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

>> Second.

>> Mayor Adler: Seconded by Ms. Kitchen. Discussion? Those in favor of recessing for 20 minutes please raise your hands. Gallo, kitchen, Casar, troxclair, Zimmerman. And Mr. Renteria -- all right, we're going to go ahead and take a 20-minute recess and then we'll come back. Really 20 minutes.

[Recess]

[2:47:51 PM]

>> Mayor Adler: All right. We have a quorum so I'm going to call us back in from recess. Today is February 25th, still. And it is 2:45. So I'm looking at the consent agenda. We do have a couple speakers but this is what I'm showing. Let me read the changes and corrections. Item 2 and 3 were recommended

by electric utility commission and voted 10-1 with commissioner bajitsky voting against. Items 34, 37 and 38 were unanimously recommended by the electric utility commission. Item number 43, councilmember pool has been added to the sponsor list. 44 has been withdrawn. Item number 50 which was originally shown as being postponed is now being withdrawn. Item number 50 withdrawn. Item number 66 is being set at a 4:00 P.M. Time certain at which point item number 66 -- there's going to be a request to postpone this item number March 24th much -- March 24th. Items pulled on the agenda I'm showing items 12, 16 and 33 being pulled by Mr. Zimmerman. Item 13 by Ms. Houston. 15 by Ms. Gallo. 43 being -- that's the council committee deal. Are we going to postpone that today?

>> Casar: I'm all right with postponing it if folks feel like this coming work session we can bring our amendments and try to get some action next week.

[2:49:59 PM]

>> Mayor Adler: That sounds good. Let's do that. 43 will be postponed. 48 being set for time certain of 3:00. If we can hit that. No sooner than 3:00. And then item number 49, I think mayor pro tem, is that being postponed?

>> Tovo: I do intend to ask for a postponement. I have a couple comments to make about that at the appropriate time.

>> Mayor Adler: Do you want to make those comments now before we call the consent?

>> Tovo: Sure, I would be glad to. This is the item requesting the human resources director initiate some changes to the municipal civil service commission to expand its scope to consider anti-discrimination complaints including harassment and retaliation. And I want to assure those of you who signed up in favor not wish to go speak today, and there were some -- probably by last count about a dozen people had signed up. We've also gotten calls at our office in support and I know a lot of individuals within our city of Austin community are very eager to see this resolution moving forward and I want to assure you that it will. At not our next meeting next week but at our meeting later in March. I appreciate all the sponsors, co-sponsors, councilmember kitchen and pool and mayor Adler for being on this and I've been asked a few times in the last couple weeks, you know, what is the need we're trying to address and we'll have that conversation a little later in March. But I want to tell you in the time since last spring after the training session, but also in the last weeks after we made our intentions clear to bring forward this resolution, my office has gotten anonymous phone calls as well as anonymous emails, some not anonymous, expressing a real need for an additional avenue at the city that I believe this resolution would provide and its envisioning of a municipal civil service commission.

[2:52:17 PM]

So I want the staff members who took that courage us step to know that we're listening and I look forward to this discussion at the end of March.

>> Mayor Adler: Thank you. So that item will be postponed today. That was item 49. Item number 42 is the campo proxy item. Are we pulling that or postponing that?

>> Gallo: There's been a request by councilmember Garza to postpone that a week. So it can be postponed to -- for a week, if we could postpone a week.

>> Mayor Adler: Postponed until March 3rd.

>> Casar: Mayor, I wanted to clarify that 43 also postponed for next week. That's the committee item.

>> Mayor Adler: Yes, postponed to March 3rd.

>> Tovo: I want to clarify that the item I just addressed would be postponed to March 24th.

>> Mayor Adler: That would be item number 49.

>> Tovo: That's correct.



>> Mayor Adler: To March 29th.  
>> Tovo: No, actually March 24th.  
>> Mayor Adler: I'm sorry.  
>> Tovo: My calendar shows we have a city council meeting that day.  
>> Mayor Adler: March 24th what about item number 44, ground transportation item.  
>> Kitchen: That's withdrawn. We'll be bringing it back but I don't to say -- I don't know the date yet. We withdrew it because as you all may know I mentioned earlier in the week that we had -- we thought we had had the chance to talk to everyone and didn't have any westerns about it, but turns out there were some concerns raised so we need more time to talk with everyone that's impacted before we bring it back. And so I don't know what's an appropriate time yet.  
>> Mayor Adler: Okay.  
>> Kitchen: But I'll be letting you know.  
>> Mayor Adler: All right, so again kind of in summary --  
>> Pool: I have one other, I don't know if you mentioned item 54, the one on the park naming.

[2:54:20 PM]

And we had some amendments made during the open space committee meeting in January and we thought that the language changes would be okay, but when the law department spent some time with the additional changes they realized that it wasn't exactly the -- they needed to work on it some more and that we wanted the other folks who were affected by the change to have some time to spend with it. So specifically you mean law -- umloff garden folks. If we can bring it back and the other people are interested for March 3, if not March 24.

>> Mayor Adler: What would be the better day to postpone that to?  
>> Pool: Is our law department here? Let's go ahead and set it for March 3 and then if we need to postpone it again we'll go to March 24.  
>> Renteria: What number is that?  
>> Mayor Adler: This is item 54. It's the park renaming item. So this is what I'm showing. I'm showing items pulled -- and we're talking the consent agenda which goes items 1 through 55. We're pulling items 12, 13, 15, 16, 33. Item 42 is being postponed to March 3rd. 43 postponed to March 3rd. 44 is withdrawn. The item number 48 is being pulled.  
>> Mayor, I'm sorry. There was a miscommunications with the time certain for 48. It was always our intent, councilmember Casar's and my intent to ask councilmember Houston and I mean really it's moot at this point. It was just we have been -- some tenants asked if we could request a time certain, but it's not necessary to -- it looks like it's pulled for speakers anyway.

[2:56:24 PM]

>> Mayor Adler: Right, 48 has been pulled. Item number 49 has been postponed to March 24th. Item number 50 is withdrawn. And item 54 is being postponed till March 3rd.  
>> Pool: And marry have gotten a request to make item 54 March 24 rather than March 3.  
>> Mayor Adler: March 24.  
>> Pool: Thank you.  
>> Mayor Adler: What about the Austin water utility transfer item, item number 55? So that's pulled as well. Okay? One last time. We're pulling 12, 13, 15, 16 and 33. 42 postponed to March 3rd. 43 postponed to March 3rd. 44 is withdrawn. 48 is pulled. 49 is postponed till March 24th. Number 50 is withdrawn. And the consent agenda, by the way, only goes to item 51. I apologize. I misspoke earlier. Okay? Yes.

>> Tovo: Mayor, I apologize, I'm not sure if it's been pulled for speakers but I need to pull the brush square item.

>> Mayor Adler: Which item?

>> Tovo: I need reminders about which number it is. It is the item I brought forward.

>> Mayor Adler: On which topic?

>> Tovo: The downtown metro rail station.

>> Mayor Adler: That is item 45.

>> Tovo: Yes, thank you. And we have -- if it hasn't already been pulled I need to pull that. It will be a consent item once I distribute the copy that we recommended yesterday at the parks board. I mean I'm sorry not the parks board.

>> Mayor Adler: We're pulling item 45.

>> Tovo: The council committee that's related to the park board.

[2:58:26 PM]

>> Mayor Adler: We're pulling item 45 as well. We have a couple speakers, consent speakers. Gus Peña, is he here? Mr. Peña? What about Lisa Hinley? Do you want to speak? Item number 23 was not pulled.

>> I'm Lisa Hinley with the north Lamar neighborhood team. This is an item to extend the research interlocal out of the department of justice criminal justice innovation grant. The grant was originally scheduled to run through September. Apparently department of justice has extended that for the police department and they want to extend the agreement with their research partner. Our neighborhood is the center part of that grant area. We include most of the hot spots that made it possible. The grant was originally intended as a restorative justice grant, focused enforcement activities with complimentary social services on repeat offenders, the people that were making the most of this. And a requirement of the justice program was to have this research partner with the idea that will be data driven planning and then development of measures and evaluation with the idea that we would increase capacity of the neighborhood, of the police department and hopefully from doj's point of view they get something they could transfer to other cities. Those activities have not been carried out. The nature of the planning didn't happen. The nature of the program changed, the social services were separated from the enforcement activities and most of what's in the research interlocal hasn't taken place. Notably developing the performance measures. You all do have a contract tentatively on your agenda for next week for 200,000 with a private contractor. To look at some of these same issues around the community policing in general for the whole city.

[3:00:31 PM]

So I think that you all will get some of that information and I'm hopeful that the police department will use what they learned from not managing the interlocal in how they manage that contract. We were able to meet with the principal investigator a couple weeks ago and he's been very clear that extending this interlocal doesn't change anything that he does. Some of the research work is interesting to him and he intends to carry it out whether the interlocal is in place or not. Some of the other work is not interesting to him and he was real open that he doesn't intend to it. U.t. Has already received all of the money. The contract was written so that they were paid when they presented expenses rather than as they delivered work. So there's no money going to change hands. But that still says why not let it ride. We might get lucky and he might deliver something we want. I think what's more worrisome to me than no information is bad information. Some of what has been presented so far as research results, part of the conversation we were able to have with him is there's not data to support a particular intervention to change anything, actually. There's a lot going on. It's really hard to measure something like crime or

social services. But there's just -- there's just not data. In a lot of cases there's not even a logic model suggesting why it would have.

[Buzzer sounding] 30 seconds?

>> Mayor Adler: Finish your thought.

>> The other -- the other concern is just the whole issue of trust. We spent as much time with the cops at an individual level as anybody. They are good people. They are smart people. They do an incredibly hard job. We have the personal relationships but our relationship with the police department has been weakened. The city does have two lawsuits against it from death related to police activity during the grant period.

[3:02:32 PM]

Which doesn't mean anybody did anything wrong, but I think part of managing that risk as well is to be sure that when the police say we have data to back something up that it really does. So I encourage you to just vote no to this. The work that is going to get done will get done and everybody else can move on. Thank you.

>> Mayor Adler: Thank U Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. From what I gather, I appreciate your remarks. It sounds like it's just money -- according to my backup material it's -- there's no cost to the city, but you are just saying we shouldn't be spending the \$300,000. It's not worth --

>> The cash has already been paid out. There's obviously a cost to continue to interact.

>> Zimmerman: Okay. I appreciate you talking about this because I was prepared to vote for it before you called my attention to it so thank you. I think I'm going to vote against it now so thanks for coming.

>> Mayor Adler: Thank you very much. I have the following notations for Mr. Zimmerman in terms of votes. I have you voting against item number 2, abstaining on 3 and 4, abstaining on 8, abstaining on 17, 18, voting against 18. Abstaining on 19 and abstaining on 21. Abstaining on 25, 26 and 27. 29, 30, 31, 32, 34, 35, 36. Voting against 38. And then was there one more that you wanted to change?

>> Zimmerman: Yes, item 23 that we just heard from. I had marked that as for, but has it been pulled off or --

>> Mayor Adler: No.

>> Zimmerman: Let's mark 23 as against and that will be correct. Thank you.

>> Mayor Adler: All right. Any other further comments or statements with respect to the consent agenda? Ms. Gallo.

>> Gallo: Mayor, if you could show me as co-sponsor on item 40 and 41, please.

[3:04:36 PM]

>> Mayor Adler: Okay. Anything else? Yes, Ms. Troxclair.

>> Troxclair: I would like to be shown abstaining from items number 17, 18, 23, 25, 36 and 38. And voting no on item 4.

>> Mayor Adler: Okay. Any further -- Ms. Pool.

>> Pool: Just a clarification, item 23, that's restore rundberg. We're not adding any more money, is that correct, we're simply giving a additional ten months to the effort to effect some additional actions. Is that correct?

>> Mayor? I was going to speak to that briefly. I think what was stated was correct whether we pass this or not I believe the investigator's intent is to continue and complete the report being done at the university of Texas. And we -- the U.T. And my office worked with some folks to bring people together to talk about the final study and I think that there certainly are people all over the spectrum on how they

feel about how the process has gone. But I do think that in the end it benefits us to keep this relationship going with the university formally through an interlocal, and then people with agree or disagree on how valid the data is, what the results are, but this study combined with the community policing report that we budgeted this last cycle will give a lot to talk about when it comes to community policing and the way we think about and practice policing in our community. So those are difficult conversations and I hear some folks that are very, very excited about the way some parts of the program have gone and others that have serious criticism and I think that contention is natural and I look forward to the report that we get so we can have sort of more material to agree or disagree about and look at the data that's presented to the university.

[3:06:43 PM]

But my understanding no additional dollars.

>> Pool: Right. That's really helpful. Part of district 7 is also affected by the activities at rundberg and restore rundberg effort is helpful to that part of the area that I represent. And if there's any way that I can lend support from my office or me, we would be happy to work with you on that. Thanks.

>> Mayor Adler: Okay. Is there a motion to approve the consent agenda? Ms. Gallo, seconded by Ms. Houston. Discussion? Those in favor --

>> Houston: Whoa, whoa, I'm abstaining on 23.

>> Mayor Adler: Okay. Abstaining on 23. Does anybody else have any other comments or thoughts? Those in favor of the consent agenda please raise your hand. Those opposed. It's unanimous except as otherwise noted in the record. We didn't quite get that done in 15 minutes but we got it done in less than 20, just to remember. We had one item that was set on executive session but we took the abbreviated lunch. If there's no objection, we'll reset that executive session item. It's the one that relates to the homestead preservation districts. Is that okay? Let staff go. So that will be withdrawn for today but reset. That gets us then to -- now picking up the items on the consent agenda that we passed.

>> Houston: Mayor, could you give us the number?

>> Zimmerman: Yeah, the agenda item number.

>> Mayor Adler: The agenda item number on the executive session was 59. Okay. I'm sorry?

>> [Inaudible]

>> Mayor Adler: We're postponing it. We'll just put that back on the agenda as we can.

[3:08:48 PM]

And we're withdrawing the other executive session item so there won't be an executive session today. We had addressed those items, the other ones earlier in executive session on Tuesday. Okay? So that would be items 56, 57 and 58. And 59. Okay? That gets us now, let's work our way through some of the items pulled. Ms. Garza, do we want to do -- the rosewood at this point or do we want to hit that in order?

>> Garza: I wanted to leave that up to councilmember Houston.

>> Mayor Adler: Was there a specific time you wanted that to be heard?

>> Houston: Councilmember Garza and Casar have it on the agenda for 3:00. What is the time certain? Have we dealt with that?

>> Mayor Adler: We're at 3:00 now. So is there a time that you wanted that to come up, any special time of the day?

>> Houston: They've already made that decision, we'll do it at 3:00.

>> Mayor Adler: Okay. So do you have people here that are want to go visit on that?

>> Garza: I'm not sure, mayor, and it wasn't meant to be a decision. It was --

>> Mayor Adler: I'm going to call some other items and we're going to work our way just into that. So

let's begin with item number 12. Mr. Zimmerman, you pulled this.

>> Zimmerman: Thank you, Mr. Mayor. I had a couple questions on the second page of the backup about the anticipated services, if there's somebody to speak to that. I think the contract is a million dollars. This kind of -- just to lay out a little bit my concerns, we recently had a survey by Austin water regarding the permanency of the stage 2 restrictions based on the 2012 drought contingency plan, and I've been pretty vocal on that but I feel the community has been disappointed that those restrictions were not lifted per the terms of the drought contingency plan.

[3:11:10 PM]

Then we followed that up with a sure a survey and the survey showed our constituents did not want the permanent watering restrictions. And it appears that the city water utility is going to push ahead to do what it can to make those permanent. So I wonder if we're going to spend another million dollars to convince the public that they should have permanent stage 2 watering restrictions among other concerns, so I'll let you tell us why we should spend a million dollars.

>> Councilmember, Daryl Slusher, assistant director at Austin water. This is not -- not related or not directly related to the one day a week issue. We're -- we've just finished public input process on that. We're formulating a recommendation that will be coming forward soon. This is something that the previous -- recommended by the 2014 task force, the water -- I forget the exact name but it was a task force to deal with Austin water and they recommended an integrated water resources plan. And the last council recommended that we do it with a consultant, independent consultant so that that's the item that's coming to you today. This will -- it's a very integrated water resource plan is probably too much to explain standing at the microphone, but it's going to look at how much more we could conserve, what our demands are in the future, tie that all together, have a lot of public input and public process on it and that's how it works.

>> Mayor Adler: Ms. Pool.

>> Pool: And I would just add the integrated water resource planning advisory committee had a look at the various people who were lined up as possible consultants and they have endorsed the -- is it cdm hill?

>> Cdm Smith.

>> Pool: Yes, thank you. I had asked this be pulled from one of our January agendas so make sure we're making the best choice and I'm assured by some folks with the task force that this is indeed the preferred vendor.

[3:13:20 PM]

And so I commend that to everyone on the dais for a vote for this contract.

>> Mayor Adler: Any further discussion on item 12? There is there a motion to approve? Ms. Pool. Is there a second? The mayor pro tem. Any further discussion? Those in favor please raise your hand. Those opposed? Mr. Zimmerman voting no, Ms. Troxclair voting no. Passes 9-2. That gets us to item number 13 pulled by Ms. Houston. This is the hud loan.

>> Houston: Thank you. I've got a lot of questions but I'll just do a couple here and then I'll send the rest of them to you guys. Is this the first time we've had a hud loan for this amount of money?

>> Good afternoon, assistant director with economic development. No, councilmember Houston, this is actually our second round with section 108 funds. Back in 2011 council approved \$3 million section 108 loan for our family business loan program. We have since expended 95% of those funds and hud subsequently per our application awarded us an additional \$8 million, which council actually accepted as part of our budget in 2013. The action today, per the attorney general requirements, authorize

negotiation of a \$3 million note which is a subset of the 8 million.

>> Houston: Thank you for that explanation. So what is the potential for the applicant to apply for these 911.

>> Currently it's being marketed through our small business program and through our five Mecca chambers. You submit a complete application. Once approved by your bank. So there are three participants. The city participates up to 40%. The applicant has to contribute 10.

[3:15:21 PM]

And then the other 50% can come from the bank. So you submit an application to your bank. Once it's approved it comes over to our staff for underwriting. Once the underwriting is approved, it moves on to our internal loan review committee. And all of these steps were approved as part of the family member loan program.

-- Family business loan program. Once the loan is approved by the loan committee it is then sent to council for approval. Once council has approved the loan, it is then forwarded to the hud office in San Antonio for approval. Even if council approves the loan and hud San Antonio denies it that it doesn't fit within the criteria of the guidelines, we do not move forward with the loan.

>> Houston: Okay. Is there a public process or is it -- the way you described it sounds like it is all done administratively.

>> Once we come to council it is a public process.

>> Houston: But prior to that time it's all administratively?

>> Yes.

>> Houston: And let's see... What's the definition of a small business?

>> We follow the small business administration guidelines, which is less than 500 employees and a net worth less than \$15 million.

>> Houston: Okay. Do you all have a matrix for prioritizing who gets these loans? What do you look at?

>> The first complete application that fits within our guidelines is the first to come forward.

>> Houston: Okay. Thank you so much. I wasn't here in 2011 or any -- hearing 2011 or any of those date. I'll send you the rest of these on the message board.

>> Sounds good.

>> Houston: Thanks.

>> Zimmerman: Thank you, Mr. Mayor. I have some similar questions, but I want to look on the back page of the backup material and read the statement, the fblp is a public-private loan program that enables Austin small businesses to finance business expansions that create jobs.

[3:17:31 PM]

We have something that does that already. It's called a bank. And I'm just confused as to why would city government get involved in being a bank.

>> Well, one of the benefits of the section 108 loan fund program is that the jobs that are created benefit low to mod individuals. 51% of the individuals hired as part of the loan have to be low and moderate income.

>> Zimmerman: Does that imply that regular banks can't do this kind of work?

>> They could, but for our purposes we are part of the economic development department creating jobs is one of our focus, especially helping those who are low to mod income.

>> Zimmerman: So can you briefly describe the difference between how defaults are handled between a regular bank and the Austin Citibank that's loaning out this three million dollars?

>> Well, currently don't have any loans in default, but if that ever happened, which we don't, we have

collateralized these loans so heavy that we -- you have to do a personal pledge, have you to collateralize -- pledge your collateral. So we would go after those items.

>> Zimmerman: Yeah. Typically the reason a private bank won't do certain loans is because there is no collateral. And that's why they won't make the loans. So I'm still struggling to understand why this is needed because if there's collateral you don't need the city to loan the money generally.

>> Again, it's a benefit for the low to mod individuals within the community.

>> Zimmerman: Thank you.

>> Tovo: I think this is a good program and I'm going to support the item, but as I recall one of the recipients was a hotel here in Austin that was actually part of a national chain, but it was locally owned.

>> It's a locally owned and small business owner who is constructing a class B hotel.

[3:19:33 PM]

It's considered a class B. And he will hire low to mod individuals. But the taxes paid stay here, the employees that are hired stay here and spend here.

>> Tovo: And I know -- I'm family with the other recipients and I think they were sort of smaller scale businesses, but in any case, I know that my office has worked with your staff to get more information about what we can modify locally in terms of the matrix. And I'm interested in continuing to look at that. I would just invite any of any colleagues who are interested in that subject to be in touch. Not too many of you, but a few -- up to the quorum if you're interested in that issue if we should look at the matrix and if we should target it to very small scale family businesses. That's one option we have as I understand under the guidelines.

>> We'll work with your office.

>> Pool: So what would the income level of the people applying for the loans be?

>> You have to be a well-qualified buyer. There is no restriction on your status. You have the credit score,, be underwritten by your bank and once you clear the first huer tell then it progresses to underwriting and it progresses from there.

>> Pool: So the first calling criteria would be the size of the enterprise, the size of the business.

>> Say that one more time.

>> Pool: So the first culling criteria would be the size of the business, W you already mentioned.

>> Or the purpose of the loan. For example, you guys have already approved the Bouldin creek cafe which needs this approval so we can complete that loan. They are purchasing their property which will allow them to own versus lease. So that's the benefit. So they were well qualified buyer and they met all the underwriting criteria.

>> Pool: I agree with the mayor pro tem this sounds like a great program and I'd be happy to support it.

[3:21:35 PM]

>> Renteria: I'm also going to approve this. I had the privilege of serving on a committee when I was serving on the community development commission handing out these loans. And let me tell you, we are doing business with some of the restaurants right now and some of the restaurants that we have given loans to are serving our lunches here. So it's been a very successful program.

>> Mayor Adler: Is there a motion to approve item number 13, Ms. Pool seconded by Mr. Renteria? Any discussion? All those in favor? Opposed.

>> Zimmerman: Voting no, troxclair abstaining and Garza and Gallo off the dais -- Gallo voting aye. Garza voting aye. So the vote is 9-1-1. That gets us to item number 15. Ms. Gallo, you pulled this one? This was the funding the passages program.

>> Gallo: Hi, how are you? So I had some concerns about this item when I read under the notes,

additional backup information on the first became where it says this item is not consistent with the city's adopted general fund financial policy number 3 which states to improve financial planning and control, budget amendments should be infrequent and limited to cases where -- and there's three particular areas. Funding is required to address extraordinary circumstances resulting from a national disaster, a public health emergency add other similar need that could not have been reasonably anticipated when the budget was adopted. Or number two, there is veer final evidence of significant cost or risk associated with delay in funding until the next budget cycle or number 3, errors or omissions in the council's approved budget correction.

[3:23:48 PM]

I want to say before I ask my question is it's not the area of spending that I would question or the funding and the increases of expenditure for the passages program, it's that this language is part of this and it raises concern to me. So I would like the department to address which of those three this does that would trigger us being -- doing this without being consistent with the general fund financial policy number 3. So there's three reasons that it says we would be in compliance, and I just want to hear from the department which of those three reasons it is that triggers asking for this.

>> Well, that is one of our -- ed van eenoo, financial deputy for the city. We have a number of policies that are part of our budget adoption policy that council approves every year. Thiss one of the financial policies. It's specific to midyear general fund budget amendments. So the ideal world is that the general fund decisions are all made once a year as part of adopting the budget in September. That's not always realistic. So this is a financial policy that council has adopted saying those midyear budget amendments for the general fund should be infrequent and only in cases where one of the criteria are met. Staff did see this particular amendment meeting those criterias, so we were just highlighting for council that this action would be inconsistent with one of your adopted financial policies. That doesn't mean that it can't happen. It just means that we felt that we needed to inform you of that.

>> Gallo: Okay, so I guess what I would like to hear from staff is the specific reason that they felt like it complied with those three areas.

>> We're saying it doesn't comply with those.

>> Gallo: I'm talking about health and human services staff, excuse me.

>> We're bringing this forward because this was a item for council that directed staff to bring this back on February 25th.

>> Gallo: Got it. So then I would like to hear from whatever entity it is that is bringing this forward to us, if it came from a council committee, how it complies with one of those three reasons for us to be inconsistent with our policy.

[3:26:02 PM]

>> Mayor Adler: Mayor pro tem?

>> Tovo: So I brought this forward as an ifc on I believe it was February -- somebody might have to help me. February 11th, I believe. And I would say with -- I appreciate the financial staff's assessment that it doesn't comply with financial policy. I would say that the financial policy was adopted in 2014. It's a relative recent one. This may be the first time out that we're actually applying it and I believe we've made some other budget amendments where we actually haven't looked back at this financial criteria to determine whether those budget amendments would reach it. But I would say -- I would argue that this certainly does meet one of the criteria, though I don't have it in front of me, but it is a situation of some urgency. We have families who are homeless who will lose their child care beginning in July because of a change in federal policy that is removing that as an expense that they're going to fund. A couple of



things happened. One is that our early -- our child care committee, early childhood council last may did recommend that the city pick up this funding. They were aware of the change in federal policy and they recommended that the council incorporate this into our budget for fiscal year 2016. That recommendation likely did come to council. I don't believe any of us noted it. And it did not make it into the budget that we approved. We could have handled it during the budget process, but none of us raised it and I wasn't aware of it until a representative, staff member at the salvation Army contacted my office and said these families are going to lose their child care in July if some other funding isn't identified. So again, I did bring forward a resolution back on February 11th. It passed and that's why staff have returned with this budget amendment. And I would strongly urge us to consider that if we're looking at families who are homeless, struggling to get back into their feet and stable and safe housing.

[3:28:09 PM]

It's tough for them to do that if they can't work. And look for housing and to do either of those things for many people is going to require they have child care.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I had the same concerns as councilmember Gallo, but I guess what confuses me is this used to be an item from council and now it reappears and a recommendation from council, action which is generally from staff. So have we done that before where something comes into committee and it's an item from council and then it reincarnates itself as an item from staff? Is that part of our -- you can just explain. I'm curious what happened there.

>> Tovo: Sure. Because it has -- I'll just say child care. I'm not sure if I inadvertently said health care, but it is child care. It is the process, it begins as an ifc. We directed the city manager to identify funding and come back and it comes back to us as a budget amendment and those come from staff in that form.

>> Zimmerman: I want to make a point because I want to understand how this works. So could a councilmember not do a amendment budget? Could you just not bring an item from council as the same budget amendment or could you help explain that? Mr. Van eenoo, can council put in say an item from council to do a budget amendment?

>> Typically it happens the way mayor pro tem described, but we have had -- recently the mayor's office brought forward, the mayor brought forward an item from council that amended the budget for the police overtime. It could be done either way.

>> Zimmerman: Okay.

>> Mayor Adler: Okay. Any further discussion on this item number 15. Is there a motion to approve? Mayor pro tem. Is there a second? Ms. Garza? Further discussion in all those in favor? Those opposed? Mr. Zimmerman. Those abstaining, troxclair and Gallo. So the vote is 8-1-2. We'll now get to the next item.

[3:30:10 PM]

Mr. Zimmerman, you have pulled this and we also have some speakers on item number 16.

>> Zimmerman: Thank you, Mr. Mayor. Can we hear from speakers first?

>> Mayor Adler: We're going to call Fred Louis.

>> Zimmerman: Also, Mr. Mayor, I'm going to hand out some yellow amendments that are based on what I posted on the council message board.

>> Mayor Adler: Is Mike here?

>> He's here. He donated his time to me.

>> Mayor Adler: Is brad parson here? Brad here? Then you have six minutes.

>> Okay. I'm Fred Louis here on behalf of a grassroots organization called manage Austin better. We're a

group of verse austinities concerned about the management of our city. Frankly we started becoming concerned after the Zucker report was released because instead of having the best managed planning and permitting process in the country, we had one of the worst. So we're here to ask today that you approve a formal job evaluation process, but we have some suggestions for some improvements. Because we think there should be a very rigorous job evaluation process considering the fact that we have a \$3.5 billion budget and that we're the 11th largest city in the United States and there are over 13,000 employees. We think the evaluation that you should consider adding some changes that will make more rigorous regarding metrics, more comprehensive, public and fair. Let me talk about rigorous metrics. The mayor posted a form that y'all have in the backup that basically comes from the university of Tennessee, as I understand it. It's a pretty common form. And the first section talks about priority outcomes.

[3:32:14 PM]

And it makes just a vague reference to the city's comprehensive plan. And we think you should actually take the vision statements and the categories in imagine Austin and put that into those priority outcomes. And there are five of those laid out. They're Austin is liveable, Austin is natural and sustainable, Austin is prosperous, Austin is mobile and interconnected and Austin is educated. And underneath those if you look there's five to 17 subitems in each of those five. And if you drill down below that you'll see they're actually hard metrics of what outcomes y'all expect from city staff. And so we think those are the types of things that you should incorporate into your performance evaluation. Most of the other sections, if you look at them, are very much -- deal with personal relationships and how well someone interacts with other people. And those are very important, but I don't think they're as important as whether or not the job gets done. The second thing is that we believe from reading what was in your backup, which was from a Mr. Derrick who is a management advisor, there was a memo and basically what the memo said is that you need to come up with 50 to 100 items that you want to see whether they have been or will be achieved. And the most important part of that is to have them prioritized and have a clear discussion about those 50 to 100. Which gets me to my next point, which is I think to do that you need to have a self-evaluation by each of the city management people that are involved, the four appointees, and you need to have an evaluation done by each of y'all related to those items.

[3:34:24 PM]

But it seems to me very difficult to have a conversation to about 50 to 100 items. And I just don't know how you can follow such conversation. I know I couldn't. Certainly not at 3:00 in the afternoon. So I think it's very important that those items by which you're going to measure performance that they be in writing. And that they come from both the city council appointee who is going to be doing it as well as from yourself. I think it is also important that you get input from other people. And there are two groups of people I think that are important to get more input from. One is the subordinates of these city appointees. They see how they implement policy everyday. You don't see that. I don't see that. They don't see the -- you don't see the internal mechanisms, how they run meetings, how they interact with staff. It is a known that often people treat those above them differently than they treat people below them. It seems to be a common problem. But the point I'm trying to make is if you looked at the Zucker report, the input from people below the head managers was very telling about how poorly run the department was. And whether the subordinates provide you information that things are being managed well or they're being managed poorly, it's still very valuable information and I think you should do it anonymously like was done in the Zucker report. I also think you should get the input of the public. The

public interacts on a daily basis with your staff. They're the ones who know if you're permitting department doesn't function well.

[3:36:27 PM]

They know whether or not on short-term rentals the laws aren't being enforced. They provide a perspective you're not going to hear from subordinates, you're not going to hear from the top. And after all, they really do pay for the salaries of these people and they are the people that are being served. And so I think a public hearing where you got input from people on how they thought various areas of the city were provided and whether or not they met the goals in imagine Austin --

[buzzer sounds]

-- Would be very important. And I will conclude with

this: I think it would be beneficial to the process to make it as public as possible. Thank you.

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Louis, for being here. Can you talk briefly about your press conference yesterday morning and who joined you in that?

>> It was a very diverse group of people. You were there, councilmember Zimmerman, I was there, bill Aleshire, Brandon Reid, bran sis mcenfire -- Francis Mcentire. And basic live it was that the process be as public as possible. I do understand that personnel decisions are sensitive. On the other hand, not all personnel decisions are sensitive. I think it's important to note that the personnel file of most of the employees in Austin are in writing, their evaluation, and you can get it subject to the open records act. But the main emphasis that people had that -- agreement, councilmember Zimmerman, was that the process should be as public as possible, that the evaluations be in writing and that there be rigorous metrics so that the evaluation could be as fair and thorough as possible.

>> And there's a local government code that speaks to some of these evaluations. And I believe it says that the city is not obligated to make it public, but it does not have a prohibition on making it public.

[3:38:32 PM]

>> That is correct. You can waive those provisions any time and it's often done. I've recommended to public bodies that they waive various provisions before.

>> Zimmerman: Thank you. Finally, I do have an overhead I would like to put up quickly. We put this on the council message board. It's on a yellow sheet of paper here. It's Zimmerman amendment version 2. And if you could -- it's very brief, as you can see. And we added a bullet point 7 that I was hoping would speak to your request maybe D that look like something that would make sense to you?

>> It does. I'm a little less spunky than I was at 9:00 this morning.

>> Same for us.

>> But it looks good to me.

>> Zimmerman: Thank you very much.

>> Are there any other questions? Thank you.

>> Mayor Adler: So you had given to me a suggestion on adding some kind of guidance for the discussion. Right now as it's been presented, point number 1 of the evaluation speaks to starting with the kinds of standards that are set either in our strategic plan or the like. We have sections 2 through 5. And item number 6 then has us concluding the personnel evaluations with setting goals and objectives for the following year. And I'd like the concept of having goals that relate back to the strategic plan. Giving that document to Dr. Washington, working with that now and my hope is to put something up on the bulletin board for us to look at maybe next week that might be able to serve as a guide for that conversation. So thank you.

>> Thank you. As you said, in the form that you presented on the bulletin board, it talked about referencing the city's comprehensive plan. So what Mr. Herbert and I did was literally go to imagine Austin, adopt those performance objectives and drill down into it.

[3:40:38 PM]

So thank you.

>> Mayor Adler: Thank you. The next speaker that we have is David king. And Mary ingall is on deck. Is Mary here? Okay. Not speaking. This is our last speaker. You have three minutes, Mr. King.

>> Thank you, mayor and councilmembers. I'm here to speak about transparent and fair process, not to single out an individual and be critical of an individual, the city manager or any of the other appointees that you all make. I'm just here about a fair and transparent process that works for the public, for you all, for all the stakeholders in this process. I'm not being critical of your performance, manager, or any of the other appointees. I'm just here to offer some suggestions that I think will help make the process transparent, fair. And to everyone, including you and the other appointees and to the public and the councilmembers. So that's my main thing is fair and transparent for all of us. You know, one of the things that we hear problems in the management -- in the planning department and so from the public we're wondering is that because of the policy set by the council? Or is that because of the or due to how that policy was implemented. We don't know, we don't have that information. When we talk about holding people accountable we're not just talking about the appointee. We're talking about you all too. So we need this information. We need this information ourselves. It's not been written down for these very important appointees that we have. It's not transparent to us. All we see at the end of the process is the manager has been evaluated and gets a raise or not a raise or he gets to continue in this position. That's not enough information for us. I think that it's important that we have that information. And the president of the Austin naacp, chapter of the naacp, had a comment at our Austin neighborhood council meeting last night.

[3:42:40 PM]

And he said that you cannot have accountability without transparency. And that's important. I'm here to say I've been a manager, I've hired people. I've evaluated people. And I've used some of these suggestions that you just heard from the previous speaker, Fred. 360 reviews. I wanted to know from the customers that my people served how did it work out. And I wanted my top management to talk to my employees and see how did I work out? How did I do my job? I'm not afraid of that and I don't think anybody should be. And I think -- so that's why I think it needs to be a fair process for everyone involved, including the manager and the other appointees. So that's my main point is a fair and transparent process for all of us. Thank you very much.

>> Mayor Adler: Thank you. Any further -- we're now back up to the dais. Any further conversation? Dr. Washington, are you here? Can you lay out for us again the calendar as we would be moving forward?

>> Thank you, mayor, council. Upon adoption we would begin to schedule the the evallees for a process starting in in March and I believe the request was to begin with the clerk's first, clerk of the municipal court and city clerk. There would just be a conversation about performance expectation with the city -- excuse me. There would be a performance expectation with the clerk and also evaluation with the city clerk and the city auditor on the first or the second and we would look to schedule an evaluation with the city manager on the 29th.

[3:44:48 PM]

>> Mayor Adler: Thank you. Any further conversation or discussion? Yes, Ms. Kitchen?

>> Kitchen: I just had a discussion. In your comment to Mr. Louis I wasn't sure when you were going to -- where in this process you were thinking of inserting the imagine Austin priorities.

>> Mayor Adler: My hope is as we can work through with Dr. Washington to be able to have something that maybe we could post on the bulletin board by the end of next week that could serve as kind of a discussion guide or evaluation guide that would pull those elements of the strategic plan out so that they can be published and then we could have a conversation as part of the evaluation or otherwise whether there are specific metrics that we want to adopt for evaluation going forward. But the initial thing would not include metrics as much as it would include kind of the subject areas as they're outlined in the strategic plan.

>> Kitchen: So I'm trying to figure out how that relates to what we have before us to adopt today.

>> Mayor Adler: It would be consistent with that. At this point I think it would be more in the nature of a guide for discussion, both for us as well as for the appointees in terms of their self-review. It would identify the kinds of things that would be anticipated to be brought up in the discussion. My hope is that as we would end an evaluation and we would be a number 6 we would then be establishing more specific kinds of things that we would all know as where we would be starts as number one the next time we sat down with another check of your traffic in 10 minutes. We just don't have that yet. We haven't filled that pipeline to be able to do that well.

>> Zimmerman: Mr. Mayor, if I understand councilmember kitchen's question, I kind of had it too. It sounds like the process point would be number one where Mr. Louis' concerns would be put into place.

[3:46:51 PM]

It would have to be process point number one.

>> Kitchen: That makes sense.

>> Zimmerman: And the amendment I'm going to bring up later is on the opposite end. It's looking at kind of our summary evaluation after point 7 and then getting our public feedback after we've included what we think is a fair process.

>> Mayor Adler: Yes, Ms. Houston?

>> Houston: Thank you, mayor. I want to thank everybody who spoke today. I have had the pleasure of working in several governmental organizations with the county. The state for a large agency that has a commissioner. And the two -- I agree that the two that were used must be transparent, but in all of those opportunities none of the chief executive officers' evaluation was public. It's what I'm hearing people say now, is the commissioner of the department of mental retardation -- of mental health and mental retardation was done with the board, the commissioners on that board. Of course we knew the kinds of things like you've laid out, mayor, that you would be asking or we would be addressing. We did not come into this position with any kind of priorities for the city manager. Those were set prior to our getting here. So now that we've had an opportunity for a year then rather than starting with imagine Austin as priority one it's part of that whole ability to evaluate, but at the end of the process what I'm hoping is that we have some common goals because we didn't have a chance to define what our goals and our vision for this city were. So we've been trying to construct that as we've gone along and I think the city manager has tried to help us construct them as best as he could with this kind of group that he inherited through 10-1.

[3:48:58 PM]

But I think that we have to have that opportunity to have these conversations in private so that we can be those discussions about what it is that our vision and our goals for this city will be, which will then

help shape what the performance measures will be the next time around. And so ago I agree with transparency, I think it's great and I think we should share all of those things. To do that in public, I don't know that we would ever get another city manager if we did that. Because I'm concerned about councilmember kitchen. If people just get mad and start filing a petition, I may be next. So how vulnerable are we going to make our leaders in the city where the only thing we have is a petition or a very public kind of investigation of what you did and why you did it and was that right or wrong according to everybody's opinion and everybody in Austin does have an opinion.

>> Mayor Adler: Thank you. Any further discussion? Do you want to make an amendment, Mr. Zimmerman?

>> Zimmerman: Point of order, has somebody moved adoption of item 16 yet?

>> Mayor Adler: Will somebody move adoption of item 16? Ms. Houston. Is there a second to that? Mayor pro tem. Do you want to make your amendment, Mr. Zimmerman?

>> Zimmerman: I would like to amend item 16 if we could put it back on the overhead. It's version 2 of our amendment. We had a version 1 we put online. If we put that up, it's pretty self-explanatory. Let me put that up and ask for a second, if there's a second.

>> Mayor Adler: Mr. Zimmerman is moving to amend paragraph 6 and 7 of the second to last be it further resolved clause. Is there a second to that motion?

[3:51:00 PM]

>> Troxclair: I'll second to allow him to explain.

>> Mayor Adler: Seconded by Ms. Troxclair. Mr. Zimmerman?

>> Zimmerman: Thank you. Again, I think this goes back to some community input that our office received and the press conference that Mr. Louis referred to and also I believe Roger Vorgell, the former vice-president of the Republican Party was there and a number of others. But again, this -- what this amendment intends to do is allow the public to take a look at what we've done after we've completed our process. It doesn't speak to exactly what performance metrics would be. It simply says once the council is done doing whatever they're going to do that we Mitt Romney to call a special public -- that we call a special public meeting to show what we've done and have public comment on what we've done. It's maybe a public review of our internal council review. That's the way I see this amendment and why I proposed it, to specifically say we're welcoming the public to come in and review us on our review of our managers. We also delineated, we think there's a difference between one of our appointees who manages say 100 people and a manager who manages 10,000 people. We think there's a qualitative difference between managing hundreds versus managing 10,000 people. So that's why we broke out item number 7.

>> Further discussion on the amendment as proposed? Ms. Troxclair?

>> Troxclair: If I'm understanding this correctly, this amendment wouldn't require us to do the manager's evaluation in public. It would just provide a report to the public following the evaluation. Is there anything right now that would prevent us from giving a brief overview. If we're going to come back and in public session talk about a change in comprehension, can we not say -- in compensation, with we not say here's why?

[3:53:10 PM]

>> Zimmerman: It did to me says that the council is committed to this as part of the process. What's written down here is what we're committing to as a council. I guess it's a difference between what in theory we could do. I'm just saying are we as a council willing to commit to do this, to give the public this special time to give us feedback on what we've done.

>> Mayor Adler: Mr. Zimmerman's answer is correct that it would be from our perspective, we could do that by just posting it on the agenda. That's the simple answer I think to the question. Ms. Pool?

>> Pool: I think I'm thinking along the same lines as councilmember troxclair on that. We have the ability to make whatever comments we wish after that after the evaluations are conducted and when we make decisions on compensation. I am not comfortable with stating at this point that we would have a special public meeting to report and review the manager's evaluation and immediately accept public testimony regarding -- anyway, I think we don't have to mandate this. We can do it and I think that is part of the performance sections that are described in the resolution. This seems a little bit heavy handed to me. Any further discussion on this.

>> Houston: Yes, mayor, I'm uncomfortable about the delineation of a thousand employees or more. The resolution is about the direct reports to the council. And so everybody who is a direct report to the council needs to be treated in the same manner and we should not single out whether you have 50 employees or 13,000 employees, they should all be treated in the same way.

[3:55:17 PM]

So I will not be supporting this amendment.

>> Mayor Adler: I think it's the first time we've gone through this. I'm not ready to commit to that process either. I think we would get closer to it and I think what's appropriate will be more apparent to me. Any further discussion? Those in favor of the amendment please raise your hand? Mr. Zimmerman? Those opposed? It's the rest of the dais. Any further discussion or amendments to item number 16? It's been moved and seconded. Those in favor of 16 raise your hand? Those opposed. Mr. Zimmerman abstaining, the rest voting aye, number 16 passes. Let's call the rosewood matter since we have people that are here. We're going to move now to item number 48. Thank you, Dr. Washington. All right. I'm now going to call the public speakers to come forward on this item. Is Mr. Pena here?

[3:57:17 PM]

>> Bear with me, Mr. Mayor. Mayor, good afternoon, Gus Pena, I am a native east austinite, 2327 east fifth street. On this particular item it states approve a resolution initiating historic zoning for rosewood courts located at 2001 rosewood avenue and including rosewood courts in the national register of historic places. Mayor and council, I have had also relatives living in this court, housing court, and I think it is appropriate to take action, positive action on this item. We veterans for progress support this. It's long overdue. And we should be proud of the people who actually pushed for this initiative and this item in the agenda. I was not able to participate in it because all my bouts in the hospital, but we are proud supporters of it, and I hope and pray that we do also with other geographical areas also because this is a needed resolution and historic zoning for rosewood courts who have had a lot of residents go on to prominent positions in city, county, federal and state positions and are very famous activists also. Anyway, mayor, thank you very much. For the record veterans for progress support this very much.

>> Mayor Adler: The next speaker I will recognize is Steve Witcher.

>> My name is Steve Witcher. Thank you for giving me time to speak today. I'm a resident at rosewood courts. I live in the apartment complex.

[3:59:19 PM]

While I recognize the history and think it's a wonderful thing that we remember the history and honor the history of rosewood, giving the historical zoning would actually stop progress as far as trying to do any redevelopment of the area. Which we have been working on a plan for that for over two years and

trying to get funding for that so we can get in better housing that actually meets the hud guidelines that are set today. And to try to keep us set back in a vacuum in time is wrong. There is more to history at rosewood than just the brick and mortar buildings there. With the current plan that's up if we get the funding for it, six buildings will be preserved and the rest of the property will be redeveloped to bring in mixed income, chances for low income people to buy homes and stay in east Austin. We need to move forward while honoring history and not leave the families there living in subpar conditions. Thank you for your time.

>> Mayor Adler: Thank you. Next speaker is Fred McGhee.

>> Mayor, mayor pro tem, councilmembers, distinguished guests, ladies and gentlemen, my name is Fred McGhee and I'm the leader of preserve rosewood, a grassroots coalition of austinites seeking to preserve this iconic property. I'm also the author of the national register nominations for rosewood courts and for Santa Rita courts which is already in the national register of historic places.

[4:01:22 PM]

I would like to begin my 180 seconds by just putting a bust of Lyndon Baines Johnson before you. And President Johnson, our beloved first congressman and then later senator and president, vice-president, president, I think would be proud of the action that I hope you will be taking today to landmark this iconic property. I would like to secondly thank the members of the dais who sponsored this initiative. Mayor pro tem, councilmember Renteria. I am going to be writing a book about this housing and Mr. Renteria, I will be sure to thank you for that. I will not be addressing the housing authorities concerns and complaints at all. This is an issue of historic preservation. It really cut and dried. This property should have been land marked a long time ago. And it is an icon in this case properties that of national, even international significance. It meets all five criteria under our present historic preservation regulations in architecture, with its historical associations, archeology. I'm an archeologist, nobody that works for housing authority is an archeologist as far as I can tell you. Let me tell you, there is archeology at rosewood courts. And landscape architecture. This was after he left the firm of Olmstead and company. That's his son in Boston. He came back here and designed the landscape for rosewood courts. So this is a property that really is a slam dunk in my mind. And councilmember Gallo, you have a very distinguished legacy in this regard as a former member of the housing authority.

[4:03:23 PM]

That picture up there, some of you may not have seen it before. That is a picture of the dedication of rosewood courts from March 1st, 1939. Starting at the right that is Austin mayor Tom Miller of Tom Miller dam. The person in the middle who is nominated in the nomination is Nathan Straus, junior. The Straus family is one of the most distinguished Jewish American families in the United States. His roommate at the University of High Dellburg in the 1920's was Auto Frank, the father of Ann Frank. [Buzzer sounds] And the person on the left is councilmember Gallo's grandfather councilmember Perry, Commodore Perry. So councilmembers, I ask you to support this, I ask you to support it unanimously. What's good for the goose is good for the gander. If you can support the historic landmarking of many, you can do it here today. I'm happy to answer any questions.

>> Mayor Adler: Any questions? Ms. Pool?

>> Pool: Dr. McGhee, thank you for being here. I heard you say something about Otto Frank, but I missed the connection there.

>> Yes. One of the wonderful things in my research for this property that I was able to establish is the role of Nathan Straus, junior, who was President Roosevelt's administrator of the United States housing authority, an agency that was created by the 1937 housing act. And it was Congressman Johnson who



went to Mr. Straus and personally lobbied for Austin, Texas to get the first public housing in America under that law. Mr. Straus, of course, is the son of the founder of the Macy's department store chain. The connection to Otto Frank is interesting. It's just come out recently that Otto Frank tried to leave Nazi occupied Holland in 1940 and called on his old college roommate, Mr. Straus, to assist him in immigrating to the United States.

[4:05:26 PM]

But over the course of the entire war, only about 200,000 or so visas for European Jews were officially granted by the federal government of the United States. So he and his family were not able to leave Amsterdam and come to the United States. And unfortunately Anne Frank, his daughter, wrote a famous narrative, talked about what that experience was like and there's an interesting connection there. It's not the nomination.

>> Pool: That is very, very interesting. Otto Frank was the only member of the Frank family that survived the concentration camps.

>> He remarried and died in the 1960's.

>> Mayor Adler: Ms. Gallo?

>> Gallo: I've got a question about the national register. So Santa Rita has currently been approved. But where is the process on Rosewood.

>> Well, you would have to speak to the Texas historical commission and then the national park service. I think the national parks service is going to be paying very close attention to what you all decide here. The park service refuses to answer any phone calls and refuses to respond to my letters. They simply have -- they don't want to have a conversation with me. The only time that they have responded a couple of times a few months ago in writing that basically said we are no longer considering your nomination. You need to basically go through the process again and go through the state. And I said that's not the procedure. As you know with what happened at many, what happens if the state and the hearing officer disagree with you with 45 days to make that decision and the person who makes that final call is the national park service. Basically the park service is acting right now like they don't have to have a conversation about it, which is unfortunate. The politics of it are clear. The open things are very clear. If this body approves historic landmarking, supports the nomination I think we'll get momentum in Washington.

[4:07:31 PM]

>> Gallo: So with your prior application for the national historic register, did you have a resolution from the council that supported that like we did with many?

>> I think it's part of this resolution before you now.

>> Gallo: But when you submitted it initially you did not have a resolution from the council? I'm not sure I understand your question.

>> Gallo: You've already submitted an application for the national register of historic places.

>> Correct.

>> Gallo: And when you submitted that did you submit with that a resolution from the council supporting that?

>> No, ma'am. That's because it usually isn't necessary. When I did it for Santa Rita, for instance, it went through every level of government. It went through the historic landmark commission that endorsed it. It's the historic landmark commission that reduce the nominations and then from there it goes to county historical commission, to the state board of review and then to -- ultimately to the park service. If the city council would review every national register nomination that came before the historic landmark

commission, your agenda would be a lot longer than it is now.

>> Gallo: Okay, thank you.

>> Yes, Mr. Zimmerman.

>> Zimmerman: There seems to be two resolutions. There's one that follows an email from Mr. John denning, it looks like. It looks like I've got two versions and it's not clear what the differences are between the two. Can somebody inform me of why there's two versions. In the backup material and which one we might be on?

>> Pool: I'm not sure what my colleague is looking at, but I know that late yesterday we got a red line markup from the housing authority, and it came from Michael Gerber. I don't know that it was sent by any councilmembers, but he did forward that along to us. And this doesn't have anything for -- Dr. McGhee probably we could allow him to be seated.

>> Zimmerman: I do have one quick question here. Again, I was trying to figure out what we were debating.

[4:09:34 PM]

>> Pool: I think that the red line that was offered by Mr. Gerber last night has not been provided to us by -- I don't know who other than Mr. Gerber has given us the red line resolution. The only resolution that we were -- that was initially in the backup was from councilmember Houston.

>> Mayor Adler: We'll go ahead and call up staff when we're done with the speakers and they can chance that and probably several other questions as well. Anything else for Dr. McGhee?

>> Zimmerman: One quick question. Help me understand the consequences. There will be obviously some intended consequences of putting this on the register of historic place. There will be intended consequences, but there may also be unintended consequences. Can you think of any unintended consequences of having this on the registry.

>> I'm not sure I follow that thinking. Unintended consequences of listing the property as historic?

>> Zimmerman: Of restrictions or things that can't be done or certain encumbrances on the properties.

>> Sure, absolutely. It's our body of historic preservation law at every level of government. Most historic policy has some push and pull. For instance, one of the things you can do is apply for historic tax credits. Historic tax credits are intended to preserve historic properties such as rosewood courts so that would be something you could do with a status of having it actually listed in the national register. As a matter of fact, national register eligibility -- an actual listing of the national register is ultimately a requirement of applying for the historic tax credit. Which you can then syndicate like low income housing credit to generate equity for redevelopment purposes. So that would be one. Another consequence would be that people can actually outside of their history books and learn something about the history of Austin and of east Austin that they may not have even read about it in the history book. I did a review of our historic allergies program. We have well over 600 historic landmarks in our city.

[4:11:39 PM]

How many of them commemorate the history of east Austin, of those 650 plus? Nine. Okay? That's by my count. You can broaden that to Austin more generally which some people have tried to do, but it's not what I said. I said east Austin, the form Negro district that was part of the 1928 plan. We need to commemorate this part of the history. Rosewood courts, I could go on forever about the historic significance of rosewood courts. But it's an aspect of our city's history that people need to know. People in the 21st century need to know about. Beyond that 70 plus years later, 75 plus years later it's still in use as public housing and it probably will be the only affordable housing that's left in this part of the city. There is redevelopment going on over there across the street right now. So there is no need here to

demolish a housing project to spur development. It's happening now. This is really purely a case of historic preservation. That's why I'm not addressing the housing authority's comments and claims. Historic preservation really is a prerequisite for having an intelligent conversation about what ultimately would happen at that property. And we furnished information about usage of hud dollars for housing rehabilitation, both in the united States and abroad. This is not rocket science. In fact, it's actually cheaper.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Dr. McGhee, I know you don't want to talk about the housing authority's intentions on that site, but since my colleague asked about historic designation and what can and cannot happen, I wondered if you could just confirm if you would, Dr. McGhee, that the facade is what is protected under historical designation and that renovations could be done.

[4:13:41 PM]

>> That's been the case for a long time. Basically the interiors could change completely. When I managed federally significant historic property in Hawaii, I was the chief archeologist for Hickam Air Force Base in Hawaii. And we had a fort there to manage as our charge as well as the main building that was a national historic landmark. And it was similar to Rosewood Courts. There were over two dozen buildings. What we did in our cultural resources management plan is we designated a few buildings, maybe five, as what we called museum homes, which were designed to maintain their original appearance. The other ones were completely gutted.

>> Tovo: The interior were.

>> The interior was completely done, yes.

>> Tovo: Thank you very much.

>> Mayor Adler: Anything else for Dr. McGhee. Thank you very much.

>> Thank you, sir.

>> Mayor Adler: Next speaker is Dana Hill. Is Miss Hill here?

>> She's here.

>> Mayor Adler: Take your time.

>> Hello, my name is Dana Hill and I am a former resident of Rosewood Courts. I lived at Rosewood Courts for five and a half years. I just moved out in December. Right after I had my third child who was born in November. And I am for Rosewood being rebuilt because I believe that the residents that's there deserve a better living, they deserve better housing, they deserve to come home and be happy of where they're at. And not just be based on Rosewood not being rebuilt because of people's memories.

[4:15:42 PM]

They want to keep -- they want to hold on to Rosewood for memories. And we have people actually living there who need it to change for health issues. It's not just about memories. In the petition to preserve Rosewood this was quoted in it. Rosewood Courts embodies those hopes, struggles and historical memories. Hope means giving promise for the future. How can we have a future if you want us to live in the past? Struggles mean to proceed with difficulty. Living in our units is a daily struggle. It is difficult to live with no air conditioning and central heat and other challenges. Historical is defined as belonging to the past or mentioned in history. Watching the past continue to be our future. Thank you.

>> Gallo: Mayor -- you know what I'm going to ma'am? I just wanted -- is this your daughter?

>> This is my son.

>> Gallo: Son. And the young lady that's with you?

>> This is a resident of Rosewood Courts.

>> Gallo: When we have the younger members of our community come to talk to us, and we spoke appreciate you coming to visit with us today, I always want to remind them that the first thing that they want to do when they turn 18 is register to vote.

[Laughter]. So would she like to raise her hand up and say that she will vote when she turns 18? Thank you so much for being here today.

>> Mayor Adler: Thank you.

>> Tovo: I was going to say when the young people come to visit we should encourage them not only to come to vote, but to think about their campaign for mayor and council and various other officials.

[4:17:51 PM]

We need to start on the next generation of leaders.

>> I agree.

>> Mayor Adler: At that point they've sat through some of the meetings so it's the last thing they will want to do.

>> Zimmerman: I was going to suggest either continue their education or learn a vocation or a profession would be a much better use of their time than being in government.

>> Get an honest job!

[Laughter]

>> I should learn to not bring this conversation up, right?

>> Mayor Adler: Ms. Byrd?

>> Good afternoon. Mr. Mayor, mayor pro tem, councilmember Houston and all of those who are in support of preserve ever preserving rosewood courts road atkx. I have the pleasure of being the intuitive direct of -- executive director of what was known as the African-American cultural district. It is now known as six square cultural district. And it's six square because it's six square miles that represent the post 1928 master plan legacy of African-Americans in Austin, historic. And red cross is one of the icon in this case sites within those six miles. Rosewood courts. We're very appreciative of you taking up the question of whether rosewood courts is historic. And we have an official letter from our board and I'll have a couple of comments after that. Mayor Adler and city councilmembers, six square council district formerly known as the African-American cultural heritage district request that the city of Austin acknowledge the historic significance of rosewood courts by initiating historic zoning for rosewood courts, supporting the nomination and inclusion of rosewood courts in the national register and forwarding copies of this resolution to the state historic preservation officer.

[4:20:04 PM]

Rosewood courts meets the three criteria for designation. Archeology, historical association and community value as outlined in Idc 25-t-35-2. Constructed in 1938, rosewood courts is one of the first of three public housing developments in the United States and the first specifically designated for African-Americans. The complex is an example of new deal architecture and is one of the earliest modern architectural works in Austin. Rosewood courts was designed by the prominent architectural firm page and Southerland which designed the Littlefield building at sixth and congress as well as numerous courthouses and other civic buildings throughout the state. Hugo Kuhn, another prominent local architect and founder of the UT school of architecture oversaw the construction of the project. Rosewood courts has a shared history in design with Santa Rita courts, which is already listed in the national hedge of historic places. The grounds the development sits on also qualifies as historic. Eman is a space station park, this land -- man emancipation committee. The citizens purchased the land and held the land for one purpose, and that is to celebrate emancipation. I end up, the letter ends up, rosewood

courts is a prominent historic site within the cultural district and a unique icon in Austin's landscape. Thank you for consideration. If you would just give me -- this question before us does rosewood courts meet the criteria for historic designation. Clearly the answer is question. For those reasons and the -- you know, my scholar colleague Dr. McGhee can say it a lot better than I.

[4:22:07 PM]

But there's always like a deeper truth and to get to that deeper truth will designation prevent improvements to the living conditions of the residents? And we say no, it will not prevent that. Its interior of the buildings can be redeveloped. We've only been in this conversation for two years. Those conditions have listed longer than that. So in fact, we hope that designation can spur change. The historic landmark designation was denied by them and it was not denied. I think the conversation did not happen for people to understand. There is one question. The question is is this an historic site? There may be a second or third question after that is answered, but we hope we're here for you to answer the one question. Thank you. The next speaker is Taneka Perkins.

>> How you doing. My name is Taneka Perkins and I'm here --

>> Mayor Adler: Pull the microphone a little closer to you.

>> I'm not here to speak, but I spoke last year. I'm here to present you this presentation so you can go over what we already presented to you.

>> Mayor Adler: Thank you very much.

[4:24:13 PM]

Next speaker is David king.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm here to speak in support of this resolution. I hope that you will approve it unanimously and send a message, a strong message that preserving our history is really a priority. And particularly in this case. It's really important. There are many reasons to preserve this -- the rosewood courts. As you've heard it's the first African-American housing project in the United States and the site of the first juneteenth celebration in Austin. And it continues to provide affordable housing to families. And those families that have been disenfranchised and marginalized and it was for a long time the only place they could live. And so it is an important icon and I'm concerned that just scraping the building we will lose that history. Around it's important, an important icon. It's a contemporary reflection of who we are and from where we've come, the long journey that we've been through towards equity and justice and respect for all of our citizens. And it is possible to remodel the facility, the buildings and bring them up to current standards so that they are liveable and have modern amenities that are needed by the folks who live there. And often times we've heard stories about other buildings housing that we always say it's better to preserve the housing that we have right now, generally speaking, than to scrape it and build new housing. And I think that applies here as well in addition to the fact that it has such cultural and historic value. And that value cannot be measured in dollars. How do you put -- how do you put a dollar value on that? So I say let's not obliterate such a powerful cultural and historical icon. Let's rehabilitate it and preserve it to serve as affordable housing and a symbol of our enduring commitment to equity, justice and respect for all of our citizens.

[4:26:24 PM]

Thank you.

>> Mayor Adler: Thank you. Next speaker is make Sorrells.

>> My name is make Sorrells. I am also a member of rosewood courts. I've lived there for five years. I am

a proud mother of five children. I'm not really a good speaker, but I just have a few things that I want to say. We need and deserve a better life, a better community and a better property. Not just for me, but for those who have children like me. Did you.

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

>> Mayor Adler: Thank you very much. Next speaker is Susana Almanza. Is she here? The next speaker is Sylvia blanco? Is Mandy Demayo here? You have six minutes. Ms. Blanco. Are you giving your time to this speaker, Ms. Demayo?

>> Yes.

>> Mayor Adler: Six minutes.

>> Good afternoon, mayor Adler and city councilmembers. My name is Sylvia blanco, executive vice-president for the housing authority of the city of Austin or haca for short. First and foremost, haca has supported and continues to support historic preservation of a portion of rosewood courts. As well as an historic designation under the national register of historic places. But historic zoning of the entire property isn't reached. This historic designation of rosewood courts has been reviewed before the federal, state and local government numerous times already.

[4:28:29 PM]

Built in 1939 and 1940 of cinder block construction, the barracks stale property was stricted to low income African-American families it due to segregation. Over 76 years later the property faces significant structural and systems challenges, including outdated plumbing, gas and electrical systems and a topography that presents navigation challenges for those with physical limitations. Unit interior challenges include brick walls, narrow concrete stairwells, no air conditioning, inadequate moisture control and a lack of basic modern amenities like washer and dryer connections that further compound infrastructure challenges. From late 2012 to mid 2015 haca, along with its co-grantee, the city of Austin's neighborhood housing and community development department, engaged the greater community in a comprehensive and extensive planning process to reenvision a revitalized rosewood courts. Well over 375 people ranging from neighborhood groups, service providers, to rosewood courts residents, families, participated in a multitude of meetings, forums, presentations, workshops over this planning period. All meeting notes, all presentations, all comments are posted for anyone to view at rosewood courts choice.com.

-- At rosewood choice.com. Through this extensive planning process a community driven housing concept was developed that rebuilds all 124 existing public housing units and incorporates historic preservation of six residential buildings. A full quarter of the site, as well as creation of a creation of emancipation park for enjoyment and use by the community.

[4:30:35 PM]

25 home ownership units are also proposed, affording gainfully employed public housing and section 8 families an affordable opportunity to realize the American dream of home ownership. All existing rosewood courts residents will be fully protected under the uniform relocation act and have the first right of return to the site. Haca is committed to historic preservation. Even though historic preservation is not adjusted or warranted based on the physical integrity of site's structures. In 1993, the Texas historical commission stated in writing that rosewood courts, among other properties in the state of similar age, had undergone major alterations to their historic fabric and, thus, their historic integrity had been compromised and fell outside preservation consideration. More recently, the national park service in 2014 rejected the nomination of the property to the national register of historic places, placed on the architectural significance. The reviewer noted, and I quote: "In light of the issues and concerns over

physical integrity, it is the recommendation of the national park service that criterion C, which is architecture, simply be dropped and the discussion of the character of the design be folded into the supporting narrative for criterion a, under significant events." And most recently with the zoning came before the landmark commission in August of 2015, the historic preservation officer's recommendation to the commission was to not initiate historic zoning.

And I quote: "Do not initiate historic zoning." The housing authority of the city of Austin recognizes the historical significance of this site and has developed a plan in conjunction with neighborhood input to rehabilitate six of the original buildings and to reopen emancipation park as part of the plan.

[4:32:55 PM]

Staff instead recommendation that the commission endorse the rosewood courts plan, which includes preservation of original units of this public housing complex. People who had never before set foot or given a second thought about rosewood courts appear to be engaged in an effort to tie down this property and intentionally hinder significant improvements and better quality of life for the residents of this property. If haca was restricted through historic zoning to only modernized units within the confines of the existing structures or facades, we would actually lose, we would lose, up to one-third of the units we have today, which means that instead of being able to serve more families, we would end up losing families.

[Buzzer sounding] And also at a considerably -- considerably significant cost. To reiterate, haca is in support of the nomination under criteria a or B, just not under architecture. And we do support historic zoning within the six buildings haca has identified and proposed for historic preservation. Remember, rosewood courts is not a museum. It is a home to 124 families. And our families deserve better. Please don't tie our hands. In our efforts to meaningfully improve our residents' quality of life.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Yes. Mr. Renteria.

>> Renteria: Yes. Mayor, I'd like to ask you a question.

>> Yes.

>> Renteria: Santa Rita, the way it has historic -- it's in the historic registry, y'all can still go in there and remodel or tear down some of those buildings, isn't that correct?

>> I do want to clarify. Not the entire Santa Rita courts property is in the historic register, only a portion of the property is within the national register.

[4:35:03 PM]

In order to make even minor alterations, it has to go through a review process, an exhaustive review process, even before we can lift a finger. And so it makes it -- the process more delayed, and it also increases cost.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Yes. Mr. Casar?

>> Casar: Ma'am, can you -- can you talk us through -- it sounded like your time was wrapping up and I was interested in the point about actually losing units or losing families. Can you explain that a little bit more to me?

>> Yes. Right now we have 124 units within 24 buildings, residential buildings. If we were to go in and essentially gut the insides, the interiors of these buildings, and bring them up to code, we would not bring back 124 units. It would be a third less than that, roughly about 83, because of the space requirements and because of accessibility needs. So we would -- the net effect would be, we would

serve fewer families.

>> Mayor Adler: Okay. Ms. Garza?

>> Garza: So the plan you passed out, which was, I think, was on the screen earlier, this could -- this could increase the number of families it serves now, including the home ownership opportunity. Is that correct?

>> Correct. Right now as I mentioned. We have 124 housing units. Under the proposed plan we would actually increase the number of affordable units to 200. So roughly 75 more families would be able to be served. We have over 8,000 families currently awaiting assistance.

[4:37:06 PM]

>> Garza: I guess, you know, we're hearing two different sides, like with most of the issues that come before us. Can you help reconcile the -- you know, one side saying we can restore it and it's not -- and it won't cost -- it won't be cost prohibitive; you're saying it will be cost prohibitive. Can you explain --

>> It will be cost prohibitive. We -- through the two-year planning process, we engaged the assistance of several architects and, in fact, donna Carter, who is well respected local architect, was on that team, and she approximated it would cost anywhere from \$275 to \$300 per square foot to modernize these units within the existing confines of the structures. And, again, we would end up losing units, so we would serve fewer families than we'd have there today.

>> And Santa Rita courts, has that been remodeled or redeveloped?

>> It has not.

>> Garza: Okay. All right. Thanks.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I think this is probably a question for a historic preservation officer, though I'm not -- well, I'm saying jerry rusthoven. Actually, let me ask a question of Ms. Blanco first. I'm looking at the plan and trying to pull it up online because I'm having trouble reading it. As I recall, it includes commercial development as well. Is that what's taking place in the corridor building on this plan that you have up here?

>> So the building that you have, right here, you see at the top, almost sort of like a u-shape, that would be not only a multifamily building, checklist house roughly about 160 units, but on the lower levels, that's where there would be property management offices, there would be amenities such as a fitness room, a computer lab, an after-school boys and girls club.

[4:39:23 PM]

And residents, as they go through entrepreneurship programming, can start their own businesses.

>> Tovo: So there's market rate housing, and this is also market rate housing in addition to affordable housing; is that right?

>> Very, very limited market rate housing has been proposed. Given fact that there's such a huge need for affordable housing in the area, it would be our desire to have all 200 units be affordable units.

>> Tovo: And then the mixed use portion would be commercial? There would be commercial in addition to the amenities that are serving the residents, there would also be commercial opportunities for business.

>> Yes.

>> Tovo: Okay. Thanks. Then I do have my question for Mr. Rusthoven. Mr. Rusthoven, were the site to be rezoned with a historic designation, could the housing authority construct additional buildings on the site if they went through a process with the historic landmark commission and got a certificate of appropriateness?



>> Yes.

>> Tovo: Okay. So they could add additional buildings on the site if the site allows for that.

>> Yes.

>> Tovo: Okay. Thank you. Ms. Blanco, have you considered, is that one of the alternatives that was considered, adding additional -- additional structures on the site?

>> You mean within the existing confines of the structures that are there today?

>> Tovo: Yes.

>> It would be rather challenge to add more buildings to that site within the footprint that we are working with currently.

>> Tovo: Is it an alternative that's been considered? I mean, are any of the alternatives that were considered as part of the rosewood choice -- do any of them reflect that kind of an option?

[4:41:25 PM]

>> I don't recall that being a -- an extensive alternative option that was -- that was explored.

>> Tovo: Okay. I appreciate it. Thank you.

>> Mayor Adler: Questions? Thank you. Next speaker is Eric Standridge.

>> Good afternoon, councilmembers, mayor. Thank you for letting me speak today. My name is Eric Standridge. I'm a resident of central east Austin. I'm sorry. My name is Eric Standridge, rant of central east Austin. Central east Austin has endured a wave of revitalization efforts over the last years. The scale of rosewood was innovative when it was designed in 1939. It is a MIX of density and open spaces, clustered buildings that relate to the context and scale of the surrounding neighborhood. The rectangular forms, educational materials, cantilevered flat roofs and open spaces have served the citizens of Austin for almost 80 years. It can use some help. It is our responsibility as a city to recognize the importance of preserving the cultural history and significant places that shape and scale our collective understanding of our city. 100% of rosewood courts deserves your consideration. 25% is just not enough. We can fix -- we can renovate these places and serve the needs of the citizens that use them. Our neighborhood, Robertson hill, worked with nhcd to preserve the houses. There were six properties located in Robertson hill that nhcd applied for demolition permits on three time, and through a lot of collective work between city staff and the due diligence of architects and neighborhood support, those houses were not torn down, were rehabbed and transformed to serve another generation of owners.

[4:43:42 PM]

It takes will to make these projects work. The easiest option is definitely to start over, but we will lose the cultural history and sense of relationships and place that comes along with these, and it's taken us 80 years to get here. Thank you very much for your time.

>> Mayor Adler: Thank you. Next speaker is ruby Roth.

>> Thank you, mayor and councilmembers. My name is ruby Ros, member of the ladies charity of Austin. We're a catholic organization founded by Saint Vincent de Paul in 1617. Our purpose is to serve the poor, the sick, lonely, homeless, and provide nor spiritual welfare for the needy of our community. I'm here today to speak against item 48. Within the last two years I've had the opportunity to work and build relationships with many of the families at rosewood courts. I've experienced firsthand their living conditions that they into your endure every day of the year, especially in the summer when the degrees are over a hundred degrees and until the winter when it's very cold and they only have one furnace on the bottom floor. The housing authority has done a good job so far in keeping the property livable, but our families need a better, descent, safe, and sanitary permanent affordable housing. Our families need

energy-efficient, central air and heat. Right now they have window units, and they can only plug one in during the summer, and if you -- if they use more than one, then the electricity will go off.

[4:45:46 PM]

And the same thing with the electric heaters at rosewood. The plumbing that works, when it -- when it runs over, it runs -- it runs into their stove. And so if you're cooking dinner, breakfast, whatever, and you flush the toilet, and for some reason it's not working well that day, then you can imagine. The stairs, the stairways are very steep and dangerous for the children and adults with disabilities. The bathrooms need handicap accessible. For the elderly people, you cannot walk or -- walk into the bathroom without a walker or wheelchair. You -- I mean they have to make provisions, and sometimes the caregivers are not there 24 hours -- well, they're not there 24 hours a day. Mayor and council, we are called to defend and preserve the dignity of our families and neighbors of the city and the common good, and the common good includes everyone, but especially those in situations of greater vulnerability and risk. We have an opportunity to create better living conditions and environments not only for the 124 families of rosewood but for our neighbors --

[buzzer sounding] So as our elected officials, we ask you to continue the look out for our most vulnerable of families. We want to assist our families to navigate a path out of poverty of which is very challenge. The development of rosewood not only brings better living conditions, but it will also provide resources for job training, child care, and services that will help our families to be successful.

[4:47:52 PM]

Pope Francis made clear the imperative elected officials. Politics is an expression of our compelling need to live as one in order to build as one. The greatest common good, that of the community which sacrifices particular interest in order to share injustice, and peace, it's goods in interest and social life. Thank you very much for your time and service.

>> Mayor Adler: Thank you. Next speaker is Sharon Blythe. Michael Gerber is on deck. >>

>> Good afternoon, council, mayor, city manager and mayor pro tem. My name is Sharon Blythe, and I'm here as a citizen because this is a very concerning issue for me. Because in my former life before I started coming down here every day and having a new life, I was in the rehab business in Pennsylvania, where they hardly ever tear down anything. I did it in Oklahoma and I've done it here in Austin. We rehab those properties to be better than they were originally. We did not tear down the structures. We rabid them. I can see no compelling argument here today from all of these folks that live in rosewood that they're going to be any better in the short-term by tearing it down and building something new. Let's make an amendment to the -- let's make another resolution, that the rehab of rosewood courts will start immediately, the planning of it will start immediately, you will move the families to appropriate housing in the interim, and give them a plan, a vision of what it can be like without tearing it down.

[4:49:54 PM]

That would be a silly, silly thing for historic preservation and for this city. And I think it's incumbent on you to do that. I have a slide here that shows the original plan, I believe, that -- where they were -- you can see on the right, the plan was to demolish every single building, and through these years they've decide to save maybe six of them as a courtesy. Well, that's not really preserving the property. Please, let's educate the folks that live there, that the rehabilitation could be as good or better than what they've got now, I mean better than they've got now, far better than they've got now. In Pennsylvania, we took properties and jacked up floors and took down chimneys and rabid the whole place and sold

them to low-income people, and they loved it. And that happened in Oklahoma as well as here in Austin, out here in del valle, I did properties out there and rehabbed them, and sold them to -- I sold one of the houses in del valle to a widow who had just lost her husband, she was a young widow, had two young children. We gave it to her as a fair price, rehabbed it into perfect condition and didn't touch any of the exterior. So please, let's educate the people at rosewood that tearing down this property is not going to help them at all in the long run, so please consider that. Any questions?

>> Zimmerman: Thank you, Ms. Blythe. You're one of my best district 6 constituents. I know you're a retired cpa so generally you're good with Numbers. I'm pretty good with Numbers, too. I actually have building experience, new construction, remodeling construction, especially older buildings, and on this -- in this respect, I agree with our staff that you can destroy buildings and erect new ones that are less expensive, better energy efficiency in every way.

[4:51:59 PM]

You can rebuild at a much less cost than rehabilitating, especially old structures such as that. So I'm struggling to understand this. If you try to renovate what's there on the ground of that age, you're going to spend more money and you're going to end up with an inferior product, compared to tearing down and rebuilding. I'm sorry, but that's a fact.

>> In all due respect, councilmember Zimmerman, we were able to do it at less cost. So I don't believe the \$300 figure a square foot, whatever that person that was speaking for the housing authority said at all. There's ways to do it cheaper and there's ways to do it better. And there's ways to make it energy efficient, and where these folks have a clean, descent place to live.

>> Zimmerman: You don't agree with their contention that the new hud requirements for square footage would cause a reduction in units?

>> All I'm speaking from is my experience.

>> Zimmerman: Yeah. I'm not a hundred percent sure, but I'm inclined to believe that, that new standards would cause a reduction in units if you tried to keep the existing shell.

>> Mayor Adler: Thank you. Anything else thank you very thank you very much. As Mr. Gerber moves to the microphone, I want to welcome troop 500, boy scouts here from districts 5 and 9. Welcome to the chamber and seeing government -- seeing government work.

[Applause]

>> And he turns to me after that statement. Has don left the room yet? So when we have young members of our community that come -- and, troop, I'm speaking with you, come to city council to listen to what we do, and you are involved with city government, which is just wonderful, I also make them, ask them, to pledge that when they turn 18, the very first thing you will do is go register to vote.

[4:54:01 PM]

So would you raise your hand and make that pledge, that when you turn 18 -- wonderful. We've got at least one parent there that will make sure that happens for us. Right? All right. Thank you for being here.

>> Thank you very much, mayor and could you know. My name's Mike Gerber. I'm president and CEO of the housing authority of the city of Austin. Thank you for your time today on rosed courts. I think you heard from my colleagues about what we're dealing with today. I want to just bring back up the slide that shows the rosewood court plan because I think it's important that we're not suggesting an either/or situation. We're trying to suggest a compromise. The housing authority is very committed to historic preservation. In fact, we're looking to again preserve fully one quarter of the buildings, six of the existing 24 residential buildings at the site. It's a substantial part of the site. Also, there is the recreation of a

commemorative emancipation park. Today folks walk by rosewood courts and very few have an appreciation of all that happened there. And I appreciate the efforts of so many to try to, one, interpret what's happened there, and to bring it really to life. We think the new emancipation park can very much do that it was a tremendous collaborative effort involving more than 350 people, more than 50 meetings, tremendous number of task forces. Councilmember Houston, when she was a civic leader in the district, was a member of one of those task forces. I know the resolution is not the resolution that everybody wanted, but we tried to balance off competing interests. And one of the most competing interests that we have for the housing authority is that we have thousands upon thousands of people who sit on our wait list chafer each and every day that we can't house. Our attempt here is to provide a little bit of additional density. Frankly, councilmember tovo, we've looked at options to provide more density. Unless we took out playgrounds, I don't know how to put new buildings. It's a tremendous challenge. We want to preserve six of the buildings because we know they have an historic value, and our belief is, of those six, there's 24 units there in those six buildings, when we do the rehab and meet the current size requirements set by the city, and more important the accessibility requirements of the city, the most we can get in those six buildings is 15 units.

[4:56:19 PM]

So we're looking at a reduction of 30 to 35 units at that property, which we think -- which we think is difficult. Plus, frankly, the economics of it don't work either. We just can't afford to make those kind of -- those kinds of improvements at this one property, given the -- frankly, the thin margins that we work on in public housing. We don't get much refunding from the federal government. There's some opportunity here to find some additional funds from the federal government through a grant and use some mixed finance tools that may be available to us. But this is going to be a very difficult and complex project, and frankly we have limits as to how much we can preserve, and again meet those competing goals. Councilmember Zimmerman had marked a little bit about -- or asked questions about what the costs were of historic preservation. Again, we've talked to a number of architects throughout the two and a half-year planning process, and with anything we do at the property, should it be zoned with this historic zoning, we're going to need to procure the services of preservation architects, architectural conservators, architectural historians, and other disciplines with specialized training in preservation and historic building materials. That adds a significant amount of cost. We appreciate your consideration. We think we can balance both and we appreciate your sensitivity to our thoughts.

>> Renteria: Can you give a description, I mean actual visual and description of how these little, small rooms are, with cylinder blocks? I know some residents came with a picture there.

>> Sure. I hope we provided some pictures to you in your passages I'll be glad to put some of them up. Sylvia actually managed that property for more than 15 years. I'd like to ask her if she can maybe come up and provide a quick description of it. It's 124 units at the property, comprised over 25 buildings. One of the buildings was taken offline some years ago because there is no management building at the site or any services at the site.

[4:58:25 PM]

We took one of the buildings offline, taking six units offline, so we could have goodwill, have a job training center at the site. The management office and any laundry facilities are actually across the street at Selena, which is a small senior property.

>> We have a MIX of unit sizes at rosewood courts, ranging from efficiencies to four-bedroom units. So for the efficiencies we're looking at an average of 305 square feet. For one bedroom, 456 square feet. Two-bedroom, 789 square feet. Three-bedroom, 1016 square feet. Four-bedroom, 1,139 square feet.

>> And I'd interject, if you can tell from the slide, every unit, virtually, except for a very small number, have steep stairs to get into, and when you go into the units, there is a fairly steep set of stairs where we've had kids and seniors fall down and injure themselves. Literally, when you walk in the unit, it's -- it's been a significant challenge. And the accessibility features of the units are really -- it's not -- they don't lend themselves to easily being retrofitted to meet the city standards.

>> Renteria: So all the bedrooms or most of the bedrooms upstairs in these two or three-bedroom homes?

>> All of them are upstairs.

>> Renteria: And it's all concrete?

>> And only one with bathroom, even for the four-bedroom, there's one bathroom.

>> Which is upstairs.

>> Renteria: Thank you.

>> And I would just lastly interject that our ability to provide any kinds of services like we do at other properties, communities and schools, boys and girls clubs, job training, goodwill, health and wellness programs, is severely hampered because we don't have any kind of community space at the site. The commercial that we're envertebraing at the site is not to put Starbucks.

[5:00:30 PM]

We have residents who don't entrepreneurial activities through a business growth incubator that we offer. We have one resident who operates a florist business who could use affordable space to run her business. We have bookkeepers, and we actually would like to move that economic growth business incubator onto the site. So we're looking at services of a commercial nature that would meet the needs of our residents and afford them opportunities to be more integrated into the community.

>> Mayor Adler: Ms. Gallo?

>> Gallo: There were some questions to previous speakers about the cost of rehab. It's my understanding that these are concrete block construction, cinder block is concrete block.

>> Yes, ma'am.

>> Gallo: And I have renovated concrete block construction homes over in the del wood area, and it is much more expensive and much more difficult to do because all of the electrical wiring is actually embedded in these concrete blocks. It is difficult to move walls and take down walls, to do any retrofit for central air and heat is almost impossible, so I know that someone mentioned that it would be less expensive, frame construction, possibly, but concrete block construction is really just difficult and very expensive to renovate. So I just wanted to make sure everyone understood that was the type of construction we were talking about, not frame construction.

>> That's correct. Given historic nature of the site, we as the housing authority believe it's the right thing to do to preserve some of it. There's significant value to the people, there's significant value to the events that happen at rosewood courts. But your staff, the state, and the federal government have all said there is very little significance that warrants this property being set aside and placed on the national register because of -- because of the architecture. It's been significantly changed over the years and it doesn't meet the standard.

>> Renteria: One more question, mayor. And these six units you're going to preserve, are those the ones -- are you going to rehab these units and people are going to be living in them?

[5:02:31 PM]

>> Yes, sir. Interestingly, those are the units most accessible, on the southern-most part of the site. There are a number of seniors who live at the property today who are naturally concerned about being

impacted with any kind of renovation. We're guaranteeing a return to anybody who lives at the property. That's important to us under the uniform relocation affect it's also our desire to give those seniors the preference to move back to their units of choice. We're going to try our level best to give people the units they want, based on how long their tenure has been at the site.

>> Mayor Adler: Ms. Garza.

>> Garza: I think we all agree on two things, that there's a historical significance to this property, and that it needs to be rehabilitate reasonable degree. I think we all agree that that needs to be done.

>> Yes, ma'am.

>> Garza: I'm just trying to understand exactly the implications of historical zoning because while I heard that they could be -- if it is historically zoned, the entire property, you could rehab the inside of the units, which could lead to less units, but that you could, I guess, add more density in between the buildings to add more units, but would haca do that? If it's something that they haven't even considered yet?

>> Well, we don't believe, based on the design work that's been done through the choice neighborhood planning process, that we can place new buildings between the -- between the existing buildings. We don't think that that would work. When we looked at other historic properties around the country and here in Texas, including Santa Rita, the cost of repairs and improvements that we make in Santa Rita for those properties, for that part of the property, it's about 40 of the 125 units that are at Santa Rita are in this historic designation, so it's just a, pro of the site, the oldest part of the site.

[5:04:38 PM]

In fact, what we're proposing here is the same thing that Dr. McGhee wanted to accept at Santa Rita, preserving a portion of the site for historic preservation. The cost at Santa Rita on the part that's in the historic zone are substantially more expensive for haca to maintain. We do that because there's a trust there and it's the oldest public housing property in the United States. We're going to have a similar issue at Chalmers courts, which is the third of these three -- these three properties are among the three oldest in the country, dating back to 1937-38-39. So we take that stewardship very seriously and want to get it right, but our ability to preserve the entire site just doesn't -- it just doesn't work.

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: I have a quick question. Mr. Gerber, when did you all submit the implementation grant to housing and urban development?

>> Well, so we have not actually applied for a choice neighborhood implementation grant. The planning grant, which we did with the city, was awarded to the housing authority in October of 2012. The last council approved the city's participation in that, and the city put \$75,000 into it. Councilmember Cole at the time came and did the kickoff.

>> Houston: So you have not submitted any additional information to HUD at this point.

>> We submitted the final -- the final product, which was due two and a half years later. We submitted that plan that you just saw to HUD back in, I want to say, April or May --

>> Houston: And what is the status of that plan?

>> They've accepted it, and the next step would be if we wish to apply for additional grant dollars. Our sense was, at the time we submitted it, that there wasn't a funding opportunity yet, and we're not certain if there will be one, given federal budget challenges. So we'll be looking at alternative methods to finance this. It's going to be a number of years to pull it all together.

>> Houston: Thank you.

>> Yes, ma'am.

[5:06:41 PM]

>> Mayor Adler: Anybody have any more questions? This is our last speaker. Thank you.

>> Thank you.

>> Mayor Adler: We're now back up to the dais. Ms. Houston?

>> Houston: Mayor, may I make a little presentation here? Because many of the people don't even know where we're talking about. I know some of my councilmembers did go out and tour the facility. So let me see if I can work this from here. Nope, not here? There we go. So this is rosewood courts, as it sits today on the corner of rosewood and Chicon street. Hold on. Let me see. They said I could do it from here. Where do I click it? Okay. If you'll do it for me. This is the original development that, way back in 1939-40, the next one, please. This is interesting because this is the rosewood choice implementation plan. This is the boundary of the plan. As you can see, rosewood takes a very small component of that. It goes from east 13th street south to 7th street, to airport, webberville, pleasant valley, and over to I-35. And the reason that we needed such a large footprint is so that we could have the kind of demographics they needed in order to even say this was a blighted area. That's the terminology that was used in this implementation going in, that it was crime-ridden, it was blighted, the same things that happen when urban renewal is utilized to decimate our communities. And so the community never had any input into the development of this grant.

[5:08:43 PM]

There was no communication with the community at all. The housing authority drafted the grant, submitted the grant, and the first thing the community knew about this is when they had a big open house, and I think it was in April of 2012. I think we've been doing this at least for three years. If you can -- let me see if I can do the next one. So this is the central east Austin neighborhood planning area, and you can see that rosewood courts is right there on the edge of it. Rosewood courts is really at a wonderful location because it's on transit corridors. You've got medical facilities, recreation, people can get to Brackenridge hospital. Several bus routes go through that way. And so it's actually located in a great area. And it's all single-family. If you can see the yellow around it. But also, as some of the speakers said, with the gentrification that's going on, there's so many new neighbors moving in and so many new developments that in just a little while, this will be the only project for low income families to live. And then the next one is the -- this is what is the rosewood neighborhood planning map, and you can see that rosewood is over to the left-hand side. So rosewood goes from down Zaragosa all the way up to manor road but that's part of this area. We've been working in the community, as I said, since 2012 to try to help craft something that people could -- that would be respectful for the neighborhood and also, you know, try to envision what it is that the housing authority wants to do. This has been a contentious issue.

[5:10:44 PM]

It's a very emotional issue. We've been in houses, we've been in -- people have been so gracious to allow us to come into their homes, so we know what the conditions are, but we can continue to think that, in this situation, that we can, in fact, rehabilitate the housing and make the housing livable and that people will be proud to live there. There's 8.4 acres of land, 124 current units there. The proposal at one time with the -- with the -- what do you call it? -- With the zoning, they could get as much as 300 and some units there, people. There's always been the issue of having both the 124 units that they have to return, as well as mixed income, so that's market rate units. In the last iteration I think that was submitted, there was an effort to have low income housing opportunities is there as well, as well as the

front. And I think there's -- let's look at the next slide there for me, and then we'll go to -- this is Santa Rita on the left, and rosewood on the right. Very similar architectural size, even though they said -- I'm not going to fight that because I'm not an architect like some people are or an engineer, but very similar styles in the way they look, and so there is some architectural significance that people who have written in support of historic designation and zoning have indicated that meet the criteria. Can I see the next one, please? Whoops. You didn't do it? This slide is the designation criteria, and as you look at that, it's very simple. The property is at least 50 years old and represent a period of historic significance for the last 50 years.

[5:12:45 PM]

The answer to that is, yes, it does. It has significance that does not include any additions and alterations. Well, the additions and alterations happen because the housing authority chose to make them happen. The roofs were flat. Everybody knows what happens on a flat roof, so then they've made them peaked so the water would drain off of them. So the historic associations -- people have already spoken to what the historical associations are, and the community value. I know that they keep -- people keep saying that we want museums. We don't want museums. That's not the intent of trying to get historic zoning. What we want is that people who come to this city long after I'm dead and gone know that, on that property, Ming Ross lived, and not only did negroes lived. Not only did they live there, they thrived there. The land is historic. We've got a little pocket park that's going to be called emancipation park, but that land was owned by black people. And in order to build this workforce housing, the city took it by eminent domain to build the houses that we met I think the land is historic. The buildings are historic. I have letters here from people that are willing to help us make this the best model project that they can do in the nation about how you could have historic preservation and rehab the structures so that people feel comfortable, safe, and are able to live there. Can you show me the next picture, please? So that's kind of what rosewood looked like, or looks like today. And I want to show you what the schematic is, what it will look like in the future. That's the proposed architectural design of what's been submitted.

[5:14:50 PM]

As you saw on the neighborhood planning area, most of the neighborhoods in that area are still single-family. There's the character -- it's out of character, it's out of scale. There are other places in this town like lakeside where if you want to make money, you can do market rate apartments at lakeside and get a whole bunch of money. I'm sure councilmember mayor pro tem tovo would not be happy with that, but they have so many properties. And I suspect that the reason they chose rosewood, because there's a whole thing about densification of housing authority properties that the downtown alliance put together. I think the reason they chose rosewood is because we're so few in this communities, and if they tried to do something to Santa Rita, the Latinos and hispanics would be up in arms. But there's so few of us here in this town, that it's hard to mouth that kind of opposition to this entitlement that they're asking us to do. And so people say to me all the time, so why now? And my response is, why not now? The property, building, meet the following code. They're 50 years old. There's some degree of historic significance as far as the architectural buildings are concerned. There's a long historical association with Lyndon B. Johnson, the community, the great depression, segregation. The community, the citizens of Austin, the black citizens of Austin, feel this is a cultural touchstone for their community, and to turn it from something that is peaceful, where kids can run and play, there's open space, there are parks and area into what we see on the screen, is abhorrent to me. And so I'm asking for people to support this request. This is just the initiation of a process.



[5:16:52 PM]

This doesn't do anything -- their plan is still up in D.C. Waiting to be looked at and reviewed. This doesn't do anything but initiate a process, which we have not had before. Because every time we've come before the city, the staff, instead of talking about the historic significance of the structure and the property, they talked about we should support the plan of the housing authority. And that's not their role. The role is to say does this property meet the guidelines in the land development code. And that's all I'm asking today. Does it meet the land development code. We can talk about those other issues. Those are separate issues. We can talk about how much that might cost. I have people here who are willing to help, people that we've never even talked to in the past. I think this last group is called Texas mod. I don't even know who they are. But they end their letter by saying: The decision to initiate historic zone for this landmark property should be made according to the code, no matter what the extenuating factors are. In this case, however, those factors include the housing authority of the city of Austin statements that these buildings are antiquated, dangerous, and unfit for the 21st century occupants. Mid Texas mod would argue that those complaints could be said of most historic buildings suffering from neglect and deferred maintenance, and that one needs only to look at the historic homes of Hyde park and Travis heights at south congress and east 6th street to witness the power of preservation firsthand. Why shouldn't rosewood courts benefit from the same investment? And so that's my question tonight. Why shouldn't rosewood courts benefit from those same investments? So I'm going to ask my colleagues to please vote to initiate a process to determine that this land is zoned historic.

[5:18:56 PM]

[Applause]

>> Mayor Adler: Further discussion on the dais?

>> Renteria: Yes, mayor. I'm kind of confused. There's two sets of -- I don't know what's -- there's two resolutions on there, but they're not numbered. One is just one sheet here that I took out, and the other one is three of three, so which one are you --

>> Houston: I think it's the three page one.

>> Mayor, if I could, maybe Mr. Gerber can answer, I think the confusion is related to an e-mail that he sent to us last night. He sent us a red-lined version of the resolution. I don't know that it was offered by another -- by someone on the dais.

>> Renteria: That's the third one. There's three of them.

>> Pool: Oh, there's now three of them. It is indeed confusing.

>> Houston: Okay. So the one that I have reference to is one of three. It's three pages.

>> Renteria: Okay. Because I had signed this one here.

>> Pool: Maybe we could put councilmember Houston's name on the the one that's hers.

>> Houston: I think both of those are mine. The one from Mr. Gerber is his.

>> Mayor Adler: Okay. In the backup there is a three-page resolution.

>> Houston: Yes. That's what legal sent back.

>> Mayor Adler: Is staff here? Is that the current resolution?

>> Houston: This is a question for staff, Mr. Gerber.

>> They're the -- the resolution that we have is the one that was in backup. It has two full pages and the clerk's signature on the third page.

>> Renteria: Is that the one where --

>> Mayor Adler: It has a be it further resolved paragraph and then the clerk's signature on the third page.

>> The one we have looks like this, and the only thing on the third page is the clerk's signature.

[5:20:59 PM]

>> Houston: And I think the third one came from legal, David sorello.

>> Mayor Adler: I just clicked on backup. I just clicked on backup, to the revised draft. There's an ifc document, then there's something called revised draft resolution, which is three pages, and on the third page is a be it resolved clause, a single one, and then the signatures.

>> Okay. I have two be it resolved clauses in the one that I have.

>> Mayor Adler: On the third page?

>> No, just on the second page.

>> Pool: I think that's the one that's in the backup. It's the only one that's listed.

>> Renteria: It's this one here that I have.

>> Did you turn in the second page of that?

>> Mayor Adler: When you click on the backup --

>> That's the three-page one.

>> The backup has three pages in it.

>> Mayor Adler: And on the third page there is a be it further resolved clause.

>> That's right.

>> Mayor Adler: On the third page. That's what's in backup.

>> Do you have that David sorello?

>> David sorollo for the law department. What I have matches what Mr. Rusthoven has described, which is a three-page document, the third page just consisting of the city clerk's name and title.

>> Mayor Adler: What you're holding in your hand is not what's in backup and I just don't know what's right.

>> My staff has a copy of what's in backup. She can give it to you so at least y'all will know what we're talking about.

>> Would you like me to read the be it resolved on the copy that we have?

>> Mayor Adler: Okay. I assume you have the right --

>> The copy I have, I just looked at the copy there labeled Houston, it's the same copy that was in the backup. So it has two be it resolveds. One is that the city council initiate historic zoning on the rosewood courts property, and the second be it resolved is that the city council supports the nomination and inclusion of rosewood courts in the national register of historic places based on local and national significance of rosewood courts, and the city council instructs city clerk to forward this resolution to the state historic preservation office and the appropriate officials at the national park service and the Austin housing authority.

[5:23:16 PM]

>> Mayor Adler: So it may be part of the record of nomination. It does continue that way? Does it have that language? And the first one, did you cut it off short? Rosewood courts based on local and national significance of rosewood courts?

>> Yes, I read that in.

>> Mayor Adler: So it sounds like what you have is the same document as what we have, it's just formatted differently as what appears in backup.

>> Yes, I believe so.

>> Mayor Adler: Okay.

>> Well, that certainly clears that up.

[Laughter]

>> Renteria: So can you read the -- are you read the resolved again?

>> The first be it resolved, is be it resolved by the city council of the city of Austin that the city council initiate historic zoning on the rosewood courts property located at 2001 rosewood avenue, Austin, Texas, 78702. The second be it resolved --

>> Mayor Adler: Stop there. There's a period after 02? It doesn't say and directs the city manager no -- that's been omitted?

>> I don't have that in the version I have. I don't think that adds anything to it, to be honest with you. The the second, be it further resolved that the city council supports the nomination and inclusion of rosewood courts in the national register of historic places based upon the local and national significance of rosewood courts, and then another paragraph that says the city council instructs the clerk to forward copies of this resolution to the state historic preservation officer and officials at the national park service and Austin housing authority so it can be attar a of the record of nomination.

>> Houston: , So mayor, I think the addition is in the be it resolved, the language that was added and directs the city manager to process historic zoning for this property. I think that's the addition.

>> Mayor and city council, Greg Guernsey, planning and zoning. I talked to David and I talked to Chris, and it sounds like there was a new resolution that was attached to backup either late Tuesday afternoon or Wednesday -- either late Tuesday afternoon or Wednesday.

[5:25:20 PM]

>> David sorollo again for the law department. I was the attorney that looked at the original item from council that -- it was presented onto the draft agenda last week. Subsequent to that I'm not sure exactly what day it was, I reviewed an update that came from councilmember Houston's staff, and it was correct. The only language that I saw that was changed, and it was presented in red line, was my adding the language -- I believe it was councilmember

Houston just read: And directs the city manager to process the historic zoning.

>> Mayor Adler: For this property.

>> Those are the only changes that I'm aware of at this time.

>> Mayor Adler: It would make sense then that that would change the pagination because of additional line, then force the next be it resolved clause to the next page. Is there further discussion?

>> Mr. Mayor?

>> Zimmerman: Couple of a couple ofthings came out in that extensive discussion that it may not be as simple as saying something is historic. There are different categories. One of them that was brought out was architectural. So I don't see any of that detail or distinction in here. And also, it says zoning for this property, I guess that presumes it's the entire property, but it doesn't say the entire property. Is that referring to, you know, one piece or six of the dwellings, or is it everything? So do we need to add some clarity --

>> Houston: If I can answer that, it's for the property. The land is historic, and the buildings are historic.

>> Mayor, if I may add, this resolution does two things. One, it sends a letter to the national park service and to the state historic preservation office recommending that they list the property in the national register of historic places. Secondly, it initiates the historic zoning process. It does not of course approve historic zoning at this time.

[5:27:22 PM]

We will have to bring this case, if this resolution were to pass, we'll have to bring this back to the historic commission, the planning commission and back to the city council. If I may note if the property owner

continues to pose the historic zoning, it will take three-quarters majority of the council to approve it when it comes back if that's the case at that time.

>> Mayor Adler: When something is referred to the historical commission, do they have the ability to analyze the historic value and benefit as well as the relative historic value and benefit of preserving only a part of the buildings?

>> Yes, they would. This is rather unusual for a case to be initiated -- a historic case to be initiated by the council, sent to them. Usually the stasis starts with them and ends with you, but of course they can consider the appropriateness of zoning either the whole site or portion of the site or possibly none of the site as part of their deliberations.

>> Mayor Adler: But when they're deliberating, do they -- is the only thing that they take into account the three criteria? I'm trying to figure out what would be the criteria they would use to make a decision about relative value and benefit.

>> Yes, they would use the criteria that's in the code, the items that councilmember Houston put up on the wall.

>> Mayor Adler: Okay. Thank you.

>> Houston: And, mayor, I have another question. As it goes back through the process, if it passes, and it goes back through the process, will staff be neutral this time and not say we support the housing authority's development plan, which is not the issue, the issue is if this is historic.

>> No, ma'am, the staff will not be neutral, the staff believes that we are paid to make recommendation to the council, so we will be making -- if this passes and we come back, we will be making a recommendation to council. I can't tell you what that is at the time. You know what we recommended before. It may stay the same, it may change, but we are obligated, we feel, to make a recommendation as part of the case.

[5:29:28 PM]

>> Mayor Adler: Further discussion on the dais in mayor pro tem.

>> Tovo: Mayor, I just want to clarify that we have we have a motion. I'm not sure we do yet. Hanted I'd like to move --

>> Houston: I'd like to move adoption of the resolution as in the late backup.

>> Mayor Adler: Ms. Houston makes the motion in the backup. Is there a second to the motion? Ms. Pool. We have a motion on the dais. Ms. Gallo?

>> Gallo: I'm going to pass out another option. This is a tough one, I have to say to my partner over here. You know, I'm going to do a little bit of history too. The Austin council passed a resolution on December 27th, 1937, which said, one, that there were many substandard houses in the city of Austin which were rented at figures too high for families of locations to pay. And two, that the need existed for the establishment for a housing authority. Haca was established to promote the housing of families of low income. 80 years later haca's purpose is still to provide the best housing possible for the low income families of our community. I've approached this in multiple ways to rosewood, as saw earlier my great grandfather served as the first chair of haca and it was his friendship with Lyndon Johnson,, that helped make Austin successful for the properties that were soon built. 60 years later I chaired the haca board. I always try to make policy decisions based on balancing the voices and needs of all the people of our community and we've heard a lot of different voices today from the speakers. From the speakers who have been before us today I've heard the residents of rosewood, the people that actually live at rosewood say they deserve better and safe housing, and I agree. I've also heard that if the existing housing is required to remain and is required to be renovated, we will lose a third of the units.

[5:31:36 PM]

As a city struggling with affordability, we cannot afford to lose any more affordable housing units. I've also heard from councilmember Houston and other speakers that this property is historic as the other two properties that were built at the same time and I absolutely agree with that. These three properties are very special. But I think there's a balance and when haca spoke about options to be able to preserve a portion, to remain historical and to indicate the historical significance of this property, but to also be able to build more affordable housing units, not only for renters, but also for purchase, I think we need to try to strike that balance. And the resolution amendment that I passed out hopefully will do that because it will allow the city manager to work with haca to come up with a solution that does both. And I really feel like in my heart there is an ability to be able to do both on this property because all of those needs are important. But I think directing the city manager to come back with a particular thing instead of being able to work through a balanced solution puts us in a place that we will be losing affordable units both rentals and the potential for for-purchase properties in an area and for an owner -- haca owns this property and their task is to provide good, safe, affordable housing units in this community. And if they have the opportunity to do that better and to build more, I think we need to give them that opportunity. So I have passed out an amendment and I think it still works with the resolution. [Applause].

>> Mayor Adler: Let's see if there's other discussion on the dais. We can come back to you to lay out your amendment. Is there any further discussion on the dais first?

[5:33:36 PM]

Ms. Gallo, you can lay out your amendment? Did you want to make an amendment? Ms. Gallo, is that what you were intending to do?

>> Gallo: Yes, I would make a motion for this amendment.

>> Mayor Adler: Ms. Gallo makes her amendment. It's been moved and seconded by Mr. Zimmerman. We're now discussing this amendment.

>> Houston: Mayor, I think that's what the process is. We've tasked the city manager with taking this back door process, a full public process where people have an opportunity, including some of the preservation architects and builders who say that it can be done cheaper, and it can be done well, and we can have a model of housing authority project that is preserved and is liveable and wonderful for people to live in. But that process needs to be open -- again, open and public. So rather than print active here let's go through the process and let other people into the process and see if it's 300 square feet or if it can be done differently. Finny Fisk is in my area and he would love to take this on as a challenge to see if he could rehabilitate the living units. So I'm not sure why we don't want to just go through the process. And that's my comment.

>> Mayor Adler: I understand. This is an amendment that's been moved and seconded. Any further debate on the amendment? Ms. Pool?

>> Pool: I would say to emphasize what councilmember Houston has just said that the boards and commissions process is a lot more open and transparent than if the city manager were to be working directly with haca.

>> Mayor Adler: Okay. Further discussion?

>> Renteria: This is a real hard decision because I feel like if we initiate -- unless we put this resolution in there, I think because you're going to be required a super majority to pass when it comes back, I'm sure haca is going to protest is, that we're not going to have the majority of councilmembers here supporting it.

[5:35:48 PM]

I have that feeling in me. And I think we should look at both, including the resolution that aura -- -- that ora, my colleague, councilmember Houston and Gallo are involved because we do need to sit down and come with a -- you know, sit down and get it to where we have enough folks to pass it when it comes back from the historic commission. And if we send it and there will be protests and fights all the way through, which I feel like will happen, then we're not going to have an ordinance recommendation that - there's a good possibility that it just might not pass this council. So I really just think about the playground when I was a kid and I knew how we used to pass by the project, everybody called it the ghettos and what people would say about these places. I passed Chalmers and Santa Rita all the time. And it was more like people that went by there looked down at those people. And a lot of the kids didn't feel like they were comfortable. That's why my whole philosophy has been like Mueller, you go down through Mueller and you drive through there and you don't see poor people there. You don't see poor -- houses of -- everybody just blends in. You have mixed income. You have mixed race. And you should give people the dignity. There might be a solution, what this person had said that he could actually fix it up, make it look so nice that wow, I would like to move in there. And that's how we should be looking at the structures.

[5:37:49 PM]

I know the historical significance. It's really historic. But we need to look at it but we also need affordable housing in this area. And we need to look at different but I don't want to just tire ourselves saying all of it has to be -- when I first signed the first resolution about where we were just going to give it an historic designation, but not make it to the point where some of that can't be remodeled. I'm looking forward to haca on Chalmers because I think that we have 400, 500,000-dollar apartments that - right across the street and they look at this place across the street and there will be a lot of people that are making 30% of mfi, making 20, \$30,000. A lot of these people are on social security or disability. And this is -- we need to have our self some option. And if they come back and say hey, all of it should be historic, all support it 100%, but I think that we should offer a choice.

>> Mayor Adler: Mayor pro tem and then Ms. Kitchen.

>> Tovo: I think they can confirm this, but as the case goes through the historic landmark commission I believe it's been the case before that the landmark commission has recommended portions of a tract or the whole tract that I believe exist at the land America commission as they -- at the landmark commission. Mr. Rusthoven, am I remembering that correctly?

>> Yes.

>> Tovo: So I guess I appreciate my colleagues' comments, but I would say I think there's a real advantage of having a more focused approach.

[5:39:56 PM]

I do support the first part of the language, but I think if we want to put this for historical zoning we need the case and the landmark commission and others who go through that process to begin it. We've heard a lot of discussion about moving forward and allowing the housing authority to move forward and waiting until June to determine whether to initiate a process than just kick it down the road. And I will say that, you know, this is a really difficult case. I so appreciate all the work that people like ruby roia and others have done. And I appreciate the need for more affordable housing especially in that area, but I completely concur with councilmember Houston's comments. This is a site where the historic designation. And I believe that we should initiate an historic zoning case today and not take a more general approach. So again, I think it's terrific. If we want to add a line in there directing the city

manager to work with the housing authority to explore other options, but they have gone through a long process of exploring options. Additional discussion on that front certainly wouldn't hurt, but I do think today we should initiate historic zoning. And since it came up before the question of lake side apartments, I'll just say I think it would be terrific to have additional apartments on that site. We certainly need more affordable housing downtown and that provides a great option for seniors. And I know the future of that will be a conversation for another day, but since it came up I'll just say more affordable housing downtown would be terrific.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Well, my comments were similar to the mayor pro tem's. I guess I'm not understanding why we can't proceed with both processes right now. It seems to make sense to me to initiate the historic zoning process because of what I'm hearing about the process itself as part of that process consideration would be all or some part of the property.

[5:41:59 PM]

And the language that councilmember Gallo has put out is also a process that seems useful in terms of asking the city manager to work with the housing authority to provide options. So my request to councilmember Gallo would be, and also to councilmember Houston, is would it be workable to just take your language, but instead of deleting the initiating historic zoning, go ahead and continuing that? I guess the reason I'm suggesting that is because at this point in time we don't have the information. We're all kind of speculating on what the results of these processes will be, but we don't have it yet. So I'm not certain why we wouldn't want to go ahead and start the historic zoning process as well as starting a process to provide other options. I don't see the down side of doing that.

>> Mayor Adler: So Ms. Gallo, I think the question to you is do you want to accept putting back in the deleted language and taking out your phrase which may include the initiation of historic zoning or other similar mechanisms?

>> Gallo: So here's my concern is that this has been before the landmark commission once already and was denied. Staff did not -- did not recommend the historic zoning. It is implied with this. I think the historic zoning would be on the whole property. I think if we can come up with a balance and a compromise with the owner, haca, of the property that allows both to happen and it comes -- it starts the process with that compromise, I think the ability for a portion of the property to be zoned historic and a portion of the property to be used as more affordable housing and home ownership opportunities is the best way for that to go through the process. And I'm just concerned that if we -- if we don't have that discussion first before the process is initiated, then perhaps what's initiated is going to be different from what would provide the affordable housing and provide the home ownership opportunities and provide the ability for part of the property to be historic.

[5:44:04 PM]

I just -- I just would like people to get in a room and compromise and balance and see if there's something that could be presented initially through the process that would be something that would be more likely to get passed through the historic commission and then come back to us and get a positive vote.

>> Mayor Adler: So it's 5:45. We're 15 minutes past 5:30 and I don't know how close we are to being able to take a vote on this. Is there further debate on the Gallo amendment? Yes, mayor pro tem?

>> Tovo:, are we still making amendments to amendments?

>> Mayor Adler: Yes.

>> Tovo: I would propose to do just what you've described, mayor, which would be to restore the

language in councilmember Houston's original motion, which is the city council initiates historic zoning, et cetera, and to strike the language in councilmember Gallo's proposed amendment which is, which may include the initiation of historic zoning or other similar mechanisms.

>> Mayor Adler: It's been moved to put back in part of the language and to delete part of the language. Is that seconded?

>> Houston: I'll second it.

>> Mayor Adler: Seconded by Ms. Houston.

>> Tovo: And my understanding, and I'll look to Mr. Rusthoven and he can nod, that the historic landmark commission did not deny historic zoning. The vote was three-three so they forwarded it technically with no recommendation. Is that accurate?

>> Not entirely. What happened was Dr. McGhee went to them and spoke at citizens communication and asked them to put an item on the agenda. So they put that item on the agenda, their next agenda. That item was whether to put it on a future item to designate historic zoning. They chose at that meeting on a three-three vote to not put it on the agenda to initiate consideration of the zoning.

>> Tovo: So they did not vote to deny the zoning because they actually did --

>> They voted to not start the case is what they voted for.

>> Tovo: But it was a three-three split so the motion held.

[5:46:06 PM]

>> And also it wouldn't apply if this motion were to pass as this coming from the council, but it does take -- if it went to the next step at commission, if that vote passed it would have taken a two-thirds majority of the landmark commission to initiate the case. If this passes it it won't apply because it was started by the council.

>> Tovo: Thank you.

>> Mayor Adler: There is now an amendment to the amendment on the floor.

>> Zimmerman: I don't know about Robert's rules of order, but I think this is going to go on and on. I wanted to move that we recess and hear from the people here for the 5:30 time certain. I believe that could be considered.

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

>> Houston: I'll second it and then we can talk. It's time to talk.

>> Mayor Adler: The question is about whether or not we should take a break. Any discussion on the motion to recess? Mr. Zimmerman.

>> Zimmerman: I'd like to speak in favor. It's a very important discussion. I think we're going to have some more give and take and back and forth on that. It's a pretty important vote. I just thought we'll go ahead and take a recess now and hear from the people who have come and pick this right back up.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Those in favor of taking a recess at this point please raise your hand? Ms. Houston.

>> Houston: Councilmember Renteria raised two hands.

[Laughter].

>> Mayor Adler: All right. Those opposed to the recess please raise your hand? Ms. Gallo is the only one. Otherwise -- and Mr. Zimmerman -- no, pool. I had Ms. Gallo raising her hand voting against the recess. Is anyone else voting against the recess? Ms. Pool. So on a 9-2 vote we're going to recess.

[Applause]. We have probably about 30 minutes worth -- we have music first and then we have proclamations. So I would anticipate that we're probably an hour. It's going to be probably 6:45 before we're back.

[5:48:07 PM]



We're in recess.

>> Gallo: I just had mentioned to you I was going to have to leave at 6:00.

[5:54:11 PM]

>> Mayor Adler: We are now at my favorite part of city council meetings.

[Cheering] Only in Austin, Texas, would be in the middle of something as emotional and as caught as that discussion is to take a very welcome break for some live music.

[Applause]. And joining us today is singer, song writer, Austin recording artist Weldon Henson.

[Cheers and applause] Weldon playing music in Austin for nine years. He has released four full-length albums. His style can be described as traditional-based country with an original approach, making classic country current. Yeah. Weldon can be seen every Tuesday night via his residency at the broken spoke.

[Cheers and applause] Please help me welcome Weldon Henson. Thank you.

[Cheers and applause]

>> Thank you, mayor. This is pretty cool to come down here. And I see a lot of familiar faces and I always get around as much as I can and tell everybody thank you. And I truelovety do appreciate every one of y'all for your support for my music over the years. This is a neat deal to come down here. We'll keep it short and sweet and thank y'all for sticking with us here. I know they was a little behind and we're going to have a little party down the road. So thank everyone here. And I'll play a song off my new record here.

[♪Music playing♪].

[5:56:12 PM]

>>

[5:59:17 PM]

>> Thank you very much. This is very cool.

[Applause].

>> Mayor Adler: Weldon Henson. So for folks that are here or might be watching on the TVs, if somebody were interested in learning a little more about you, do you have a website?

>> Absolutely.

>> Mayor Adler: What is it.

>> They can go to weldonhenson.com and find out all sorts of things on there.

[Laughter]

>> Mayor Adler: And if they wanted to buy some of your music, where would be the best place for them to go?

>> Right there at weldonhenson.com or of course go to iTunes. We've got all the C Ds uploaded there on iTunes. You can have one song or get all of them if you want.

[Laughter].

>> Mayor Adler: And you have a residency at spoken spoke on Tuesday night. Any other gigs coming up in the area?

>> The main thing is we call it two-stepping Tuesday, which a lot of you know, at the world famous broken spoke right down the road.

[Cheers and applause] I tell you, that's our main thing. We love it. And this Saturday night, this Saturday night you can go right down the road just west of weir there in dripping springs Texas for the street

dance.

>> Mayor Adler: That sounds great. Let me read a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music, produced by legends, our local favorites and newcomers alike.

[6:01:18 PM]

And whereas we are pleased to showcase and support our local artists, now therefore I, Steve Adler, mayor of the live music capitol, do here by proclaim February 25th of the year 2016 as Weldon Henson day. Congratulations.

[Cheers and applause] >>

>> All right. I'll see you down the road in a little bit.

[Applause]. >>

[6:03:52 PM]

>> Pool: All right. All right. I think we have -- we have a very important proclamation to make now. And any other councilmembers who happen to be in the house or who are available, I'd invite y'all to come and stand with the mayor, the mayor pro tem and councilmember Renteria and I with state representative Elliott naishtat. It's a huge honor for me to be able to read this proclamation. Earlier this month we had another opportunity to announce February 2016 as Elliott naishtat month. And today with special emphasis we are going to make another proclamation. So here we go. Elliott, are you ready? All right. Here we go. Be it known that whereas Elliott naishtat has served as a distinguished number of the Texas house of representatives and is retiring after many years of distinguished service to the citizens of house district 49. And whereas representative naishtat is a native New Yorker and has lived in Texas for 45 years where he got his start in public service as a vista volunteer in Lyndon B Johnson's war on poverty. And following that earned a master's in social work and a law degree from the university of Texas. And whereas during his 13 sessions as a legislator, representative Nash at a time passed more than 300 bills, many of which improved the lives of children, working families, the elderly and the disabled.

[6:05:56 PM]

And whereas representative naishtat serves on the human services committee and whereas the city of Austin represents representative naishtat for his service to the community. Now therefore I, Leslie pool on behalf of the city of Austin and the mayor and the rest of the city council do here by proclaim February 25, 2016 as he will not naishtat day.

[Cheers and applause] Elliott naishtat day.

[Cheers and applause] >> So first of all, I would like to yield my time to Mr. Weldon Henson to come up and do another song. Thank you, thank you all very much. Thank you.

[Applause]. What I wanted to say is that I served in the house, I'm still serving until the second Tuesday of next January, but I came from New York and was a vista volunteer and got involved in local politics, and I've now been in the house for almost 26 years. And that's a long time. But if I could do that coming from New York City in the state of Texas, think about what many of you could do. So stay involved, be political, do what you can and again, I thank all of you, and all of you very, very much.

[Applause]. >>

[6:08:32 PM]

>> Mayor Adler: So what we have here now are a series of city of Austin certificates of congratulations. They're being given to the digital inclusion leadership award, is being given to quite the all-star group that we have gathered here. And I want to read the mention on the certificate to the team. Teach member of the team -- each member of the team is being congratulated on the occasion of their commitment to digital inclusion by serving as a contributor to the unlocking the connection initiative. Each is deserving of public acclaim and recognition. As contributing members of the team, they served to lead, guide and facilitate the planning and development of the unlocking connection initiative so that Austin's public housing residents could access and benefit from technology, access, training and services. Their commitment to support the work of this collaborative effort so that it successfully increases public housing residents access and use of technology increases their quality of life, and it is truly appreciated. This initiative serves as a model for a federal program called connect home, which was rolled out by the department of housing and urban development to public housing residents in 27 cities as well as the choctaw nation in Oklahoma. And this certificate to each of them individually issued is issued in acknowledgment and gratitude for this certificate achievement and each is dated the 25th day of February in the year of 2016.

[6:10:41 PM]

Signed by Steve Adler, mayor, on behalf of the city council. And here to talk to us and to introduce the team Sylvia, blanco, vice-president of haca. Thank you.

>> Thank you, mayor Adler for this recognition, but I would be remiss to say that it was the housing authority. This was a group effort. The saying was it takes a village and it truly does. We have been blessed with so many passionate advocates, supporters, donors, sponsors and partners. None the least of which are right here with me this evening. Google fiber, we have Theresa weeks, because, of course, the connection is so key, internet connection to every single unit of our public housing units throughout Austin. That deserves a big round of applause.

[Applause]. We also have Dr. Molly Beth Malcolm from the Austin community college. And their key, can key commitment to providing a refurbished device to every single household that goes through technology training in our public housing households. Thank you so much.

[Applause]. And my right hand, Katherine Crago from the the city of Austin who put boots on the ground and made it flourish and made it the model that it is today. Thank you.

[Applause]. And of course, rondella Hawkins and John spears from the city of Austin who have been key supporters in helping also to provide some wonderful, much, much appreciated grant funding to help support the technology, training and additional efforts at the public housing properties.

[6:12:50 PM]

Thank you, John and rondella.

[Applause]. Last but certainly not least, Juanita bud with Austin free net who has been one of our pioneering partners in providing much needed digital literary classes right there at our properties, bringing the actual training to our families and removing the barrier of transportation and child care. And has just opened up so many new horizons and worlds and things that our residents never thought that they could do. And so for that we are truly grateful. Thank you, Juanita.

[Applause]. And thank you to my boss, Mike Gerber, for giving me the opportunity to work on such an innovative program that has been truly transformative for so many of our families here in Austin. And we're very honored and blessed to serve as a model for the national effort through connect home.

Thank you so much.  
[Applause].

[6:15:12 PM]

>> Mayor Adler: I now have the pleasure of issuing a city of Austin distinguished service award for her untiring service and commitment to our citizens during her 30-year tenure as a dedicated employee of the city of Austin.

[Applause]. Beverly peeper is deserving of public acclaim and recognition and this certificate is presented in acknowledgment and appreciation thereof this 25th day of February in the year 2016. Signed by Steve Adler, mayor on behalf of the city council of Austin, Texas. Beverly, thank you so much for your service.

>> I really appreciate the city taking me on in 1988 as a temp and I never knew I would survive this long. I have enjoyed my time with the city and with the court and I've worked with the court pretty much since February of 1988. And then I left in '95 for six months and came back. And I have enjoyed my time with the city. It's one of the best places I've ever worked. Thank y'all very much.

[Cheers and applause]  
[Applause].

[6:17:17 PM]

>> Mayor Adler: This is a very special city of Austin certificate of appreciation that is being given today on the occasion of his contribution as an artistic cultural innovator and educator with over 60 years of service and commitment to enriching the arts and arts education in Austin. This certificate of appreciation is being awarded to Ishmael Soto. And this certificate is being issued in acknowledgment of gratitude for his contribution to the arts in Austin and issued on this the 25th day of February in the year 2016. Signed by Steve Adler, mayor, on behalf of the city council. And here to accept on Mr. Soto's behalf is his daughter Martha Soto. Please give him our thanks and our regards.

[Cheers and applause]

>> I'd like to thank you all for being here and honoring my father, who is a native austinite of 85 years. May I say that, dad? Your birthday is coming up on the 28th. I'm very proud of the way he served the community and how he influenced our family and friends. And thank you all for being here. Thank you, mayor.

>> Mayor Adler: Absolutely.  
[Cheers and applause]

[6:19:39 PM]

>> Zimmerman: We're here to recognize Mr. Lawrence jolly. I'd like to read the city of Austin's certificate of congratulations. On the occasion of having his painting, services committee don't in a lake, selected as the 2015 people's choice, Lawrence jolly is deserving of public acclaim and recognition this certificate is issued in gratitude on this 25th day of February of the year 2016, city council of Austin, Texas, mayor Adler, mayor pro tem tovo, and all councilmembers. Congratulations.

[Applause].

>> Mr. Mayor, councilmember Zimmerman, thank you so much. I can't tell you how much I appreciate this honor. Indeed, it's an honor to have gone to the university of Texas and graduated and been fortunate enough to live here in this cultural stew, in this artistic hot bed that has become and is Austin, Texas. People ask me how I come up with these strange and bizarre paintings. And it's through

relationships, relationships with people, with the city, with myself, my creator. And then I just wanted to kind of take this opportunity to thank some of the people who are instrumental in that. My friend, Rick Lemee here was the guy who shared his picture of a place that he grew up in Minnesota of this beautiful lake. And I was inspired by that photo and the stories that he shared with me about what kind of memories it had for him. My wife, who encourages me to paint all pretty pictures, everything he sees. No, I'm not a landscape guy, but of course I acquiesced and ended up painting it.

[6:21:44 PM]

But I'm -- I try to paint what is going on in my soul and in the relationships that we have with one another. I harken back to some dreams that I had when I was a kid of favorite things that I captured in my memory from my childhood. And then chose some icons that help represent that. So the icon of a little hobby horse in the painting was one that I chose. And then I needed a little girl who could stand in as the model for my daughter who is now a student at the university of Alabama. And so I chose little sedona mills, there's sedona in the little yellow dress there. And she was so sweet and such a great model. And then as I began to explore some of these concepts of how we visit in our dreams and our memories of things we held dear to us as children, I -- painting came to fruition and became something much more than just a landscape or a picture of a portrait of a little girl or something like that, but rather this weird, surrealistic depiction that actually took two canvasses to portray of what we -- how we visit things special in our dreams and through my heart. So I'm profoundly grateful for the opportunities that have been afforded to me by the city, by my family, my fellow artists, by the cultural arts division, people like Suzanne Burr Tan back there, thank you so much. I really appreciate you guys.  
[Applause].

[6:24:29 PM]

[Applause]. >>

>> Renteria: Today I'm really proud to be able to read this proclamation. Be it known that whereas Mr. Willie M. Bill Pickett, also known as bulldog picket was born in Williamson county on February 25th. And was one of the earliest rodeo stars. Whereas the rodeo pioneer preserved through the constant racial discrimination to become the first African-American cowboy to star in Hollywood productions. He invented and popularized the bulldogging technique of steer wrestling which he performed in front of countless crowds throughout Texas and the United States. And whereas Bill Pickett was introduced into the national rodeo hall of fame in 1972 as well as the pro rodeo hall of fame in 1989. And 145 years after his birth, Bill Pickett legacy continues to inspire rodeo athletes nationwide. Therefore -- now therefore I, councilmember Sabino Pío Renteria on behalf of Steve Adler, the mayor of the city of Austin, Texas, do proclaim December 5th, 2015 as Bill Pickett day in Austin.  
[Cheers and applause]

[6:27:41 PM]

>> Renteria: Also, there's a university group that has done excellent work here in my neighborhood in the last two years in east Austin. And this proclamation is for them, be it known that whereas the project has grown to be one of the largest single day student led community service event in Texas, bringing together in a spirit of service over 2000 students, faculty, staff, alumni and community volunteers annually to assist Austin neighborhoods in need. And whereas in 2015 for the 16th anniversary of the event, volunteers dedicated over 20,000 hours of service, completing a wide range of community improvement projects in the Holly Street and East Cesar Chavez neighborhood. And whereas

the projects and its volunteer effort and will continue to create a lasting positive impact in the city of Austin now therefore I, Sabino Pio Renteria, on behalf of Steve Adler, the mayor of Austin, proclaim February the 25th, 2016 as the university of Texas the project day.

[Cheers and applause] >>

>> I just wanted to say thank you. My name is Emory and I work in the center for community engagement at the university of Texas. Thank you to councilmember Renteria for this honor in front of the city. And really the credit for this event, which brings about 2000 UT volunteers into a neighborhood every year in partnership with the neighborhood to do beautification work, it really -- the event allows university of Texas students and community members to volunteer in a community and meet community members and it's been a real wonderful partnership for us.

[6:29:45 PM]

And the credit for the event that brings these 2000 out goes to the three students behind me because they run it. This is an entirely student-led effort and they asked me to speak for them, but it really goes to them. It's an amazing event to witness. And project 2016 is happening this Saturday in the rundberg community. And we had an amazing partnership with the holly and east Cesar Chavez neighborhood and we really look forward to an amazing partnership with the rundberg neighborhood. And lastly I just wanted to say that we're also really honored to share this day, this named day with Elliott naishtat who is a long time supporter of the event and our office. So we're honored for that as well. Thank you.

[Applause]. >>

[6:55:13 PM]

[Recess]

[7:10:30 PM]

>> Mayor Adler: all right. So we have a quorum here. We can pull back in. Sheri Gallo is headed back, be about 20 minutes. She's asked us to hold on the matter we're on right now, and I think we can accommodate her on that. I'm trying to see if there are things we can take up quickly in this intervening period of time. What about item number 50 -- what about item number 45? Do you want the larger group to do that?

>> [Off mic]

>> Mayor Adler: Yes.

>> [Off mic]

>> Mayor Adler: Let's knock that one out.

>> Pool: Mayor, if we could also move the St. Katherine of see en narcotics I don't think that one is going -- sienna, I don't think that one will take too much time. I think it's 63 and 64. I think the folks may have already wondered off.

>> Mayor Adler: We're on item number 45, the -- do you want to make a motion?

>> Tovo: Sure, I'd like to move approval of this item.

>> Mayor Adler: Is that the draft resolution that's in the backup?

[7:12:31 PM]

>> Tovo: It has a couple changes that I'm going to show you now. These were added in part -- well, mostly, I believe they were changes that came forward from our parks staff and we did consider this

yesterday at the council open space committee and the committee approved it.

>> Pool: And I will --

>> Tovo: 3-0.

>> Pool: That's right. I will second it.

>> Mayor Adler: Empty moves the ordinance has been handed out in yellow, showing the changes. It's been seconded by councilmember pool. Mayor pro tem, do you want to --

>> Tovo: Sure. The changes, one paragraph moved from later in the item up to earlier in the item. So you see it reflected here. There's some additional historical context. I think it adds value to the resolution. But really doesn't make any other significant changes. That's the paragraph that's struck earlier. I'll answer any questions but really it's going to remain the same resolution in our draft backup.

>> Mayor Adler: Okay. It's been moved and seconded with the changes indicated. Any discussion? Ms. Pool.

>> Pool: I just will mention that the staff with capital metro came and met with me and my staff, and I believe they were hoping and possibly were successful in meeting with all the other offices and this looks like a very good resolution and moves the process forward on expanding the downtown station and makes it ADA compliant and makes good use of the space.

>> Mayor Adler: Okay. Item none 45 concerning the -- number 45 concerning the downtown analysis has been moved and seconded. Any further discussion in those in favor please raise your hand.

[7:14:33 PM]

Those opposed -- unanimous on the dais -- with Zimmerman and troxclair voting no? Abstaining. Okay. Two abstaining with Ms. Gallo off the dais, the vote is 8-0-2 with Ms. Gallo off the dais. That item passes. All right. What else can we knock out that's a fast one? What about item --

>> Kitchen: Did we do 33?

>> Mayor Adler: We did not. Is that going to be a fast one.

>> Zimmerman: Yes, that's going to be quick.

>> Mayor Adler: Okay. 33.

>> Zimmerman: Our questions were tied to one of the responses we got about a q&a about how the machines specifically these will be used on sixth street sidewalks for the downtown coalition and just we wanted a little public clarification because when you say downtown coalition there's a downtown Austin alliance, a daa, right, an organization. So that comment in there in the q&a was just -- well, tell me again what it means.

>> Howard Lazarus, public works director. Public works department assumes responsibility to clean sidewalks in downtown. I guess going on seven years ago. Efficiency of the crews and to meet all the environmental constraints we've now bought a couple cyclone machines, much more expensive than these. We got good wear out of them, increased the square footage of sidewalk we clean by really a factor of two. We took that burden on at the request of the downtown Austin alliance and other merchants and residents in the downtown area.

>> Zimmerman: It's a high-traffic area, obviously, right?

>> It is. And we know that sixth street in particular can be demanding. I do want to stress since we've gone to these kind of cleaners we not only do sixth street on a more recurring basis, also congress avenue, Trinity, we do the area in front of the arch and many areas around downtown, and with this equipment we'll probably be able to increase from just over 2 million square feet a year probably to close to 3 million with no additional staff.

[7:16:47 PM]

>> Zimmerman: Just quickly, in the sorbs where we don't have the density like we have downtown we have quite a few gas stations, convenience store type places and, yeah, they have to do periodic cleanings. They usually bring a pressure washer identity. I think you guys ousted to do that too downtown, but they'll take a pressure wash irout, they have to pay for their own cleanings. I guess that's the point. I guess the downtown bars on sixth street and some of these areas, they get these really nice machines purchased by the city and it's public works labor also cleans up the streets?

>> We do. We have a crew that works in the evenings.

>> Zimmerman: So I just wanted to point out we don't get that, and I'm not asking for that in the suburbs it's just a difference Ben between what happens in the suburbs, you have toddling your own area in the suburbs.

>> When asked for other agencies for support, we can take them to other parts of the city when asked to do that but the primary purpose and focus is to clean the downtown area.

>> Zimmerman: Okay. Thank you very much.

>> Mayor Adler: Is there a motion --

>> Zimmerman: I don't have any other questions.

>> Mayor Adler: Motion to approve item 33. Ms. Pool. Is there a second? Mr. Renteria. Any discussion? Those in favor please raise your hand. Those opposed.

>> Zimmerman: Abstaining from that one too.

>> Mayor Adler: Mr. Zimmerman, Ms. Troxclair abstaining. Ms. Gallo off the dais, the other eight voting aye. Thank you. That passes. Item 33 passes. What about item number 54, is there a motion to postpone item 54 to March 24? That is the park renaming item.

>> Pool: I thought I already did that, but yeah.

>> Mayor Adler: We couldn't yet because it --

>> Pool: That's right it wasn't on extent. Moved by Ms. Pool, seconded by mayor pro tem. Any discussion? Those in favor of the postponement please raise your hand. Those opposed. All in favor with Ms. Gallo off the dais. 54 is now handled.

[7:18:48 PM]

What about the annexation item 51? If staff is back there we can start moving that way about that was on consent so that passed -- the public hearing was already set on that. Okay. I'm sorry.

>> Tovo: Mayor.

>> Mayor Adler: Yes.

>> Tovo: Seemed to me there were some items forwarded by committee that might be fast. I think there was a little -- or have we expensed with all those? Also Austin housing finance corporation.

>> Mayor Adler: We do, civil service commission pay. Going to be a little longer, UT research agreement is item 53. Someone want to move -- ongoing I'll move passage of that Ms. Kitchen moves passage of 53. Is there a second? Ms. Pool, do you want to explain that to us.

>> Kitchen: Well, staff might be better at that. Let me let staff do that.

>> Mayor Adler: Okay.

>> Jim dale, assistant director for the transportation department. What we're asking for is entering into a five-year contract with the university of Texas, asking for a contract authority for five years and right now we have in the fy16 budget we had approval for \$250,000 to work with ctr, center for transportation research, and we will -- any future ask in terms of -- we're asking for \$2.5 million in contracting authority. We have funding authority for \$250,000. Any additional funding authority that we need welcome back to the council and request that.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Quick question.



>> Yes, sir.

>> Zimmerman: Where are we on these types of agreements? I think we're working with Texas transportation institute. If we -- rocky mountain institute. If we were to sum up where we are on all these agreements and dollars that we're spending for outside consulting, you know, where are we right now before we add this in?

[7:20:57 PM]

>> So --

>> Kitchen: I can speak to this for a second and if I get it right. As you know we're not paying rmi anything so there's no dollars going to rmi. There's a difference between what rmi is doing and what this project is. Basically this -- tell me if I get it right, basically this project is having to do with data analysis for historical data and ways to use in -- data mine historical data. Rmi's project that's working on interoperable transit data is realtime data that people can use, you know, to plan their trips. And we're not paying rmi anything. That's just happening in the private sector.

>> Just to add to that we're also -- in addition to the data mining services that ctr would provide, their expertise there, there's additional analytical capabilities they bring to the city.

>> Kitchen: Okay.

>> Houston: Mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: But, councilmember kitchen, isn't it true that we're also paying \$300,000 for three years for some other mobility study downtown? I mean there seems to be a lot of stuff going on, and these -- the deliverables for this group seem vague, like we got some on retainer, got some things for this year but we're not sure how we're going to use them in the outlying years.

>> Right, that is correct. That's why we're asking for contracting authority and we've already just had the \$250,000 that was approved in fy16 budget just for this first year. So we have just that funding authority. Any additional funding authority that we come back and ask the council for we'll come back also with the details on those projects. I do also have a table I can share with you on some of the projects that we've identified so far that kind of goes through what the scope is at a very high level and some of the benefits if you would like that.

>> Houston: That would be helpful for me.

>> All right.

>> Mayor Adler: For the discussion, Mr. Zimmerman --

>> Zimmerman: Let me go back, again, here though because it says in the beginning it's authorize negotiation and execution and it's 2.5 million.

[7:23:01 PM]

So aren't we authorizing the you said you were going to come back to us but it looks like it's authorize negotiations, so we're not exactly sure what we're getting and you're going to execute it and we give 2,002.5 million. So what am I missing? Because I agree with councilmember Houston that we talked about it some and I'm just still not sure what I'm getting for two and a half million.

>> Let me go ahead and if the council will allow me I'll go ahead --

>> Kitchen: Yeah. Councilmember Zimmerman, this doesn't authorize 2.5 million. It's negotiation and execution of an interlocal agreement, and that agreement just allows funding up to 2.5 million but you're not committed to paying them 2.5 million, right?

>> That is correct.

>> Kitchen: Okay.

>> Any additional funding above the 250,000 that we have in our budget welcome back to council and ask for approval for that.

>> Kitchen: Those are two separate steps.

>> Yes.

>> Zimmerman: Sorry, I don't see the two steps. I just -- I see the negotiate, execute two and a half million. I don't see the two steps but anyway.

>> Kitchen: It would have to be a budget amendment in order to put more money --

>> Zimmerman: That seems trivial what will happen is the money will be in the budget that comes to us and everybody will vote for it and we'll be done so. . .

>> Kitchen: I would have to disagree with you on that. I think I can -- I feel comfortable that our staff is telling us the truth, that this is not authorizing \$2.5 million and I don't know if we need financial staff to explain the difference, but I don't -- I'm not concerned. I think they're being straightforward with us.

>> Mayor Adler: It's been moved and seconded, item 53 has been moved and seconded. Any further discussion? Those in favor please raise your hand. Those opposed. Those abstaining. Houston, troxclair abstaining, Zimmerman voting no, Gallo off the dais. So the other seven votes in favor.

[7:25:01 PM]

It passes. That was item 53. Thank you very much.

>> Thank you.

>> Mayor Adler: We have some public hearings now. See if we can knock out some of those. I don't know if Betsy Spencer here to do 60. She can start coming forward. There you are. Is that 60? Items I meant un public hearing so we'll call you up and see you leave. I'm going to go ahead and recess the Austin city council meeting so we can convene the meeting of the Austin housing and finance corporation. We have a quorum. It is the 25th of February, Thursday. The time is 7:25. Take us through our agenda?

>> Good evening, board of directors, Betsy Spencer, treasurer, we have one item for you which I offer on consent. Authorizing the issuance of multihousing family revenue bonds in an amount not to exceed \$25 million for the Austin Colorado creek apartments. And I'm available to answer questions.

>> Mayor Adler: Is there a motion to approve the resolution authorizing the housing bond? Ms. Garza, Mr. Casar seconds. Any discussion? Ms. Houston.

>> Houston: This is in councilmember Garza's district and I'm not familiar with it. Is that close to any transit stops?

>> No, I don't believe it would be that close to transit.

>> Houston: And how many units did you say? I'm sorry. I've got so many papers here.

>> Give me one moment. I'll take a look.

>> Houston: Oh, I found it, 240 units.

[7:27:03 PM]

No transit?

>> Not in the immediate area. Planned for the future.

>> Houston: This is not a policy -- yeah, it is a policy question. At some point should we be asking capital metro about how many years out do they think transit will be coming to the places where we're locating low to moderate housing? Because if not, we're doing a disservice -- I say this all the time, we're doing a disservice to the people by placing these units in places where there are no transit options. So maybe like we've an educational impact study maybe we ought to ask capital metro for a transportation impact.

>> Councilmember Houston, you have brought that up so I think what we'll do from now on and S we will specifically include in the backup that information in terms of either the transit being available, if not how soon or what the plan is to address that. So that's certainly something we can include in the future information.

>> Houston: Thank you.

>> Mayor Adler: It's been moved and seconded, item number 1. Any further discussion? Those in favor please raise your hand. Those opposed. Those abstaining? Troxclair abstaining, Zimmerman voting no, Gallo off the dais. And how do you vote, Ms. Houston? Ms. Houston votes no. So two no votes with Mr. Zimmerman, troxclair abstaining. Ms. Gallo off the dais. The remaining voting aye. It passes. Thank you.

>> Thank you.

>> Mayor Adler: I now conclude the meeting of the Austin housing finance corporation, pull us back into the meeting of the Austin city council at 7:28 P.M. Here on February 25.

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: Would you like to take item 63?

>> Mayor Adler: We can take up item 63 and 64.

>> Pool: Yes.

>> Mayor Adler: We have a couple, 61, 62, 63, 64.

[7:29:07 PM]

>> Pool: That way we could have Mr. Shunk not be the very last staff. When we do watershed protection Kevin always has to wait to midnight plus.

>> Mayor Adler: That's fine, 63, 64, although separate votes on those. Why don't you -- we have five citizens waiting to speak. Let's take up the other short ones real fast before we do that and then' W finish with the rosewood and take this one up.

>> Mayor, we have one person, they've donated their time to me.

>> Mayor Adler: Okay, let's go ahead and do it. Go ahead.

>> Good evening, mayor, council, watershed protection department. And we'll take 63 and 64 together, is that correct, mayor?

>> Mayor Adler: Yes.

>> This is a code amendment being brought to you as a result of a resolution passed by council in December of 2014, asking staff to bring you back an sos amendment to allow the demolition and construction of a building at the St. Katherine of sienna church on the -- that is in the Barton springs zone, subject to the sos regulations. And they are not able to do that new construction without a amendment to sos and additional variances. The primary issues are current code requires if they redevelop they provide water quality treatment for the entire site and that they have to mitigate excess impervious cover for the entire site. The proposal -- the ordinance that is before you today does provide waterfront quality for their redevelopment area and mitigates improve for the entire site -- impervious cover for the entire site. If I'd like to go ahead and take speakers we can do that and answer any questions afterwards if you'd like.

[7:31:11 PM]

>> Mayor Adler: Before we call the first speaker you've recommended -- have you made a recommendation on this?

>> Yes. That -- staff recommends the sos amendment. It was also recommended by the environmental commission and also in the planning commission.

>> Mayor Adler: Do you have, like, one or two sentences you could tell us why it was that you recommend --

>> Yes. The primary reasons I'm recommending it is they are providing water quality for the area that's being redeveloped and they are paying mitigation fees to address the excess impervious cover. Under the -- how they're paying their mitigation freeze compliant with current code under the Barton springs redevelopment exception, if you have impervious cover over 40% you're required to either provide land to offset that excess impervious cover to get to 20% or pay fees at a rate of approximately just under \$26,000 per acre to mitigate that impervious cover. The church has chosen to pay fees to offset that impervious cover in an amount of approximately \$381,000, and in my opinion, I think that even though that's not compliant with current code, I think it does meet the intent of the code and provides a reasonable offset, particularly given that this is a civic use, it is a church that serves the community. It's pretty -- it's a very unique situation, and I think this is also consistent with the recommendation that staff made in 2013 to amend the Barton springs zone redevelopment exception, which was not taken up by council at that time.

>> Mayor Adler: Okay. Thank you. Let's go to the public speakers. Thank you. Speaking publicly, is it -- is Michael Willard going to speak? Just you, just Michelle Lynch.

[7:33:16 PM]

>> Yes, I'm sorry. I was debating if you wanted to hear the floodplain staff before you heard my entire spiel.

>> Mayor Adler: The floodplain staff here? Yeah, why don't you tell us why you're making the recommendation you're making.

>> Thank you, Mr. Mayor, council, Kevin Shunk, watershed protection department. Item 64 is a floodplain variance request associated with the development of St. Katherine's church and I'll run through that with you here real quick. Thank you. There's the property outlined in red, the creek that flows in front of the property is a tributary at Williamson creek at [indiscernible] Mopac. Zoom in a little closer and a large portion of the property is in the hundred year floodplain, the lighter blue color and 25 year floodplain is the darker blue color. The proposed development is to replace the existing parish center with new building that has increased area compared to the existing building. And since the property is located in the floodplain and there's no safe access from the property to the right-of-way, even though the building is not on the floodplain they still have to meet the safe access rule. That's the reason for the floodplain variance request. So that request is the code -- it requires safe access out of the floodplain. Their request is to allow the new building without having safe access. In addition to that, by placing this new building that has increased area on the property, on a property that is nonconforming to the floodplain rules, they're increasing the nonconformity with the additional area. We've talked about safe access in the past. This is a video that I know you've seen before, but the safe access basically is trying to get people from the building to the right-of-way all at an elevation 1 foot above the 100 year floodplain.

[7:35:25 PM]

That's the goal of the safe access requirement, both for ingress and egress in and out of the buildings. Folks that are in the building to get out and then first responders possibly to get to the building. We really wanted to point out a couple things about the property that -- we've gone -- had a lot of discussions with the applicant about the safe access rule. The two points of access to the right-of-way are on convict till rosewood you can see on the southern portion of the lot circled in green, west retains and east entrance so both of those areas are located in the floodplain. And the 100-year floodplain

depths are a little less than 3 feet on the west entrance and east entrance is a little over 2 feet. When we talked about the applicant about how they might get safe access, they were looked at the areas to the north of the property. You can see the green dashed lines to access paths that actually you could walk through this open space, this open space that was on the original plat, to the right-of-way of wood creek in one particular situation and then the other side is midoak circle. Now, when we look at the safe access criteria what we're looking for is it's the code states Normal access for pedestrian or vehicular access to the right-of-way. Now we'd like to have vehicular access but it's not required. And we're talking about pedestrian access, safe access. What we see in -- consistently, how we enforce this regulation is a hard path from the building to the right-of-way. And when we talked with applicants about that what we mean by that is if at the time of flood, objection, obviously it's range and things are going to be wet, first responders have to come, in if you have someone in the building you're trying to get out, maybe in a wheelchair, we wanted the pathway to be a hardened surface to get to that right-of-way. The applicant talked with the neighborhood about these green space areas and whether they would be allowed to put some hard surface there to meet that rule and they could not come to an agreement with the neighborhood so, therefore, they couldn't meet the safe access rule.

[7:37:36 PM]

So what I'm saying is while the pathways one do exist to the right-of-way it doesn't fully meet the intent of the safe access rule and how we enforce that in the floodplain regulations themselves. The actual development itself does not cause any adverse flooding on other property. As you can see from the picture, the new parish center isn't even located in the floodplain itself. The portion of the property and one of the buildings that is in the floodplain is not part of the development. However, doesn't meet the safe access rule. They are adding some occupancy, as far as square footage conditioned area to the property, therefore, to allow more people there on the property, that increases the noncompliance without having the safe access. The finished floor elevation of the proposed building meets the minimum elevation requirements, and when we look at the hardship conditions, we really look at whether there's a existing use of the site, and which there is, so our interpretation of the building code section would say that there's not a hardship condition. I'm sorry. A hardship condition does exist in this case because there's no other way for them to get safe access. Again, they went through a lot of discussions to try to get the safe access itself, and they weren't able to get it. So staff is recommendation denial of the floodplain variance and really the key point of that is the safe access rule is a really important floodplain regulation. It's one that we really review strongly and we feel that it is very important in order to get safe access. Some of the pictures that you saw are reasons for that. They have gone through significant steps to try to -- as best as possible to get the hard pathway but have not been able to so I'm happy to discuss that with you further. We do have a draft ordinance in your packet, if you would like to look at that and consider this variance. Within that draft ordinance there's two conditions, and these are fairly typical of floodplain variances.

[7:39:38 PM]

It's an elevation southeast, which is a document that -- certificate that confirms that the building they construct meets the elevation requirements set forth on the plans and then they would be required to dedicated drainage easement on the properties to the limits of the hundred year floodplain. I'm happy to answer any questions that you may have.

>> Mayor Adler: Ms. Kitchen and Ms. Tovo.

>> Kitchen: Could you go back to the slide that summarizes -- at the bottom it says no variance? Yeah, that one. Okay. So am I understanding correctly that the reason for the variance denial is the no safe

access?

>> That's correct.

>> Kitchen: Is it a imitation of two and three or just two?

>> Well, I would -- it's really a imitation of two and three.

>> Kitchen: Okay.

>> But the additional occupancy in the floodplain increasing nonconformance is because of not having safe access.

>> Kitchen: Injured remind me, but the building -- just remind me, the building is an existing building, is it not?

>> There is an existing parish center on the property but they will be demolishing that one and building a new one.

>> Kitchen: On the same site?

>> Correct, on the same location.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I have a couple questions for you. I guess my first one is I had submitted some questions through the q&a process, and I don't think they carried over to this agenda. They were on one of the agendas where we postponed but they were specific to some of the flood events in this area, and so if someone can help me find those from the previous agenda that would be helpful but one of the things that I had in my file for this are the flood-related incidents in the 4700 to 4900 block of convict till rosewood and I wondered if you could address those. As I understand, these are just the -- those that required a response from the Austin fire department and I see five listed, including the water rescue.

[7:41:42 PM]

So can you talk a little bit -- I may not be able to -- or put it up there but can you talk a little about flooding in this general area.

>> Sure.

>> Tovo: We have a situation where I understand the parishners want to have other activities for youth. On the other hand we're allowing for a floodplain variance that would allow more use on the site and in danger to it's flooding and it seems to me based on the research there has been evidence of flooding in that very same area. And so I hope you can address that question.

>> Sure. Thank you. As far as the question about the flood responses, we did contact Austin fire department, in addition to looking at the watershed protection department flood warning staff database of rosewood closures or rescues in the area and the fire department has five documented incidents of them having a doll within this area of convict hill rosewood and one of them was indeed a swift water rescue that was coded into the system that way. I don't have the exact details of the dates of them at the moment, but I do remember -- recall there were five incidents. Those can be ranging from someone calling, saying the rosewood is flooded, or could be rosewood is flooded and I see a car there, or they come -- or the code could be swift water rescue, they arrive at the scene, see a car, and they have to do an actual rescue. So there have been flooding issues at this particular location. This stretch as you can see as it makes its bend kind of to the right on that page, does have significant flood risk. We're talking about two and a half, 3 feet of water for the hundred year flood. That is not an insignificant amount of water. So there is flood risk there at that part, the front portion of the property and that's the only way truly to access it since both driveways come out to that section of the rosewood.

[7:43:45 PM]

>> Tovo: Just to be clear, I'll read out what's on my sheet, July 15, 2012, a flood barricade, October 13,

2013, flood assist. September 18, 2014, water rescue, tf, whatever that is. September 18, same date, 2014, flood assist. And may 27, 2015, flood barricade. What is a flood barricade? Does that mean they have to actually close the rosewood?

>> That more than likely is someone calling to say the rosewood has been flooded and maybe the fire department responds. Whether they put the barricades up or they may check to make sure, and maybe the water is not on the rosewood any longer but the barricade is indicating that they probably put out either stood there to barricade the rosewood or may have put out some barricades.

>> Tovo: You said you also looked at the watershed and I think that may be what was returned in the q&a that we can't put our fingers on at the moment but what is the history of watershed's interactions with this area?

>> So we certainly have requested our field operations group to go to convict -- this portion of convict hill to investigate whether the rosewood is flooded because of rains in that area. We don't have as robust of a database to indicate exactly how many times we've closed it and one of the comments I recall in responding to the question was that one thing makes this particular area difficult, while it is a significant tributary of Williamson creek it can peek quickly and we may expect water over the rosewood and call our field operations crews, which are in another part of the city maybe by the time they get there. The flood waters had receded. Maybe they barricade it for a while and it recedes somewhat quickly after that. So our database of how many times we've closed the rosewood doesn't have -- you know, isn't indicated, but we know that there have been accounts of the rosewood flood and not -- road flood also from talking with some of the residents in the area as well, some of our field operations crews.

[7:45:49 PM]

>> Tovo: Thank you.

>> Renteria: I want to ask you, are there actually -- are they actually increasing their fingerprint sneer are the buildings going to be wider, longer on the property or do you know that?

>> I believe it maybe increasing slightly, but the applicant can address that specifically. But it's not a significant increase in the area if may be two stories as opposed to one story now.

>> Renteria: But it's not going to expand out?

>> No.

>> Renteria: Okay. Another question is, that little video that you had there where the water was flooding, was that on this property here?

>> No. That is a property on onion creek.

>> Renteria: Onion creek. And onion creek runs through here?

>> Onion creek -- this is in the Williamson creek watershed. Williamson flows to onion creek but this is not in the same part of town josh that video was just put in there.

>> That's probably the best video what safe access means and why it's important so that's why I show it.

>> Renteria: Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you. Question related to what councilmember Renteria had said, but 2 feet of water is not a big deal unless it's moving pretty fast. So you mentioned two to 3 feet but what is the velocity of that water, speed of the water?

>> If it's going 1 foot per second, not a big deal if it's going 10 feet per second, it will sweep you your feet, it's dangerous.

>> So I've got the hundred year velocities or almost 2 feet per second, 25 year velocities, just under one and a half feet per second.

>> Zimmerman: Okay. So these -- you know, I guess these two items, 63, 64, are being tied together. Are

we gonna -- is somebody gonna talk about the particulars on 63? Because it looked like it was -- 63 was approved, 11-0. Is that right? Item 63?

[7:47:50 PM]

By the commission?

>> Mayor Adler: We'll get both staff up here because there will be questions going back.

>> Environmental officer, yes, it was approved by the environmental commission 11-zero and planning commission I think on the same vote, yes, that's correct.

>> Zimmerman: Obviously -- if staff denies 64, then 63 becomes moot, right?

>> That's correct. They need approval on both items.

>> Zimmerman: Okay. So I guess they were considered completely separately? Because it seems like it's a package situation.

>> Maybe the -- we could ask mitsy cotton from the law enforcement to explain why they need to be variation but it is two separate actions.

>> Zimmerman: I would --

>> Mayor Adler: 63 requires a nine vote because it's a variance to sos and then 64 is just a majority vote.

>> Zimmerman: Okay. Okay.

>> Mayor Adler: Ms. Kitchen, then Ms. Pool, then Ms. Troxclair.

>> Kitchen: I have a question for Kevin again. Looking at the map that you showed, I have a few questions. If you could put the map up again?

>> Sure, sorry.

>> Kitchen: Okay. I'm just wanting to make sure I'm understanding. So this -- the -- it's in an existing floodplain and has been, obviously, and so the building is not a new building. What's new is putting this building up to two stories instead of one. So the existing access issues related to flooding are not new, right?

>> Correct.

>> Kitchen: Okay. So we're actually in some ways might be, you know, improving things by adding a second story as opposed to just a first story in terms of how far the flood waters could get and the building is not actually in the floodplain, right?

[7:50:06 PM]

>> That's right.

>> Kitchen: Okay, okay. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks. Mr. Shunk, in the picture here that green circle that's the west entrance, I was looking at some of the photographs of the culverts where the water comes down, I guess it flows south, if I'm looking at this right. It looked like the culverts may no longer be sized properly for the amount of runoff that's coming down the creek. Do you have any -- have you been out there lately to see it? And are they running free, even though they seem ton sized a little narrow?

>> I can't speak specifically as far as the design criteria for those culverts, but what I will say is we have the branch on the bottom part of this page that flows left to right and then on the top left of the page you can see that other leg of floodplain. That's an unnamed tributary of kitchen that flows in. So those culverts that you mention that bring the unnamed tributary into the branch, while -- whether they're designed at capacity, this floodplain is created by the branch, not so much because of the culverts under convict hill. So it's the mass amount of water that's coming out the branch trying to get around this bend as opposed to the unnamed tributary that's creating the significant amount of floodplain.



>> Pool: So what you're saying is the amount of runoff coming down the branch, that branch there, the unnamed tributary, is volume-wise a lot less?

>> Much less.

>> Pool: Much less.

>> And probably piques a loss faster since it's a smaller drainage branch.

>> Pool: That's very helpful. Just a follow-on question to that. Does watershed protection go back out with public works and look at these sorts of situation as the city grows and check to see if the infrastructure is sufficient?

[7:52:12 PM]

>> Sure. So on two things I'll talk about that. One is watershed does periodic inspections of creek crossings for -- we do and at least 600 annually across the city and to ensure whether the culvert has too much sediment, a lot of debris such that the culvert couldn't pass August the water, at least that happens annually. In addition if it were a situation, a road that social security getting flooded a lot and we're getting a lot of flood reports, maybe some of our flood models are indicating that that particular crossing is truly in need of being upgraded as compared to the 400 other Rodriguez in the city, that are in a hundred year floodplain, it would go into the priority system and to bring it up to grade.

>> Pool: Thank you.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So earlier when you were responding to mayor pro tem tovo's questions, you said -- you were talking about that there had been five flooding calls at this location. I just want to clarify. Have there ever been any flooding calls from this property?

>> I cannot confirm whether -- where the calls came from exactly. It's just -- they just log the call and then the type of the call.

>> Troxclair: Because -- right. And I understand. I think that there's obviously convict hill is a locally long rosewood and this is a very zoomed in map so I didn't want that conversation to give the impression that there had been flooding exactly where this map is showing. If I had to guess it's further down convict hill.

>> Well, the -- the investigation that we did in the cad, the fire department calls was for this particular block, this area of convict hill. So while there may be flooding in other portions of convict hill, they were able to search their database for block Numbers and so it was within this block set of convict hill road.

>> Troxclair: Ongoing. Back to the video that you were showing and the question that councilmember Renteria was asking, that scenario is the scariest, when a building is completely surrounded by the floodplain.

[7:54:22 PM]

In this case, when you're talking about no safe access, the building is not in the floodplain and there is a -- there would be an unpaved foot path, two unpaved foot paths bra the building.

>> Correct.

>> Troxclair: So the end -- the visual image of it being -- being stranded in a house and rushing water all around and you no way to get out of that building isn't necessarily equivalent to the situation that we're seeing here.

>> That's correct.

>> Troxclair: Okay. Then I wanted to know if the times -- or the nature of the structure, if watershed ever took into account the nature of the structure, i.e., it's not a residence, there's not going to be anybody sleeping here. I know in other instances we've had concerns about maybe a property being

rented out and the tenant not knowing that there could be a flooding issue. Since this is a church, I'm guessing that their busiest day is Sunday during the day and there's nobody sleeping on this property. Does that -- do you take that risk level into account when you're evaluating?

>> I would say that when we look at the risk to the property, we don't concern ourselves with how they may be using the building because obviously you don't -- worst case scenario, the flood is happening when you're using the building and it may be full and now with it being more space could be full with more people. So that's where our recommendation comes from, the risk possessed to the property -- posed to the property. As far as us weighing this compared to some other cases, it maybe the case we saw in the video where it's completely surrounded it would be safe to say that that is a more risky situation. But as far as our recommendation, it's just purely based on the risk posed to this particular location. Comparatively how that risk from one case to the next may be a little different, yes.

>> Troxclair: Thanks.

[7:56:23 PM]

>> Mayor Adler: Further discussion? Come down and talk to us? So you're here with sue

[indiscernible] And with James wilsford and Dan

[indiscernible]? No? James? That's okay. So you have 12 minutes.

>> I will useless.

>> Mayor Adler: Thanks.

>> Good evening, commissioner -- sorry, good evening, mayor, councilmembers. Michelle Lynch. I will explain to you tonight our rationale for the support for the save our springs amendment and floodplain variance on the property. I'll move over some of the slides quickly you may have already covered with staff. So we're aware where the property is on convict hill. It's an 8.29-acre property in the recharge zone with about 56% impervious cover, the oldest building on the property being the 1980 construction and that is the building we're talking about redeveloping. Here is an example of the building in blue to be LE developed, which is the white rectangle in the existing site. I want to clarify a little bit what staff said, that it is roughly in the same footprint. It is all over existing impervious cover and is moving from one story to two story. The purpose of it is to update and use more efficiently the space they have for educational worship classes so we're not looking at new membership, increasing density, we're not even increasing car trips. That is not the point of this building it's about increasing the efficiency of the building they have today. We're only redeveloping 13% of our 57% impervious cover so we're seeking an sos amendment and floodplain variance only because we cannot have paved access so why are we here for an sos amendment? Well, there is a redevelopment code in your -- there's a redevelopment exception in your code and we can't meet it because we have floodplain on the property that allows us to not be able to put controls there.

[7:58:33 PM]

You could have had a partial redevelopment exception in the code, we might have been angle to take advantage so our only alternative is to seek an S.O.S. Amendment. A lot of you have seen this matrix we worked hard on for about a year and it's basically intended to put together to show that you the existing conditions exist today. If I were do follow a complete redevelopment of the entire property, I would paying about \$386,000 towards mitigation for that and reducing pollutants. If you had had a staff partial redevelopment ordinance option I would be doing that and I would only be paying \$51,000 for redeveloped area. So we came to the conclusion of scenario four, kind of bridging those two things. Also in concert with working with the save our springs alliance we were going to agree do pay a mitigation fee as if redeveloping the entire property, \$386,000 as well as doing on-site controls for the redeveloped

area that do not exist today. So why should you support this? We are doing exactly what the council asked us to do in 2014 when they initiated the resolution, in fact we're exceeding it, reducing impervious cover, adding additional water quality measures, paying a mitigation fee that's much larger than what would have been proposed in the past code. The past code would have required \$0 to be paid. We're exceeding the staff's proposed partial redevelopment option, had that been an option, decreasing pollutant loads and we received unanimous support from both commissions. Floodplain floodplain variance, as you have seen we have three buildings not in the floodplain. The sanctuary is barely clipped by the floodplain. We do not have access to convict hill as you've seen because it is in the floodplain. We do have safe access to neighborhood streets that is out of the floodplain. Staff's policy is that it be paved. We are not able to obtain that from the neighborhood. You've seen the floodplain maps. You've seen the safe access routes there in red. These are rather large greenbelts. They are definitely things that could be traversed on foot easily as well as by a vehicle.

[8:00:33 PM]

And we have information from old studies and plats that show that this land is basically on rock. So I don't think there's any jeopardy of anybody sinking while running on this. We talked about culverts and the blue arrow at the top is the culvert from the north that flows to the south. It is a rather large culvert. If you're five feet or less tall you would be able to walk under it. This will channeled down to south to convict hill so the properties, one of which is us on the banks, are not flooded because the waters come and are shuttled down this way. You get down here convict hill road where you're running into the next set of culverts, a dam. You're basically running into a dam. So this is very substandard and although it does slow the flows, which is a good thing, it's not working properly and this is why water is coming down convict hill and being clogged up by branches and debris. This area has flooding on the road because of the dam and to the south. The properties to the south are flooding, St. Katherine's church is not flooding. I did look at the incident reports that councilmember tovo brought up. There are four, not five. One was two calls to the same person. Barricades were put in place and sometimes our -- our church actually calls to have them put out barricades. One was for house flooding that had about two inches of water. Nothing happened so they were not rescued. One call that was actually the two that you saw on 2015 was for a car that was driving at two A.M. In a rainstorm in the middle of the night and took the turn too fast and ended up in some water so they had to be rescued. Again, the road wasn't barricaded at a time and it wasn't anything on our property. So what we kind of gleaned from this is there is flooding and there's flooding on convict hill road and to the south of the area. Nothing to do with this property. It's all related to that substandard culvert and things that are happening to the south.

[8:02:37 PM]

The staff did a good job of explaining that we met three of the five criteria. I think we would think that we meet five of the five criteria. One we have good sufficient cause. We do think it's a hardship. We think it's a hardship that we're not able to develop a building that's already sitting outside the floodplain and redevelop that building as a safer two-story building. We don't think we're increasing any nuisance. We're not a nuisance today. We have not instigated any calls for rescue or flooding or issues since 1980. We do think this is the minimum necessary departure and we are above the floodplain level. So why should you support this floodplain variance? Again, we have never flooded on this property since 1980. We are not in the floodplain today for the buildings. We're not going to be. Flooding occurs on convict hill. We're not increasing a nuisance. We already exist here. We're not increasing any density or traffic. We're actually capturing additional water quality with the controls we'll 'adding. We don't have any residential users. We don't spend the night. There's no day care. Some of the staff probably stays pretty

late, but they are not spending the night. And the church does do a did job of cancelling vents in weather storms. They actually have a church app where they can let their members know not to come that day. They've actually canceled a wedding. Sorry, they moved a wedding, still a big deal. They are recognizing that there are problems and they are on top of it and they have been for quite some time, which is why they have no issues. Lastly, we do meet three of the five criteria. So what happens if this is not approved? The S.O.S. Amendment and the floodplain variance are tied together hand in hand be, like it or not. If you approve one and not the other you are effectively disapproving both. Convict hill is still going to continue to flood and so are the properties to the south. The church will not flood. We're not going to pay \$386,000 to a mitigation fund to preserve land and water quality. We're not going to put up new water quality controls and we're still going to be there. We're still going to operate out of dated buildings and we'll still have student and family programs that meet more often and for longer hours because we don't have an efficient building.

[8:04:46 PM]

And we've spent two years and thousands of dollars in the development process working very closely with staff as well as the save our springs alliance. Happy to answer any questions.

>> Mayor Adler: Any questions? Mayor pro tem.

>> Ms. Rogerson, I think I got this information from you, but I'm not sure about this right now.

Throughout the week you have evening programs or after school evening programs Monday through Thursday, for example, after school from 3:30 to 6:30 with an -- each session has about 125 to 150 students. Is that about right?

>> Yes. I will let sue la Faye with the church speak to that more discretely.

>> I think you provided my office with this information, but I wanted to be sure that's where it originated.

>> It is true that we have after school programs that range between I would say 3:00 and 6:30 Monday, Tuesday and Thursday, occasional Wednesdays. And on Sunday. And the number of kids varies, depending upon which program it is. It would be anywhere -- in today's world with the building as it is today, we can't handle more than about 50 kids at one time.

>> Tovo: So the information I had --

>> And the parents are there as well too.

>> Tovo: I had Monday, Thursday, elementary, after school 3:30 to 6:30, 600 students total. Wednesday middle school youth night 150. Sunday high school 150. Sunday generations of faith 125. Are those Numbers in the ballpark?

>> Let's go over that. Typically in our typical year -- we have a different program in place now because we're not using the parish almost in the same way because we're in a tear down mode. Mondays we have middle school and that ranges from 4:00 to 7:30 on average and we have about 125 kids to come. They're not all there at the same time. They come each other so they're not all there at the same time.

[8:06:50 PM]

Because we can't handle that many kids at one time. Tuesdays and Thursdays we would typically have elementary education. The kids from first grade to fifth. Again, the same thing that we go from about 3:00 to 6:30 with the kids coming every hour. So again, you're not having that many kids there at any one time. And the same thing, the high school is -- Wednesday we have middle school nights. We call them ignite nights. And we might have 50 kids at that point on a Wednesday. It's more of a gather night. And Sunday is our high school night, and they come from I want so to say 6 to 7:30 and that could be 75 kids on average.

>> Tovo: Thank you for explaining this diagram.

>> Mayor Adler: Any further conversation? Ms. Garza?

>> Garza: So regardless, so if -- if the variance isn't passed, the church is it still going to have these programs and children will be in this area, correct?

>> That's absolutely correct.

>> Garza: It reminds me of an observation that the mayor made for one of our other variances, because it's going to be two stories, -- if this did get surrounded by water, which I see in the diagram, I guess you can never tell what happens in a flood because it won't just flood where we think it's going to flood. But if it did, the second story in that parish hall would be the safest place for everyone to go probably.

>> You're right. If sue is asleep at the switch and doesn't get people to come here, you're right, they would have to go to the second story unless they walked away on a greenbelt.

>> Garza: Thanks.

>> Mayor Adler: Further discussion? Let's go ahead and take a vote. Item number 63 is the S.O.S. Variance. I think this has been moved and seconded already. Those in favor of the S.O.S. Variance please raise your hand? Those opposed?

[8:08:51 PM]

It's unanimous on the dais. We'll take a vote then on item number 64, which is the floodplain variance. Those in favor please raise your hand? Those opposed? Houston voting no, mayor pro tem voting no. Were there any abstentions? Gallo abstaining. The rest voting aye. It passes. Okay. Let's get back then to where we were on rose dale. Rosewood, sorry. We were discussing an amendment that was just being crafted by the mayor pro tem, but I think the mayor pro tem is withdrawing her amendment to the amendment and proposing -- and deferring to Ms. Houston to make the amendment to the amendment.

>> Gallo: Mayor, can I ask a procedural question? So we have an amendment on the floor that's been seconded by councilmember Zimmerman. Can you help me understand how you can make an amendment to an amendment?

>> Mayor Adler: You can always make an amendment to the amendment. You cannot make an amendment to the amendment to the amendment. But you can always make an amendment to the amendment.

>> Gallo: Clear as mud there.

>> Mayor Adler: You can make an amendment to the amendment. What I'm trying to determine is the language to the mayor pro tem had was an amendment to the language you proposed. Is this an amendment to the language that was proposed by Ms. Gallo?

>> Tovo: Yes, I'm withdrawing my amendment.

>> Mayor Adler: So what is being shown here are red words you're adding to Ms. Gallo's amendment and the stripes are strikes to Ms. Gallo's amendment.

>> Houston: Correct.

>> Mayor Adler: Ms. Houston makes an amendment to the amendment. Is there a second to that?

[8:10:53 PM]

Mayor pro tem seconds? Discussion on the amendment.

>> Zimmerman: Mayor, point of inquiry, could we put it up so we know what we're talking about on the overhead?

>> Houston: They have it. I gave them a copy.

>> Zimmerman: Thank you.

>> Houston: It's the white page with the --

>> Mayor Adler: Upper right hand said councilmember Houston amendment. It has language in red and language which has a strike through. Is there discussion of the Houston amendment to the amendment?

>> Houston: The reason that I added some specific stakeholders in the process is to broaden the conversation about historic preservation and whether or not this could -- the rehabilitation of the units could be done in a way that was cost effective and still meet the needs of the people who live there. And so I'm -- I can read it online. Okay. I included to have mid text mod and preservation Austin to help with that conversation between the city manager, the housing authority, and the boards and commissions. Our boards and commissions are great people, but they don't have expertise in everything that we ask them to do. And so I thought it would be helpful to bring some preservation experts in to that conversation to see what the possibilities may be for those options.

>> Mayor Adler: The amendment to the amendment has been moved and seconded. Any further discussion?

>> Troxclair: What is mid-tex mod?

>> Houston: I'll have to ask. They sent us a letter today. It's the first I've heard from them.

[8:12:54 PM]

Can someone talk about who this organization is.

>> Jerry rusthoven, planning and zoning. They are a group of conservation advocates who particularly focus on mid century modern structures, buildings built in the 40's, 50s, 60's.

>> Troxclair: Thanks.

>> Mayor Adler: Further discussion? Let's take a vote then on the amendment to the amendment. Those in favor please raise your hand? Those opposed? The amendment to the amendment is adopted. That gets us to a vote on the amendment. Any further discussion? All those in favor of -- those in favor of the amendment please raise your hand. The amendment is identical and it's the rest of the language. Those in favor please raise your hand? It's what this is effectively. Those opposed?

>> Houston: Mayor, I think there's something here from Ms. Gallo.

>> Mayor Adler: Ms. Gallo made an amendment which is incorporated here except for the changes that are in red, which are additions and black lines, which are changes. All we really voted on then were the red words and the strike-through words. And they were approved. Now we have Ms. Gallo's amendment as amended. Ms. Gallo's amendment added the first two be it resolved clauses. Those were the ones that she had changed. Now they are conformed to as they appear on this document. So in essence now we're voting to amend the motion by having the first and second resolved clauses as shown on what Ms. Houston added. Those in favor please raise your hand? Those opposed? We have now adopted this as the amendment to the ordinance. Now we are voting on the overall ordinance -- resolution, which also coincidentally now picks up all four be it resolved clauses.

[8:15:00 PM]

The first vote was just on the language in red and the language on the cross-throughs. The second vote we took was on the first two be it resolved clauses. Now we're on the main resolution which consists of all four be it resolved clauses. Ms. Gallo?

>> Gallo: Mayor, can you divide the question on the resolution?

>> Mayor Adler: How. How would you like it divided? We could divide it by resolved clauses? We could do that. Now there's been a request for us to divide this. I'm happy to do that. I will take up the first resolved clause.

>> Casar: Mayor, sorry, I have a question for the -- on the amendment that we just passed. Just really a

quick question. So the second be it further resolved clause has to do with the manager bringing options and staff's recommendation to the council in June.

>> Mayor Adler: Correct.

>> Casar: That's right, no later than June 9th. What actions are the -- the writers of this amendment considering that the city manager should bring to us considering that I think the original amendment brought forth by Ms. Gallo was different and I think assumed that the city manager might present options for initiation of historic zoning or other ways to preserve history on the site, but now that this amendment actually has initiation of the historic zoning happening with this action my question is what is the -- what are we expecting the city manager's to bring in June at this point?

>> Zimmerman: Mr. Mayor, I think I have a suggestion for that. One of the dispute here or the options were is the entire area going to be historically zoned and constrained on what modifications could be made or the city staff has asked just for maybe six units to be designated historical.

[8:17:02 PM]

And there's also some questions about is it architectural or what level of preservation is being asked for.

>> Casar: Maybe it's not for council action, just to present this information to us on June 9th. What would they be bringing to council?

>> Mayor Adler: We'll be initiating -- jerry, help with this. How long will it take --this effectively initiates, initiates the historical zoning, it does.

>> Mayor Adler: From the historical zoning it goes to the planning commission, from the planning commission it would then come back to the council. Can that happen before June 9th? How long does that take?

>> It would generally take three months if everything went well, without postponements and without subcommittees. I think this is doable, but if there's any postponements or problem at subcommittees along the way it could fall off that schedule.

>> Mayor Adler: So the council is asking for this process to be run by June 9th because as part of the process these things going to happen. Options would be coming back to us as part of that process.

>> Casar: Thanks. It was just clarifying.

>> Zimmerman: It seemed to me that the question remaining, and there's some dispute about whether it's going to be six units preserved or the entire property.

>> Houston: That's what the process is supposed to figure out.

>> Zimmerman: That's my understanding.

>> Mayor Adler: At some point we would have both the recommends as it came through the process as well as the staff's recommendation on what it was we should do and the expectation is that course would be run prior to June ninth. Ms. Troxclair?

>> Troxclair: So when we took -- I'm going to try to say this without being confusing. This white amendment, the amendment on the white page, was -- we were told that the changes were either in red or struck through. And that these were the changes to the Gallo amendment, but actually when you compare the Houston amendment with the Gallo amendment, this last sentence that Ms. Gallo's amendment has struck through, et cetera, et cetera, is back.

[8:19:16 PM]

In the Houston amendment. But it wasn't in red.

>> That should have been in red.

>> It wasn't clear that that change was being made. And so maybe that was where some of the confusion is coming from.

>> Mayor Adler: What this should have shown is that last sentence in red. If we could undo those votes, if anybody would ask for us to do that. Would anybody like us to do that?

>> Troxclair: I would like to understand what the implication is of the inclusion or the non-inclusion of that one sentence? Because it does -- the sentence right before that says which shall include the initiation of historic zoning, so I think maybe that means as one of the options whereas the next sentence makes a statement that we are initiating zoning? I need to understand the difference in these two amendments?

>> Mayor Adler: I think we started out with the original resolution from Ms. Houston. Which was asking for the historic zoning to be initiated. We had an amendment by Ms. Gallo that was saying rather than the historic zoning there should be a review by different stakeholder groups and coming back to us and report. I understood this amendment to have both, initiate historic zoning as well as to engage the stakeholder groups in that conversation. So the first of the amendment to the amendment would have been effectively adding back into Ms. Gallo's amendment the historic zoning initiation. We approved that. And then it had the various stakeholder groups as well as the initiation of the historic zoning.

[8:21:17 PM]

And knower at the main resolution which at this point does both T initiates historic zoning as well as has -- engages the stakeholder groups.

>> Houston: May we ask Mr. Rusthoven if he can clarify? You have it in front of you.

>> I agree with what the mayor just said, the resolution for historic zoning. We had a proposed amendment that considered it as one of the possibilities, but don't actually do it. And what we have in front of us right now, amended that twice to say that we're initiating the historic zoning.

>> Houston: And the process.

>> And the process, the process would be working with the stakeholders, I guess? And we would probably do that anyway, but here we have clear direction to do that.

>> Mayor Adler: Mayor pro tem?

>> Tovo: To keep the conversation moving forward, adding historic zoning, so even though that one sentence wasn't in red it just reiterated that point. So I'm comfortable moving forward.

>> Mayor Adler: And no one has asked for a revote yet. Ms. Garza?

>> Garza: I guess it is different than that. I read it as one of the options shall include the initiation, but that doesn't mean that is the option that's going to be picked.

>> Mayor Adler: Let's go -- let's -- I described this wrong so I'm going to take us back to the beginning just to be clear. So I'm going to take us back to where we were without objection on the disenfranchised is a. I'm going it take us back to where we were. We now have Ms. Houston's amendment to Ms. Gallo's amendment.

[8:23:20 PM]

What is different in the words in red are added, but in addition the last sentence is also being added, which should be in red.

[Reading]. These are resident changes that Ms. Houston offers to make to the Gallo's amendment. Any further discussion? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. Yes, so that's -- so it's not struck through. I agree with councilmember Garza that that is a different meaning and I think I would switch my vote because that last sentence is very specific.

>> Mayor Adler: I understand. That's why we're here.

>> Zimmerman: I appreciate that. I'll change my vote.



>> Mayor Adler: Any further discussion? Ms. Kitchen?

>> Kitchen: I want to clarify at the risk of repeating that this does two things. It has the folks working together to provide options and the options include historic zoning. But it also actually initiates the historic zoning process. It does two things.

>> Mayor Adler: That's correct.

>> Gallo: I think since some of it has been struck, what it does with the options -- provide options and to inform the appropriate boards and commissions and city council regarding the historical significance of preserving rosewood courts, so to me the options in informing are both related to the historical significance of it and then it says very specifically "Shall include the initiation much.

[8:25:21 PM]

So I don't think it's giving options -- it doesn't sound to me like it's giving options for things other than historic zoning, but I may be reading that -- I'm tired and confused at this point.

>> There's only three bodies of people that can initiate historic zoning. One as a prone E which I don't see happening except for possibly the six units. The second is the landmark commission and they already took a pass on that recently. The third is the city council. So if you're going for the option-option, we would come back and say, well, possibly we do recommend initiation of historic zoning, but we would need y'all to take a vote again to actually do it. The other option would be to actually initiate it today, but I want to be clear if you say to consider historic zoning as one option, we would not be coming back with the historic zoning, we would be coming back saying yeah, we recommend do you that and you would have to do it again to take it from there.

>> Mayor Adler: So my reading of this, and correct me if I'm wrong, this one initiates the historic zoning.

>> I would read it to initiate the historic zoning because the last sentence is clear.

>> Mayor Adler: Resident options that I would interpret this to read would not be an option as to whether or not to initiate zoning, but an option on how that zoning, if it was carried forward, might be done. That was my understanding from the earlier conversations that there are options -- there are choices that could be made either by the historic commission or preservation commission or by the planning commission or ultimately by the city council when it comes back. Not how it would be done, if it would be done, but the initiation by this ordinance is happening because it's being directed. Ms. Houston has an amendment to Ms. Gallo's amendment. Any further discussion? Then let's take a vote. Those in favor of the Houston amendment please raise your hand?

[8:27:23 PM]

Those opposed? Zimmerman voting no, gal voting no, Garza voting non-recurring, others voting yes, it passes. That now gets us to the first two resolved clauses. On this white sheet which are at this point the body of the Gallo amendment as changed by the Houston language. That's before us now, the Gallo amendment?

>> Tovo: Where are we parsing this out since isn't that what we just voted on?

>> Mayor Adler: Because really what we voted on were the changes? What we voted for was to add the words in red and to take out the words that are stricken through. But we have not yet voted on the other language that was in the Gallo amendment, which consists of new language that's in the first resolved clause, but was not either red or stricken through.

>> Tovo: So right now we're voting --

>> Mayor Adler: On the Gallo amendment.

>> Tovo: As amended by councilmember Houston.

>> Mayor Adler: That's correct. And if you want to know what it reads like, it's the first two clauses on

the white page. Okay? Those in favor please raise your hand --

>> Casar: Mayor, I haven't had a chance to comment. I want to say something very briefly. At the risk of not making much sense after a long day because it's been a complicated issue, but I've thought a lot about it and I'm going to -- I'm going to vote for or against all of these sections with the understanding that there is clearly people in the community, especially many folks in the African-American community, that have experienced a lot of loss of important structures and people and culture on the east side and that's something that needs to be respected in however we can make good on that in a variety of ways is really important.

[8:29:30 PM]

And if part of that is keeping some of the facades and structures in place at Rosewood, that's really important. And at the same time there are the very clear needs of the existing tenants, but then also the greater community that needs decent, safe and affordable housing and a lot of it. And figuring out how to balance those two in this particular case I'm glad we don't have to sort that out today. So I think understanding that there already seems to be some room for compromise of some portion of this being preserved and others not being, I don't know if that portion is one or two or six or 10, so I'll leave that to the process to sort out, but I'll be trying to figure out what the balance is on that. And I appreciate getting to work with this body to sort that out. I'll be very, very closely listening to the folks that live there and to the experts on how it is that we rebuild housing since that's something that I don't do personally to figure out how it is that we get people decent housing while respecting the very real and legitimate interest in preservation as well. Mount mayor, whatever --

>> Houston: whatever vote this is we're about to take, can I ask some questions? People keep talking about affordability and we all know that the housing authority has to put 124 low cost housing units in there, but the ask is I think 200 units. Could they come back and tell us what the units will be renting for that they're calling affordable or is it going to be all market? Because there's been some confusion in the community about those additional units what do they consider affordable? Again, that's one of those words that we use so we need to be clear about what that is and then we also need to be clear about market rate apartments because that had been also one.

[8:31:39 PM]

And then when we talk about the housing option with the people who are eligible for the 124 units -- would the people who are eligible for the 124 units actually be able to be homeowners?

>> Mike Gerber with the housing authority. The intent would be for the additional units to be at 60% of median family income. We could use bonds and tax credits that this body has approved over and over again. For a family of four that would be folks who are making I think it's \$44,000 annually and under. Folks who are public housing residents would get first priority to return to the units. They would be given any choice of rental products. And for the home ownership that's available we're trying to shoot for a price point of 150,000 and \$250,000 in a shared equity arrangement with a community land trust where we would continue the affordability of those homes in perpetuity.

>> Houston: And the market rate units, how many of those out of the additional units that you're going to be --

>> Because we're only looking at 200, our intent is -- we believe there's -- we believe our issue is around affordability so we're looking at really replacing the 124 public housing units, providing an additional 76 affordable units at the 60% and then the 25 home ownership units. Those are the only products that we would be intending to put in the plan. Obviously now the plan is going to change and I hope the residents will be carefully consulted, not just the preservationists because there's a lot of other

stakeholders who have spent three and a half years on this process.

>> Houston: Including myself. Thank you so much.

>> Renteria: Mayor, are the home ownership going to be land trust also?

>> Yes, sir. The home ownership plan is to do it through -- to assign priority in the community land trust. It is to assign priority to the housing residents first for home ownership because we want them to be successful.

[8:33:46 PM]

If not the intent will be to work with community development corporations in the community to work with folks who have expressed to us in community that they can't afford to have their children stay in east Austin. They just can't find homes. And to try to work to give priority to those long time residents who have had a vested interest in the community while at the same time meeting our fair housing obligations as well.

>> Renteria: Thank you. That's one of my biggest goal is to try to keep the people from moving out and the ones that are trying to get back, they should also be looked at because they grew up there and they got displaced and they should also be looked at having the ability to come back into their neighborhood.

>> Pool: Mayor? Mr. Gerber, I have a couple of questions for you. What's the average length of time that a resident lives at rosewood courts.

>> The average length of someone living in public housing, so all of our 18 properties, averages about six and a half years. In section 8, our rental assistance program, it's a little shorter, about five and a half years.

>> Pool: Okay.

>> And the average earnings if you're interested in that for someone living in public housing on average, if working, is \$10,000 a year or less. And someone in our section 8 program is \$13,000 a year or less. Very low income.

>> Pool: I was thinking the redevelopment is anywhere from four to seven years so it's likely that some of the people who live there now have moved on anyway, right, by the time it's all redeveloped?

>> Absolutely. However, we do serve a disproportionate number of seniors and persons with disabilities. And our belief is that a large percentage of folks will stay at the property or choose to return to the property.

>> Pool: And can you tell me how many you've submitted to hud?

>> We have 124 units at the site today. Under the plan we've proposed the 124 units would be rebuilt and then an additional 76 units -- that would equal the 200.

[8:35:52 PM]

Those additional 76 units would be designed to serve folks at 60% of median income or below. Again, that \$44,000 annually for a family of four or below. And then there would be 25 home ownership units and those would be again intended to be reserved for the lowest income folks we could get them in the hands of, starting with public housing residents and working our way up to again get them filled with giving priorities to the neighbors.

>> Pool: Is that actually in the written proposal?

>> It sure is.

>> Pool: To hud?

>> It is. And frankly it was the home ownership part that Enger decumbered the part of osha for the plan and engendered the Blackshear neighborhood for the plan and several schools. And many, many of the stakeholders who work on the process, it was the home ownership piece and also because many of the

neighbors felt that having affordable options was really our mission as well as something that they were aspiring to as well.

>> Pool: And is the commercial also part of the written proposal?

>> Recommend, as I shared with mayor pro tem tovo earlier, the commercial is really intended to be commercial for our residents. Again, we have residents who do entrepreneurial things, we have one resident operating a florist business. We have several who are bookkeepers, others who operate small businesses. And we have a small business enkuwaiter that -- incubator that we operate with the chamber of commerce. The storefronts would be intended to serve the residents and other low income people. We're not talking about putting Starbucks and other businesses in there.

>> Pool: That's fine. I was looking for your confirmation that that aspect is indeed part of the written proposal.

>> Yes, ma'am. In the three and a half years we've worked through that process that came up over and over again, being sure we had assets that would be beneficial to people because the commercial piece -- there's been a lack of affordable options for folks.

>> Pool: And it's in the proposal.

>> Yes, ma'am, it sure is.

>> Pool: Thank you.

[8:37:58 PM]

>> Casar: Did you say that your plan had to change? Or that your plan was going to change or did change or did I mishear?

>> Our plan has been consistent. We've been talking about this plan for -- I thought in your back and forth with Ms. Houston awhile ago that as the plan changed that you hope the tenants would be consulted.

>> We do hope the tenants would be consulted. If the plan is going to change now. If the plan is going to change now, and certain actors are being given priority, not our board of residents and vice-presidents, not the lowest income people who live at the property. We've assigned priority to others, but not to the people who actually live there. And that's a concern --

>> Houston: Mayor. Mayor, that's an issue because up until this point, Mr. Gerber, you've not allowed anybody toll come into that. I have a list of people -- can you put up the letters of support? We've been trying to have this conversation about preservation and the efficacy of preservation for the three years that we've been working on this project. And to hear you sit there or stand there and say that we would by any stretch of the imagination, we've been left out of the process, the community has been left out of the -- because the community, if you will put those names up, have been trying since 2012 to get you to listen to how can we do this together and how can we get you the help you need to be able to not only preserve the structures, but rehabilitate them in a way that I hear the people too. I sat there in the meetings with them. I take offense as your characterization of what has gone on and that we would not continue to include you and the ladies who are in the leadership council, in the discussion, but you have intentionally left out people who have a passion and a knowledge and professional ability to help us do both hand, not either or.

[8:40:16 PM]

And that's all I'm trying to do with this resolution.

>> Mayor Adler: And I read this resolution to say you would be dealing with these organizations, bow limitation, that your not just limited to these organizations. If that's not clear -- is it the intent, Ms. Houston, that everyone be involved in the conversation?

>> Houston: Everybody involved.

>> Mayor Adler: Okay. So does anybody object to agenda the words after those organizations without limitation? We are on the first to be it resolved clause.

>> Zimmerman: I see it happening with this a lot and I don't think this is a 'issue. There are issues of mutual exclusion. We can't do the same thing two different ways. When it comes to this property we -- we can't leave, say, only six of the properties unchanged or renovated and demolish the rest and have more density and more units. We can't do that and keep everything the way it is. So it's not that there's a lack of communication, but mutually inclusive choices and somebody disagreeing with. I'm not going to vote against this because this is Ms. Houston's district and she's the authority on this. There's no way I'm going to vote against it, but I also can't vote for it because I'm still not clear what's going to happen. Are we vote to go make the whole thing historical and have the possibility that we're going to spend a lot of money and end up with fewer units? I really can't tell. I'm going to abstain from this vote.

>> Mayor Adler: Further discussion on the amendment? Those in favor of the amendment, please raise your hands? Those opposed?

[8:42:17 PM]

Mr. Zimmerman, those abstaining? Ms. Gallo, Mr. Renteria abstaining. The others voting aye. It's 8-1-2. We are now to the main resolution. Which has the -- initiates historic zoning with the landmark commission as well as has the larger stakeholder question. It also supports the nomination inclusion in the national registry. It's now four paragraphs on the white page. That's the resolution.

>> Gallo: Mayor, I'm confused again. I'm looking at councilmember Houston's amendment that has four be it resolved on the white sheet and we just voted on the first two.

>> Mayor Adler: Correct. We voted that the final resolution -- the final resolution before us would include the first two, but we have yet to take a final vote on any language. Now, do you want us -- you had asked earlier for us to divide the question.

>> Gallo: Thank you.

>> Mayor Adler: Now for your final vote on the resolution we can divide the question, which means that someone could vote for the last three be it resolved clauses and not the first resolved clause. That's something that they chose to do. I'm going to take these in order.

>> Gallo: We have four be it resolved.

>> We have four be it resolved clause. We'll take four votes.

>> Tovo: Sorry to keep asking questions about this and it's councilmember Houston's resolution so I'll rely on how she thinks it's best to proceed, but with all due respect the first and second be it resolved clause are the ones we just voted on. I just don't understand what we're doing.

>> Mayor Adler: Procedurally under Robert's rules when you have a resolution you can make an amendment to it. The resolution stands. It's not a final vote on the resolution. Someone would conceivably vote for an amendment and then vote against the resolutions.

>> Tovo: I completely understand that, but we're with B to vote on the be it resolved clause separately and two of the four we just voted on.

[8:44:23 PM]

>> Mayor Adler: That's correct, but we voted on them in the context of being an amendment before. Talk.

>> Tovo: I had a constituent write a little while ago and ask us to pick up the pace. I'm trying to respond to my constituents.

[Laughter]. Also just figure out what we're doing.

>> Mayor Adler: I'm all in favor of picking up the pace. If there's no further discussion we're going to vote on the first resolved clause.

>> Casar: I want to make it clear about the initiation of historic that if you're for historic zoning for one of the 24, up to 24 of the 24, this is the way we would do it. And that part still has to get sorted out. I think just for the public to understand what that means.

>> Okay.

>> Yes, Ms. Garza?

>> I guess I want to reiterate what I said earlier. I think everyone seems to agree that there is historical value to this piece of property and there's a need to update this piece of property. I don't claim to be an expert in history, you know -- I think it was talked about that the reason there's historical value is because this was one of the very first properties to help African-Americans in our community, low income African-Americans in our community. And I have to point out the irony that this process has essentially -- I'm concerned about delays in doing that exact thing and had helping the African-American community and minority communities. I'm concerned about delays that will be caused. To me it's about the families that are living there. And it really -- seeing the example of the toilet pipe that leaks into their food and cps cases being initiated because children are going to school sick, I just I'm concerned about delays that are causes, but I respect part of the community that has -- feels very strongly about initiating this process again.

[8:46:50 PM]

>> Mayor Adler: Ms. Houston.

>> Houston: Yes. I'm sorry, and I've been in the units and so I -- I certainly understand what people are saying, but every year, I guess, every one of our public housing projects has to go through a very rigorous review. And I'm looking at the scores for rosewood courts. They got 93 out of 100 from this review from the federal government, I guess. Can somebody tell me who it's coming from, from the federal government. So when it's painted that it's that awful dungeon where people live in if damp, overflowing toilets, they got 93 out of 100 in their most recent review. And so, you know, that concerns me that we're getting one picture painted where their review gives us another picture of how they're doing when the housing authority -- the housing and urban renewal comes in. And this was -- no. Almost two years ago. April 7th of 2014. So if it's happening now it's been neglect on the housing authority's part.

>> Pool: Mayor?

>> Mayor Adler: Gallo first and then Ms. Pool?

>> Gallo: This is such an emotional issue and I appreciate what everyone has said and the concerns of the council. I spent five years of my life working with the housing authority when it was failing. It was about to be taken over by hud and it was a long process to get it reorganized and headed on the right track. But what I have to keep remembering in all of this is that the Austin housing authority was formed almost 80 years ago to promote housing for low income families. And I'm really uncomfortable at this point with supporting an initiative for historic zoning for this property which has the potential to limit haca's ability to do their mandate and provide as much as showing as possible.

[8:49:02 PM]

And -- housing as possible. And I really appreciate haca's willingness to try to find a balanced solution that celebrates the really historical significance of this property that as we said before that my family was involved with, but also allows haca to continue to provide even more and better affordable housing units. And that was my hope is that what will come back is a consensus and a coalition and the support

by both the community from the historical standpoint and the community that is really looking for better and more affordable housing at this location. And it comes back as a plan that we can all support together.

>> Houston: That's my hope too.

>> Gallo: But that's not -- anyway, I'm just going to say that. So a resolution that says just historical zoning but doesn't speak to the limiting factors that can provide all of this at the same time is a concern to me.

>> Zimmerman: Mr. Mayor, can I call the question?

>> Mayor Adler: Do you want to let Ms. Pool talk?

>> Zimmerman: Oh.

>> Mayor Adler: I said I was going to recognize her.

>> Pool: One thing I was going to say, if indeed these units are so terrible then it really does accrue to haca, I would have to ask them why are we hearing that the units are in such bad repair if it's under their authority do the required maintenance?

>> Mr. Mayor, if I can, the units are not in disrepair. The units are old. We have a one-day, at most two-day turnaround on maintenance, which is better than the industry. I mentioned the 93 score we got out of a 100 score. All of our properties have received a 90 plus score except for one, Santa Rita, which I think got an 88 or an 89. And we take inspecting the properties seriously, we take maintaining the properties seriously.

[8:51:03 PM]

The housing authority has been a highful performing agency for the last 20 years, thanks in large part to councilmember Gallo when she was 3ding the and I would say one last thing. We proposed six units for preservation I'm not sure if the right number is eight units or 10 buildings or 12 buildings. I want you to be sure that your housing authority is working to serve the community and we'll hard with Ms. Houston to get a compromise. Thank you for your time tonight.

>> Mayor Adler: Thank you. We'll now vote to the first resolved clause clause? Those in favor please raise your hand? Those aped?

-- Those opposed? Those abstaining? Zimmerman abstains, Renteria abstains, Gallo abstains, the others vote eye, that makes it 8-0-3. The second? Those in favor raise your hands? Those opposed? It's unanimous on the dais. Mr. Zimmerman voting -- second be it resolved?

>> Zimmerman: I'm in favor of it.

>> Mayor Adler: It's unanimous on the dais. The third be it resolved? Those in favor please raise your hand? Those opposed? Unanimous on the dais. The fourth, all those in favor please raise your hand? Those opposed? Unanimous on the dais. All four resolved clauses pass. The language about limitation goes after the word preservation Austin in that first paragraph, preservation Austin, comma, without limitation, comma. That's that item. We're in the home stretch, guys. We have nothing else that has speakers.

>> Did we ever vote on the part with the whereases? We voted -- okay.

>> Mayor Adler: We didn't adopt the whereas clauses, we adopted the four be it resolved clauses?

[8:53:07 PM]

>> Tovo: Did councilmember Houston not want to vote on the rest of her resolution, which includes the whereases? S we had a motion on the floor from councilmember Houston for the whole resolution and then we focused in on the be it therefore resolved clauses and amended them and then we voted on the resolved clauses again but I'm not sure we voted on -- I'm not sure we voted on the whole motion,

which included your important whereases. Sorry to take us backwards.

>> Mayor Adler: And they don't. We could take a vote on the whereas clauses, but I'm not sure that they actually have a meaning in this kind of situation.

>> Zimmerman: No. IST going to move passage of the whereas clauses. Let's get it done.

>> Mayor Adler: It's been moved. Let's take a vote. Those in favor of the whereas clauses please raise your hand? Those opposed? It's unanimously adopted.

>> Zimmerman: Done.

>> Mayor Adler: All right. Now that gets us to the next item on the agenda. We have -- I'm trying to think here of things we could do quickly. Let's look at item number 61. Temporary use of parkland. We have two citizens, Gus Pena and David king. Are they here? Would you like to speak, tell us what those are, 61?

>> Sure. Kimberly meek Neely, assistant director for the parks and recreation department. It is for a change of use of parkland under the Texas parks and wildlife code. My role in this particular public hearing is to make sure that I read a legal fact finding into the record which is that there's no feasible and prudent alternative to the change in use of the dedicated parkland and that all reasonable planning has been done to minimize harm to that parkland. And in this particular case it's actually space within a building. So there's -- we've done all of our reasonable -- there's no reasonable options other than what we're proposing in this chapter 26 for that space.

[8:55:09 PM]

The parks and recreation department proposes the use of approximately 1870 square feet at the recreation center on a temporary, non-exclusive and providing services to the community. The department believes that there's no feasible and prudent alternative to the change in use of this space and that all reasonable planning has been done to minimize any harm to that facility or to the parkland. And I'm here to answer questions. And I also have team members available.

>> Mayor Adler: Thank you. Is there a motion to approve item 61.

>> Houston: I move approval of item 61.

>> Pool: I will second.

>> Mayor Adler: Any discussion?

>> Zimmerman: I have a quick question. What district is this one?

>> District 1.

>> Houston: I want people to know we've been talking about the lack of medical access east of 183 and this is where people will be able to come in on Mondays, I think.

>> Yes, ma'am. While we're leaving it open because we don't want to pigeonhole someone to only come on Mondays, that's the schedule that has been set up.

>> Houston: The schedule at this point is Mondays from 9:00 to 4:00 or something like that once a month. And we're trying to get them to have it more open on the weekend. When people who work can come in and see the doctor. So this is what that space will be used for.

>> Mayor Adler: Anything. Anything further? Let's take a vote. Those in favor of 61 please raise your hand. Those opposed? Unanimous on the dais. Thank you very much. What about item number 62.

>> I'm still Kimberly Mcneely. This is a public hearing in accordance to the city ordinance, the parks and recreation department comes before council as a part of an annual hearing, an annual public hearing to consider the adoption of the local standards of care for the parks and recreation department youth programs. This public hearing occurs annually on the proposed ordinance today includes information about how we would make sure we provided minimum qualifications for staff ratios, minimum staff qualifications as far as individuals who could be hired.



[8:57:23 PM]

Minimum facility, health and safety standards, mechanisms for monitoring and enforcing the adopted local standards of care. And this ordinance has no material changes in the past several years. It's part of the ordinance requires us to come forward annually and it allows us to not become licensed as part of the state code. And the state code allows this to happen. I'm coming before you to ask for your adoption of this local standards of care.

>> Mayor Adler: Thank you. Is there a motion to close the public hearing and approve item number 62? Ms. Pool so moves. Renteria seconds. Any discussion? Those in favor please raise your hand? Those opposed? It passes unanimously.

>> And mayor, respectfully, 66 is also a parks and recreation item and I believe you're going to just vote to postpone it.

>> Mayor Adler: Yes. Is there a motion to postpone item 66 to March 4-9sdz. Mr. Zimmerman moves, Mr. Renteria seconds. All those in favor? Any opposed? It passes as well. You can go home. That gets us I think to item 65. The south congress pid.

>> Michael Knox, economic development department. Item number 65 is a public hearing on the proposed 2016 south congress preservation and improvement district or pid assessment role and consideration of an ordinance leveeing the assessments. Hearing tonight has property owners. Following the public hearing the council will consider the assessment role and leveeing of assessments. I'm happy to answer any questions. Otherwise you're free to open the public hearing.

>> Mayor Adler: Is there a motion to close the public hearing on 65? No speakers signed up. Mr. Zimmerman so moves. And to approve the item. Mr. Renteria seconds. Is there any discussion?

>> Zimmerman: Is this district -- which district again?

>> Tovo: It's yours in nine?

[8:59:25 PM]

>> Zimmerman: And your good, all good.

>> Mayor Adler: Those in favor please raise your hand? Those opposed? Ms. Troxclair abstains. So we have kitchen off the dais. So that vote is 9-0-1 with kitchen off the dais. That's 65. That gets us then to -- and number 66 has been handled. That gets us -- we have three left, 52, 55 and 67. 52 is the discussion regarding municipal civil service commission pay. Mayor pro tem, do you want lay that out?

>> Tovo: Sure, I just need to get there. I would invite our staff up as well. This is a recommendation that came to us from the municipal civil service commission regarding compensation. We did have an opportunity to talk -- and this is something that the commissioners themselves have requested. Our charter, as I understand it, and maybe our staff can jump in here to clarify, but as I understand it, the charter amendment that passed, that increased the municipal civil service commission also leaves open the possibility of the commissioners being compensated, either the rules or the charter allows for that to happen. And so the commissioners have recommended that we compensate them prior to the municipal civil service commission. Those cases went before an administrative hearing judge, or person who had a name like that and filled that function. Did I get the name right?

>> Administrative hearing officer, right.

>> Tovo: Thank you. Who was compensated. I believe that was part of the consideration. It did come forward to council without a recommendation. Our committee voted, three of us voted in favor. Councilmember troxclair voted against it so it comes to you with no recommendation.

[9:01:26 PM]

And then I'll just ask our staff to --

>> We did get a memo this week.

>> You said it comes to us without a recommendation?

>> That's what the memo said. I'm not sure why.

>> I can probably clarify. I voted against the site. I'm happy to talk about why. Councilmember Renteria abstained, then the two of you voted to pass it. Then you made another motion to forward it to council with no recommendation.

>> That's correct. Thank you.

>> Troclair: You were successful in getting three votes for that. The original vote to recommend passage to council did not pass.

>> Tovo: Sorry about that. That is correct. So our rca is -- yeah, we did forward it on a 3-1. However, when we took the vote, it was a 2-0-1. And we did get a memo from our human resources department about the compensation, so it includes information about how much and compensation ranges and things of that sort.

>> Mayor Adler: Okay. Staff, you want to talk to us about this.

>> I'm from the human resources department. I wanted to mention, councilmember tovo, you were talking about article IX which allows for this commission to be a paid commission. We did forward a memo with some details when we met with audit and finance committee. There was no recommendation from the commission on what they were seeking as far as compensation. They had forwarded that to the next step, which was to the audit and finance committee, but there was still no recommendation, and I think that was not what was determined in commission, or the committee, so that was why that was forwarded on. We did a little bit of detail looking at the cities in Texas that fall under municipal civil service on what they pay their commissioners, if they pay their commissioners, and we provided that in the memo. And we're available for any questions.

[9:03:28 PM]

>> Mayor Adler: Did you make a recommendation?

>> No, sir, we did not.

>> Mayor Adler: What would be your recommendation?

>> This is one of the only boards that is allowed to be paid by charter, and so it's a sovereign board, it does make binding decisions, but as staff we didn't have an official stake, I guess, to say -- for them to be paid, one way or another. We did look and see that there are other commissions that are paid anywhere between five dollars a hearing, some are pace \$20 a hearing, but then there's other cities that also utilize hearing officers as well that they'll pay the hearing officer to hear the cases, and then they'll make those recommendations to the commission and then the commission will take that into consideration when they make their decision. So there's different ways that they're handled throughout the state, but we just -- we didn't have a recommendation to put forward on what we would recommend to pay them if they were going to be paid.

>> Mayor Adler: As our professional, do you have a recommendation to us as to whether they should be paid and what they should be paid?

>> I think what -- Joya says, human resources. Please excuse my voice. This is what I have left at this hour. I think at this point we would want the council to take into consideration that this commission hears cases throughout the day because they want to make sure that they are available for employees so that we don't run into issues where employees are having to work overtime as witnesses to come in late hours. So we would point out to you that they take time during their day to actually come and do this and they put in long hours. I think one of the reasons why H.R. has been silent so this is because there's no other commission who gets paid, and I think many of those commissions work a lot of hours. I

think what was important to us was to not necessarily take a stand on whether or not they should be paid but point out the clear justifications as to why they want to be paid. This was not an item recommended by human resources, nor presented.

[9:05:30 PM]

We were just simply following through on the recommendation that has come from the commission and doing our due diligence to represent their perspective in front of you today.

>> Mayor Adler: Thank you. Ms. Houston then Mr. Zimmerman.

>> Houston: But if we were to pay, where would the money come from? How far what bucket?

>> We would have to have money to will to allocate that. We currently do not have any funding in our department to support payment. Before we were transitioned to the municipal civil service commission model we had hearing officers as indicated earlier. At that point we had money in the budget, but when we transitioned, those funds were no longer allocated as a line item in the department's budget. So if there is a decision to pay, that would have to be money that would be allocated and worked through the budget office.

>> Houston: Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Yes. Thank you, Mr. Mayor. I want to echo what you said. I'm deeply concerned that if we start paying one of the commissions, the others -- we have a lot of commissions that work very long hours and that work very, very hard. I don't know how we could not start compensating, you know, most of the other 40 commissions that we have. I know there are some other -- what's -- the board of adjustment, right, I was another one of the commissions that has a lot of authority, and they can end up working late into the night like we do. So I can't vote for this because then I won't be able to answer the other commissioners that also want to be paid for the long hours and the hard work they do.

>> I will point out, councilmember Zimmerman, if I could, that this is -- I think this board is unique in the fact that the charter language -- this is the only board that has language within the charter in its creation that provides an opportunity for that, so I think it's really important in the conversation to understand that that uniqueness does exist with this commission.

>> Zimmerman: You made that point. Thank you for making that point and you did make that point, but of course the charter could be amended to be paying virtually everybody so --

[9:07:35 PM]

>> Mayor Adler: Mr. Renteria?

>> Renteria: Yes, mayor. I abstained because I didn't know exactly -- you know, when we were interviewing candidates to be on the civil service commission, you know, we -- I got the impression that they wanted to serve and not to get paid, and when I asked one of the commissioners, you know, whether she would -- wanted to get paid, she said, no, I would never want to get paid because I'm doing it out of my service. And I'm well enough where I don't have to get paid. I do it because I love to do this. And that -- you know, that's her -- she showed her commitment, and she's not expected -- she wasn't expecting to get paid. So when I heard that, I said, well, you know, I have commissioners that -- in the planning commission, that goes past midnight, and they sometimes go to work late, and if we're going to be giving -- compensating the civil service commission, then we should be doing the same thing to the planning commission because those people go -- I stayed up past midnight, and they're still discussing items way past midnight. So, I mean, is it going to be a fairness issue that we're going to be facing if we're starting to pay one commission? And I know they do two days out of a whole month where they go and work 12 hours or maybe 10 hours, and I know planning commissions that -- they go way past

midnight. So, you know, I think -- I see it more as a fairness than anything else. So I can't support that.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: Just to provide maybe a little more context for the other councilmembers, the audit and finance committee has now gone through two rounds of interviews for the municipal civil service commission, and we're going to be making our second recommendation to fill a vacancy, and both times we have had a slew of really excellent candidates.

[9:09:39 PM]

Almost everybody that we have interviewed has been very well qualified, looking forward to the experience. We only ask them four interview questions, and one of those interview questions is, this is a volunteer position, it requires this much time a month, are you okay with that expectation, are you okay with that time commitment, and I don't think that we've had a single person say no. So for me it's just hard, when we have so many well-qualified members of our community who are willing to do this on a volunteer basis, to justify -- to justify payment.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool?

>> Pool: I would also -- and that's right, the applicants were uniformly very, very impressive, and making decisions was pretty hard, although I think we made some good -- we made some good decisions. I will point out that we're talking about a really small sum of money, I think five dollars per hearing, and -- is that per hearing or per day?

>> It was per hearing, I think.

>> Pool: Okay. And then there are, on average, how many hearings?

>> On average, this commission is slated to meet two times a month, so max in one year, they would have 24. I think since inception of the municipal civil service commission they've heard 14 hearings, so that's in about a year and a half.

>> Pool: I just offer that up because I don't want us to agonize too much over this because on the one hand, it is some compensation, but I think that, generally speaking, all of the folks who have offered up their services to be part of this effort are doing it much the way councilmember troxclair is describing it, they see it as a public service and a duty, and I don't think that the amount of money, if they got it, it wouldn't make a huge difference, if they didn't get it, it will not be missed -- I mean, we're just not talking about a whole lot of money for each one of -- and we have five civil service commissioners, so I don't know if that makes it any easier.

[9:11:49 PM]

And we don't actually even have a motion on the floor for any amount. I've kind of been struggling with it, myself, but I don't -- I don't feel that, like, there's any real -- and I think I'm going to --

>> Mayor Adler: We'll go to Ms. Gallo first, then mayor pro tem.

>> Gallo: Yeah. I'll say a couple of things. I wanted to say first of all I would support -- I agree with the comments that have been raised. It is absolutely true that some of our commissioners, most of them on various boards, work lots of hours, planning commission, board of adjustments, others, those are hefty commitments and we're fortunate to get people to step up and do that for free, but I think this commissioner is different for the two reasons that have already been identified. One, the charter does allow them to be paid -- well, three reasons. The individuals who serve on it do take out, on average, two workdays of their month to be here, and for some of them that does mean that they're not doing their paid work. You know, generally I would say that will be true in the years ahead, that people will be taking time off of their paid work that we do have several people who are retired. And then I think the

third thing that is unique about this commission is that they're replacing a function that was a paid position. And so the administrative hearing officer or the grievance officer, as I read the memo, was paid \$1,600 a day to hear the appeals. And that was -- all of the information is accurate. We received this recommendation without a dollar figure attached. When I asked some people who are active in the municipal civil service commission, not serving, but are familiar with that work, they suggested that that might be an appropriate amount to take the amount that was allocated toward the hearing officer, \$1,600, and then divide it among the commissioners who are present that day.

[9:13:54 PM]

We have a five-person committee, but they may not all be there that day, so some -- you know, that may vary. I think there are various ways to do it. We could either have a set amount per commissioner, or just have that amount per hearing and then divide it among the commissioners who are there. So I do support compensating the municipal civil service commission for those reasons. And I will also say, and I look to my audit and finance committee members for confirmation. Unfortunately, we talked about this months ago, and so I'm not remembering the details very well. I do remember the commissioner who came to our meeting and said she didn't need to be paid, but I believe she was there to show her support for this recommendation. She said, you know, that's -- as I recall, she said she supports this recommendation, even though it's not necessary for her. And so, you know, again, it is something I think we should consider, and I would be happy at the appropriate time to make a motion that we compensate the commission, and then we can talk about the figure, but I would say the hearing officer - the figure we once used for the hearing officer would be the place I'd suggest starting.

>> Mayor Adler: Are we able to take a vote on this today?

>> Uh-huh. You have this listed as a discussion item, so I think the idea was that you were going to bring this forward, maybe it was because of the vote on the committee that you'd bring it forward and discuss it. Certainly, there -- I mean, there's a lot of questions I think you're still going to have here to figure out, and I think it's a lot of information that the civil service commission may be coming forward in the next - you know, a little bit of time, and some of the decisions they've made and that kind of thing.

>> Tovo: Well, I think that must be my fault for forwarding it as a discussion item. Typically we don't have things appear on our agenda that aren't posted for action, so I apologize that it's not posted for action. That's really unfortunate.

>> Renteria: Mayor, I'd like to ask the staff a question.

>> Mayor Adler: Yes.

>> Renteria: Didn't we just recently approve for outside legal service to help the civil service commission? Didn't we just do that?

[9:15:55 PM]

>> Yes, sir.

>> Renteria: And we're paying the lawyers, legal people that come in, to help them out?

>> Yes, sir. That was passed in February, or earlier February.

>> Renteria: Thank you. And that also influences a lot of my decisions because we're already paying for people to come in and help these civil service people because legal service is now working, turn around and increase the budget and pay the civil service people, I just don't -- I just don't see that that's fair.

>> Mayor Adler: Okay. This is listed just for discussion so we can't take action today. If there's -- is there further discussion before we move to the next agenda item? Ms. Garza?

>> Garza: I guess since we're discussing it, and may vote on it at the next council meeting, I have concerns about precedent. I served on a commission and had to take time off work to get downtown for

the committee to start, so it was -- I clearly knew that that was part of the -- as part of the service. And I guess if we're running down a road of investing budget dollars in helping -- or somehow compensating our boards and commissions, I think, you know, vouchers for day care would go further for a lot of our boards and commissions than paying compensation. But anyway, just my two cents.

>> Mayor Adler: Okay. Let's go on to the next item.

>> Mayor Adler, I just wanted to add there was a member of the commission who was here, but she was not able to stay till this hour.

>> Mayor Adler: Thank you very much. We'll now go to item number 55.

[9:18:03 PM]

Ms. Troxclair? I think this is the one concerning the water department.

>> Troxclair: Yeah. So this is the resolution regarding -- requesting information from our financial staff by the end of may regarding the transfers from the water utility, and it passed unanimously out of public utility, so I would move passage.

>> Mayor Adler: 55 has been moved, is there a second to 55? Mr. Zimmerman. Does it make sense to conform this to the conversation that we had earlier today with Austin energy? Would that quickly get us to where we need to go?

>> Yeah.

>> Mayor Adler: Do you think?

>> Are you posted 20 talk about just the water or combine the two if?

>> Mayor Adler: No, I'm not trying to combine the two, I'm trying to use the experience we had earlier today to resolve it, maybe get to it more quickly and take advantage of the work we did this morning on a similar matter with a similar goal.

>> And I think mayor pro tem has that now.

>> Tovo: So -- yeah. I tried to make changes similar to those that we adopted earlier. In this case I'm comfortable with the first page. I think it's not critical, but it provides some of the context of the water utilities finances, and then on the second page, if we could get to that -- oh, I guess that was my question that I had for the sponsor.

[9:20:08 PM]

On the second page, you see the text that's stricken, proposed to be stricken, and then on the third page it incorporates the language that was an amendment on the earlier Austin energy item, with the exception of -- I believe councilmember kitchen verbally added in a word, and I couldn't remember where that word was added. I think the word was reductions, but I couldn't make it work in any of the sentences, so I just wrote what was on the handwritten copy. Ms. Troxclair, are you okay with the changes that are made?

>> Troxclair: I think so.

>> Mayor Adler: Anybody have objection?

>> Troxclair: I just want to clarify. This is the same -- I'm trying to look at the resolved clause from earlier. It's the same, mayor pro tem tovo?

>> Tovo: It is the same, with the exception of the one word that councilmember kitchen verbally added as we passed the item, and I'm looking to her for some guidance on where that was.

>> Kitchen: It was just to point out that the one percent increments were reductions.

>> Tovo: Right.

>> Kitchen: So --

>> Troxclair: Okay. Yep, I'm --

>> Mayor Adler: Were incremental reductions, one percent incremental reductions. That amended is okay with Ms. Troxclair. Does anyone have any objection to changing it? Hearing none, that's changed. It's been moved and seconded. Is there any discussion before we vote?

>> Tovo: Just one more, that was my question of a sticky note that just popped off. One, two, three, four -- fifth whereas, councilmember troxclair talks about the Austin bonds.

Anyway, it has a quote: The narrow operating margins after making transfers to the city's --

>> Mayor Adler: Can you please put us back --

[9:22:11 PM]

>> Tovo: I wasn't clear who had said that. Was that also from the ratings report?

>> Yes.

>> Mayor Adler: Okay. It's been moved and seconded with the changes that have been accepted on the page. Further discussion? Hearing none, those in favor, please raise your hand. Those opposed? And it is Garza and Renteria and Casar voting no, others voting aye. That gets us to our last agenda item, which I think is item number 67. I think we might make this by 10 o'clock tonight. Item number 67 I think is either -- does someone want to make a motion on item number 67? Mr. Casar?

>> Casar: I'd like to -- I'd like to move what the housing committee recommended with the amendment as just handed out by councilmember kitchen, which is just a clarification.

>> Mayor Adler: There's been a motion to adopt number 67, which is in the addendum, with the additional language that was on the yellow page that was just passed out and will be posted on the -- put up for the board. Is there a second? Ms. Kitchen seconds that.

>> Kitchen: I think it's actually replacement language rather than additional language, but it doesn't matter. I think -- yes, it does, I'm sorry. I'm sorry. I think it replaces the first whereas.

>> Casar: You mean be it resolved in.

>> Mayor Adler: There is only one --

>> Kitchen: First be it resolved. I apologize.

>> Mayor Adler: You're adding more updated data.

[9:24:11 PM]

>> Kitchen: Yeah.

>> Mayor Adler: Okay. This is a change to the first be it resolved clause. So what's in the pickup with the first be it resolved clause as reflected on the yellow page, it's been moved and seconded. Is there any discussion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I get to end with a bang here. What an absolutely terrible thing to be doing, that we are segregating the city institutionally. We end with a bang. It's like the 1920s all over again. We used to segregate by rate, now we're segregating by neighborhood area. It's an absolutely horrible thing to do. I'll be voting absolutely not.

>> Mayor Adler: Any further discussion?

>> Casar: And mayor, my brief three sentence rebuttal to get us out way Mr. 10:00 is that the market forces in these areas are pushing low income folks out, so if we want them to remain economically integrated in my view, we need to use some strategies will you the land development code and funding to do that.

>> Mayor Adler: And I would add so long as mortality rates are predicted by zip codes and health outcomes are predicted by zip codes and income disparities and poverty predicted by zip code, I'm okay with looking at tools that let us address those by zip codes. Any further discussion? Those in favor of 67

please raise your hand. Those opposed? Zimmerman and troxclair voting no, the others voting aye, it's 9 to 2. Let the record reflect way before 10 o'clock, this meeting is adjourned.