

City Council Special Called Meeting Transcript –6/16/2016

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[10:00:53 AM]

>> Kitchen: You guys ready? Okay. Well, thank you all for joining us. We are so excited to be able to provide this proclamation for the central Texas wolf pack. So be it known that whereas the central Texas wolf pack is a football team of first responders comprised of police, correctional officers, firefighters, and emj workers from across central Texas and plays in the national public safety football league and supports both the 100 club of central Texas and youth participation in team sports to help young people grow into successful members of our community. And whereas the Wolff pack is undefeated. Let me say that again, is undefeated. Beat every team they played by an average of 29 points.

[Laughter]. Won the lone star shootout over the Dallas defenders. Has a hard hitting defense that makes mixed martial arts looked like rhythmic gymnastics.

[Laughter] And an offense even mo-pac couldn't slow down. Has of course brilliant coaches. I don't know who those coaches are, but has brilliant coaches that yell at each other more than they even do the players and had the heck after weekend in California where they beat the Orange county law men. And whereas --

>> Mayor Adler: Whereas the central Texas wolf pack are hosting the npsfld, did I get that close, division II championship versus the Roanoke rampage on Saturday, June 18th. That's Saturday, June 18th, this Saturday at six P.M. At the Kelly reeves athletic complex in Round Rock where admission will be free and Gates will be open at 4:00 P.M. People will enjoy great food, free gift certificates from Gatti land, Round Rock, free yogurt vouchers from froyo giveaways, live music, cheerleaders and a flyover.

[10:03:08 AM]

And whereas the Wolff pack know that they will have the full support of the central Texas community including Travis county sheriff Greg Hamilton. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, joined by the mayor pro tem, councilmember Ann kitchen and colleagues on the council, do here by proclaim that the Austin city council wishes the central Texas wolf pack the best of luck, although it doesn't sound like they're going to need it in the npsf 1 division II championship game against Roanoke, and we hear by proclaim and declare June 18th of the year 2016 as central Texas wolf pack day.

[Applause].

>> We appreciate all support that we've already picked up this season. Obviously we've turned things around from some of our prior years, so we've got a pretty good group together. We've got some top-notch players, a lot of college athletes, some guys that played in the NFL, some guys that never played football before at all. So it's been a great group. It's a good group of guys. They have a really tough job. I think we all know that. And get out there and support us on the 18th because we plan on beating up on Roanoke.

[Applause].

[10:06:28 AM]

[♪Music playing♪] >>

[10:12:46 AM]

>> Mayor Adler: Are we about ready to figure out where we are today? All right. So let's figure out where we are here. The consent agenda -- first let me gavel us in. It's Thursday, June 16th, 2016. It is 10:10. We are at the city council chambers at 301 west second street, Austin, Texas. We're here today for our council meeting. We have a quorum present. The consent items I show as going 1 through 32. And in that universe of 1 through 32 I see item number 4 as being postponed at this point to next week, 6-23. So that item is -- so that item is number 4, is remaining on consent, but being postponed to 6-23. I have item number 10 is being pulled and being set at 5:00 I have item number 25 pulled and set for no earlier than 2:00.

[10:14:59 AM]

I have item 27 being pulled and set for no earlier than 2:00. And item number 34 is being pulled and set no earlier than 2:00 P.M. And I think that gets us up to -- actually, 34 is not on consent agenda. We're only going up to item number 32. So the items that I have being pulled at this point are 10, 25, 27 and 34. Item number 4 is being -- is remaining on consent, being postponed to 6-23. The record should reflect, by the way, changes and corrections, that item number 28, the sponsors are tovo, Houston, kitchen, Casar and Adler. Item number 31 -- what is item number 31? Suggested date and time is August 4th of 2016. Setting a public hearing. So item number 31, the public hearing is to be set on August 4th and not on June 23rd. And by the way, item number 72 and 73 will be called at 4:00, but there's going to be a suggestion for both those that -- on 72 that it be set for a six P.M. Time certain, no earlier than six P.M.

[10:16:59 AM]

And item number 73 no earlier than 7:00 P.M. Item number 74 I would point out is the south shore plan. That's set for 4:00. We have a consultant in from out of town and will probably stop at 4:00 so the consultant will visit with us and then be on his way. Okay. We have some people who are here to speak on the consent agenda.

>> Houston: Excuse me, mayor. There was a request on yesterday at the work session that one of the state representatives wanted to be here at 5:00, if I remember correctly. I don't remember the number, but --

>> [Inaudible].

>> Mayor Adler: It's item number 10. It's item number 10 at 5:00.

>> Casar: And mayor, I would like to pull 23, please. And pulling 23. So being pulled are items 10 --

>> Gallo: Mayor, and I'd like to pull 30, please.

>> Mayor Adler: So the items pulled be 10, 23, 25, 27 and 30. We have some people to speak on the consent agenda. Is Gus Pena here? Is David king here? David king? Is Jim Williams here? Neither Mr. King nor Mr. Williams.

[10:19:00 AM]

Is Stuart Hersh here? Mr. Hersh, not here. Is Aaron farmer here? Aaron farmer? Okay. Mr. Pena, you can come on down.

>> Troxclair: Mayor, item number 29, I thought we had also discussed would be postponed. Is that -- or pulled.

>> Mayor Adler: We discussed it being postponed, but then the assurances were that this was not prescriptive in any way, we're just asking for options on an expedited permit. We can pull it and talk about it, but it was just to come back with options without expressing a preference for any of the options. There were the different ways we could look at an expedited review process. We're going to have that conversation. Be good to have the options laid out. But that was my understanding with respect to item number 29 that we're not expressing a preference at this point on any option and we're asking for multiple options, and that's how I read item number 29. So no one has pulled that yet. While we're having the speakers speak, you might want to look at it and see if it meets that objective. Mr. Pena?

>> Mayor, councilmembers, Gus Pena, native east austinite. I'm here to speak specifically on item 7 and 8. Starting with 7, authorize negotiation and execution of amendment number 7 to an agreement with the salvation Army to increase funding for social services at the Austin shelter for women and children, et cetera. Item 8, authorize execution of an amendment number 5 to an agreement with Austin Travis county integral care to increase funding for the provision of development, educational and services for residents of austin-travis county. Mayor and councilmembers, I didn't want to come in today because sometimes I get angry at some people that make -- in my opinion.

[10:21:01 AM]

I'm not, you know, disrespecting anybody, but make bad decisions on their part. I made my bad decisions so I can't speak too bad. This is from the newspaper, the council shouldn't hold women and children hostage for budget measure. And this is not a personal attack please. The move last week by -- and I quote, the move by councilmembers was moved at flexing their conservative muscle but they're neither morally sound nor fiscally defensible. It was a civics lesson in how Austin's 10-1 council conducts business. I am not here to disrespect y'all. I'm a United States marine Corps veteran, six years worth and three reserve. Go ahead and make your faces, Mr. Zimmerman. But I served my country so that other people wouldn't have to be heard, other country's people. This is a shame the move that was not taken last week for the vote that was not taken last week. Women and children deserve our support. There are too many women and children that are homeless here in Austin, Texas. I have spoken to gsa and I've spoke to the secretary of veterans affairs hud and also secretary of veterans affairs McDonald. The old federal courthouse, gsa has stated is for homeless issues, first and foremost. I will not support male and single females over there, no way, no way. I've been homeless too. I know. And it's embarrassing for me to say, but I know what it's like to be homeless. But the issue is what certain councilmembers didn't do

in and for the interest of the most critically needed people in austin-travis county was disrespectful. Unacceptable to me. And I don't care what you say or think about me, but incident da gent -- Salvation Army does a darn good job as does austin-travis county integral care.

[10:23:04 AM]

Should have been voted last week. Shame on you! Shamed on you.

[Speaking in Spanish]. You should be ashamed of the actions that didn't occur last week. Thank you very much, and I hope you do better.

[Buzzer sounds]

>> Mayor Adler: Thank you. Again, David king here? Jim Williams here? Stuart Hersh here? Aaron farmer here? Okay. I think some of those people, Stuart Hersh and Aaron farmer signed up to speak on 25 and 27. Both those items have been -- will be postponed until 2:00. Is there any discussion? Again, back to the consent agenda, we're pulling items 10, 23, 25, 27, and 30. Anything else to be pulled?

>> Kitchen: I'm sorry, you mentioned it earlier, but on 29 what did you say with regard to 29? That's the expedited review process?

>> Mayor Adler: I read that resolution to be asking staff to come back with recommendations on the expedited review process, but not being prescriptive, asking for multiple options so that we can discuss them.

>> Houston: Mayor, it reads as draft a policy, it doesn't say policy options. It says a policy.

>> Troxclair: Mayor, I'll just pull that item.

>> Mayor Adler: Let's pull number 27 and we'll.

>> Troxclair:.

>> Troxclair: 29.

>> Mayor Adler: Let's pull 29 and make sure that it does that. So we're pulling item 29.

>> Renteria: We're not at the non-consent items yet.

>> Mayor Adler: We're not to non-consent items yet.

[10:25:05 AM]

>> Casar: Mayor, if the holdup on pulling another item and people potentially coming down and speaking on it is changing policy to policy options, I imagine we could just make that amendment and get it done, don't you think? Otherwise if it's pulled then all of a sudden people may come and it might take up more of their time. If the dais just wants it to say policy options I would ask the sponsor if that could work.

>> Pool: I thought we had actually answered that question that it would be policy questions yesterday when we took it up in the work session, which I think, Mr. ,You thought so too.

>> Mayor Adler: On consent number 29 is amended to make it plural for staff coming back with multiple policy options.

>> Pool: That's correct.

>> Mayor Adler: With that change anybody have an objection to making that amendment change? Then 29 would then, you tell me, are you okay with it staying on the -- okay. So it will stay on, but it's multiple policy options and staff is we're saying we want this to come back with multiple policy options. Item number 4 is postponed to 6-23. You don't need to pull that, Mr. Zimmerman, because it's being postponed. And number 27 we have being pulled. The ones I have being pulled are 10, 23, 25, 27, 29 -- no, no. 10, 23, 25, 27 and 30. With respect to the items that are being pulled, item number 10 is being set no earlier than 5:00. Item number 25 is set no earlier than 2:00. 27 no earlier than 2:00. And those are time certain with respect to those items.

>> Kitchen: I'm sorry.

>> Mayor Adler: I would point out to council with respect to number 27, the mobility bond matter, we're posting on the bulletin board an allocation of what \$720 million might look like allocated on to the bulletin board and I'll be handing it out on the dais here this morning prior to the 2:00 conversation.

[10:27:14 AM]

>> Kitchen: That one is postponed, correct?

>> Mayor Adler: Postponed until 2:00.

>> Kitchen: No, it's postponed -- you mentioned that 34 was postponed. So both of these items are postponed is my understanding, both 27 and 34, both of those with the bond.

>> Mayor Adler: They're not postponed. Number 25, the bond, and number 27 is being pulled.

>> Kitchen: I thought I heard you --

>> Mayor Adler: Being set no earlier than 2:00.

>> Kitchen: I thought you say that 34 was postponed.

>> Mayor Adler: No, no. It will also be set for 2:00 P.M. Time certain.

>> Kitchen: I would like for the public's understanding, and I guess we have to talk about this at 2:00, but for the public's understanding yesterday at the work session we said that both of these items we would have discussion today, but we were not voting on both of these items today.

>> Mayor Adler: Absolutely, not voting on both of the items today. And let's look number of speakers that we have because we might discuss some limitation on that because we're going to be having more clarity with respect to outcomes.

>> Kitchen: That's fine. I just wanted the public to understand what we're doing.

>> Mayor Adler: Sure. All right. To be noted with respect to this consent agenda, Mr. Zimmerman, the record should reflect Mr. Zimmerman is voting no on number 2, abstaining on number 5, no on number 6, abstaining on number 7, no on number 8. Abstaining on number 9. No on 11 and 12. Abstaining on 13. Abstaining on 17, 18, 19 and 20. Voting against 21 and 22. Voting -- I'm sorry, abstaining on number 28?

[10:29:19 AM]

Voting against on 29.

>> Zimmerman: That's correct, Mr. Mayor. Thank you.

>> Mayor Adler: Thank you. Any other comments or notes? Yes, Ms. Gallo?

>> Gallo: I just want to make a comment before we vote. Do you need other people to talk about any abstentions or no's before I do that? I can make a comment.

>> Mayor Adler: A comment before we take a vote on consent. Now would be the time to do that. As many of you know, Mr. Pena voted last week, I actually abstained from some votes that were funded out of the general fund. And the reason that I did that was certainly not I am fly I do not care about the less fortunate parts of our community, members of our community. In fact, when dealing with homelessness, I chose to attend a conference in Ia in March that was housing first that was dealing specifically with creative solutions for working with our homeless population and how we can proceed forward in really positive and good and effective ways. But the reason that I abstained from those votes is about four weeks ago the council took a vote that dropped our stabilization reserve fund below the 12% that is indicated by our financial policy, and it was said to us by the budget department that while ed was here that had not happened before and I was concerned that that was really setting an improper

precedent for this council when we have reserve funds and when there's minimum amounts that need to be maintained, when we drop below that I think we need to have a public discussion about that. That needs to be transparent to the public and we really need to be careful with the funds that our citizens are entrusting us to spend wisely and also spend in accordance with our financial policies. Since that time, since last week, I've had a chance to talk to the city manager, also the assistant city manager and the parks department, and they have said that they are working very hard to try to find some resources to be able to replenish that fund and it's been indicated to me that that will be done prior to starting the budget conversations in August.

[10:31:22 AM]

So I do appreciate the staff's concern and attention to this, and my reason once again for abstaining was to bring this message forward to the public. I think you want a council that adheres to our financial policies and when that's not happening I think we need to be very transparent that that's not happening. So mayor, I just wanted to mention since that was brought up in public comment today a little bit more explanation about that, and I look forward to supporting -- as I said last week, I was voting an abstaining on items that I would normally support, so I look forward to supporting those items today that were brought back.

>> Mayor Adler: Okay. Any further conversation about the consent agenda in front of us?

>> Please show me abstaining on 21 and 22.

>> Mayor Adler: Okay. 21 and 22. Yes, Ms. Troxclair.

>> Troxclair: If you could show me voting no on items 2, 5, 12, 21, 22 and 30. And abstaining from items number 6, 7, 8 and 11.

>> Mayor Adler: Okay.

>> Troxclair: I'll just follow-up councilmember Gallo's comments really quickly on the salvation Army item. I shared her concerns last week about our levels of the budget stabilization fund. I'm going to continue to abstain because the issue hasn't been addressed. I did support and am a huge supporter of Salvation Army and as I said many times they're one of the charities that my husband and I support with our own personal money and I'm so grateful that the work that they do for our community. I supported an increase to their contract in September. But when we had a discussion about the six percent increase to all health and human services contracts I brought up concerns about making decisions based on inputs instead of based on out puts. I think we should start from the number of people helping and whether or not the services are effective and then go from there to figure out how much money is required to continue the most effective programs and to help as many people as we can with the limited resources that we have.

[10:33:33 AM]

So I think it would be disingenuous for me to have voted against that and then turn around and support the individual items as they come forward as my concerns still remain. But I just wanted to make it clear that I do very much appreciate the salvation Army. And a vote to -- a second voting no to increase their contract again in the same fiscal year is not a vote against the services that they provide, but rather just more an expression of concern about making sure that we have an effective and efficient way to determine the proper amount of funding for different health and human services contracts.

>> Mayor Adler: So lest there be any question going forward in terms of precedent, discussion about the Salvation Army contract was not noticed on our agenda, so it's not really appropriate for us to discuss it in that context. We had a citizens communication item that -- oh, I see. Got it.

>> Zimmerman: Mayor, let me make a quick comment again with respect to Mr. Pena's remarks. Let me read very, very quickly, I'm on the Salvation Army website here, just a couple of sentences. It says the Salvation Army, an international movement, is an evangelical part of the universal Christian church, its message is based on the bible. It's ministry is motivated by the love of god. It's mission is to preach the gospel of Jesus Christ and to meet human needs in his name without discrimination. So my argument here is that the church of Austin government should be separated from the salvation Army. The Salvation Army is in the business of promoting the gospel of Christ and actually saving people. And salvation is a function of god. Fixing traffic congestion is a function of the city. And finally, I think if we keep trying to subsidize these very good charitable organizations, at some point the people paying the bills are going to say where's the compassion towards us?

[10:35:45 AM]

We're trying to take care of ourselves and our family and we're doing private charitable contributions. We can't afford to live in Austin anymore. So I'm asking for compassion for people who pay the bills.

>> Garza: Mayor, I have to add my comments too. I wasn't going to say anything about this issue. It's each and every one of our prerogative to vote how we wish on any issue. It's any my understanding that this was -- it was going to be postponed and because of the situation there was concern that it would fail. So it was moved to postpone and it wasn't postponed. So everybody has a right to vote how they can. I just want to say I'm very thankful that the city manager brought this back and we're able to fund this for a very vulnerable population. I'm glad to have led on the increase to health and human services. Again, we all have the right to our political positions, but when it comes to helping children and women in shelters, I hope that we can move beyond these kind of maneuvers.

>> Mayor Adler: Is there a motion to pass the consent agenda? All those in favor? Those opposed? Unanimous with everyone on the dais. Pulled items then, tnc driver eligibility, item number 23, do you want to consider that now?

[10:37:46 AM]

>> Tovo: Mayor, I wasn't sure if we had any consent zoning?

>> Mayor Adler: Okay. Let's see if we can knock those out too.

>> Thank you, mayor and council, Greg Guernsey, planning and zoning. Let me run through the 10:00 items I can offer for the consent. First case is item number 36, this is case npa-2015-0008.01, this is the second and third reading for property in the rosewood neighborhood planning area at 2612 sol Wilson avenue. This is to designate the neighborhood mixed use land use and this is ready for consent approval for second and third reading. Item number 37 is case c-14-2015-133 a, 1204 San Antonio street. This is to approve third reading to zone the property in a downtown mixed use conditional. Item number 38 is for the property located at 8219 Burleson road to limited industrial services conditional overlay combined districting zoning. Item number 39 is case c-14-2015-0026 for the property located at 5411 east William cannon drive and 6709 south pleasant valley road. This is to zone the property to general commercial services, conditional overlay combining district zoning. This is ready for consent approval on second and third readings. Item number 40 we'll have as a discussion item. 41 is also a discussion item. 42 is C 14 h-2015-0007 for the property at 903 shoal cliff court.

[10:39:56 AM]

This is ready for consent approval on second and third readings. I'll go on to the 10:00 A.M. Zoning and neighborhood plan amendments where the public hearings are open and possible action. Item number 43 case npa 2015-005.04, this is the Lennox oaks property for various addresses on --

>> Mayor Adler: We have two speakers.

>> I think there's a postponement request on this. That I understand the applicant is agreeable to --

>> Mayor Adler: Both sides are agreeable to the postponement.

>> As far as I know to August 11th. Those are for properties on bastrop highway, ponca street, and item number 44 is the related zoning case, c-14--15-0104 for the property located on bastrop highway southbound and 6705 to 6709 ponca street. Again, I have neighborhood advocates for the existing tenants requesting postponement to August 11th on that case as well. Item number 45 is case npa

2015-0015-03. This is in east mlk neighborhood planning area for properties at 5010 and 5012 Heflin lane. This is a request for postponement until August length. Item number 46 is crown 15-0114 for the property at 5010 and 5012 H Eflin lane and staff is requesting a postponement to your August 11th agenda. Item number 47 is case npa 2016-0010.01 for the property at 2406 and 2406 and a half hildalgo street tomla land use.

[10:42:11 AM]

The planning commission recommendation was to grant the mixed use land use and this is to grant consent approval on all three readings. Item number 48 is case c-14-2016-003 for the property at 2406 hildalgo street. This is to zone the property to general commercial services mixed use neighborhood combined districts zoning. The planning commission recommendation was to grant general commercial services, mixed use conditional overlay neighborhood plan combining district and this is ready for consent approval on all three readings. Item number 49 is case npa-2016-0020-01,ing for property located in the south congress combined neighborhood planning area for the property located at 440 east St. Elmo. This is to designate the property to commercial. The planning commission recommendation was to grant the commercial land use designation, this is ready for consent approval on all three readings. Item number 50 is case c-14--2016-0024 for the property located at 440 east St. Elmo to zone the property to commercial liquor sales combining district zoning. The planning commission did recommend the zoning and this is ready for consent approval on all three readings. Item number 51 is case c-14-2015-0146 for the property at 1414 west oltorf street and 2043 south Lamar. Staff requesting a postponement of this item to your August 11th agenda. Item number 52, this will be a discussion over the postponement date. There's an agreement to postpone, but not necessarily to the date which is being requested. Item number 52, this is the champions tract number 3. Also I think councilmember Gallo wanted to there this at 11.

[10:44:14 AM]

>> Mayor Adler: So we'll pull item 52.

>> Item number 53 is the property at 11125 Bradshaw road. The applicant has requested an indefinite postponement of this case. This case cannot be brought back until notification is provided before the item can be placed on the agenda again. Item number 54, c-14--2016-0014 for the property located at 211 canyon ridge drive. This request for videophoning has been withdrawn. No action is required. So item number 54 has been withdrawn. Item number 55 c-14-2016-0016, this is a discussion item. Item number 56, c-14-2016-0018 is a discussion item. Item number 57 it is a discussion item. Item number 58, case c-14-2016-0023. Sh, I believe we could offer this as a consent item. Councilmember pool

elaborated at the work session a schedule to consider this with an ordinance being ready for first reading consideration on August fourth and then having -- if it's successful on the fourth to bring it back for second and third reading on the zoning date of August 11th. I guess offer that with that understanding given the discussion at work session if all of you are agreeable.

>> Casar: And I think we agreed that if it only goes on second on the 11th that we would be willing -- that we would have it taken up on the 18th, although that's a budget day.

>> Mayor Adler: I think that was the consensus at the table. So if it's still pending, not yet resolved by the 18th, we can consider it on the 18th if we need to.

>> Pool: And just to clarify the reasons for the postponement.

[10:46:15 AM]

This is a state tax credit application and the state will not make its decisions until July, so we were postponing our action in deference to finding out what the state's determination is.

>> Very good. So item 58 will be brought forward for the first time on August 4th and we'll be offering that for a postponement by council. Item number 59, c-14-2016-0033. The property located at 300 corral lane. This is to zone the family to family residence district zoning. The zoning and platting commission did recommend the zoning and this is ready for consent approval on all three readings. Item number 60 is c-14-2016-031 for the property at 6314 F.M. '99 69 road and 6307 parliament drive. This is to zone the property to multi-family residence low density neighborhood plan combined district zoning on tract 1 and neighborhood commercial plan combining district zoning for tract -- excuse me. And townhouse condominium residence to going to neighborhood commercial mixed use combined district zoning no tract 2. The planning commission was to grant multi-family residence low density neighborhood plan in tract 1, and neighborhood commercial mixed use neighborhood plan combined district zoning on tract 2. And this is ready for consent approval on all three readings. Item number 61 is --

>> Houston: Excuse me, mayor.

>> Mayor Adler: Ms. Houston?

>> Houston: I would like to pull that. In neighbors have some opposition to that.

[10:48:18 AM]

>> Item 61 is c-14-2016-0034, 701 Rio grande street and 602 west seventh street. The planning commission was to grant the dmuco combined district zoning and this is ready for consent approval on all three readings. Item 62 is c-14-2016-0045 for the property at 6607 Brodie lane. The zoning and platting commission recommendation was to grant the mf-2 district zoning and this is ready for consent approval on first reading only. Dumb number 63 is case C 814-2015-0074 for the property located at 4205 bull creek road known as the grove pud. Staff is recommending a postponement of this item to your August 11th agenda. Item number 64 is case C 14 h-2015-0147 for the property at 1315 Kenwood avenue to zone the property to family residence homework landmark combined district zoning. The planning commission recommendation was to grant that zoning, and this is ready for consent approval on all three readings. Item number 65, this is case C 14-h-2015-0152 to for the property at 1610 watch hill road. This is to zone the residence for family residence homework landmark zoning. The zoning and platting commission was to grant that zoning and this is ready for consent approval on all three readings. Item number 66 is case c-14-h-2015-0164 for the property located at 503 west third street. This is to zone the property from family residence homework landmark neighborhood conservation combining district.

[10:50:25 AM]

The planning commission's recommendation was to grant that zoning and this is ready for consent approval and all three readings. Item number 67 is case c-14--2016-005 for the property at 1502 hardouin avenue. This is to zone the property from family residence homework landmark neighborhood plan combined district zoning and the pvc's recommendation was to grant that zoning. And this is ready for consent approval on all three readings.

>> Mayor Adler: So help me go through the list and make sure I have it correctly. We're now talking about those items that are 36 through 67. The universe of ones, the range that we're discussing now is items 36 through 67. And in that range they are all on consent except for the following items that have been pulled, which I show as being 40 and 41, 50.

>> I have that as consent. But 52 is a discussion postponement.

>> Mayor Adler: So I have 40 and 41, 52, 55, 56, 57.

>> That's correct.

>> Mayor Adler: And 60. Is that right?

>> That's correct, mayor.

>> Mayor Adler: That's the Numbers that I have. So again the Numbers are 40, 41, 4252, 55, 56, 57 and 60. Is that correct?

[10:52:26 AM]

>> That's correct.

>> Mayor Adler: Is there a motion to approve the consent? First is there a motion to approve the consent? Mr. Zimmerman moves. Second -- Mr. Renteria seconds. Now let's have discussion on the consent agenda. Mr. Renteria?

>> Renteria: I'm sorry. On item 43 and 44, the applicant and the neighborhood had gotten together and they agreed to postpone it to August 7 where I will be introducing it to approval on first reading. Right now they have identified a tract of land and they just went through the platting and hopefully they identified where these residents are going to be able to stay on this piece of property until they get that piece of land developed which is going to be further on. They will have to relocate just a few people on one side so they can start the commercial development there. And they will agree to move the residences all in one group to this new mobile home lot that they're developing right now. But it's going to take some time. Also, we were relying on the tenant relocation and what happened was that we went over our time limit on Tuesday and the commission couldn't meet and all the items got postponed. This was unfortunate, but that's what happened, so we're just waiting. So I'm requesting a postponement.

>> Kitchen: Could I make a clarification? Just to let you know the planning commission chose not to continue. They could have. We finished within -- we let them know at 6:00 that we would be finished within 15 or 20 minutes.

[10:54:26 AM]

We finished at about 18 minutes after. They were notified and they still chose not to take up items. So I would just like to make that clear that it wasn't because the mobility committee went over. And that may be just something that people don't know. So I just wanted to let you know. They chose to not address it.

>> Mayor Adler: My understanding is that 43 and 44 are on the consent agenda being postponed to August 11th. Mayor pro tem?

>> Tovo: Mayor, I have a couple of things. 57 has been pulled, is that correct?

>> Mayor Adler: 57 has been pulled.

>> Tovo: And 37 has remained on consent. And I just wanted the record to reflect my recuse AI on my item and I have filed the appropriate paperwork. 61, it's my understanding that there are some

additional conditions that staff was going to read into the record, but I see we have five speakers signed in on that item, so my suggestion would be if those five speakers intend to speak that we should pull it from consent.

>> Mayor Adler: Which one?

>> Tovo: 61, there were two issues on having it on consent. It was my understanding that staff was going to read into the record some additional prohibited uses on the item, but we have five speakers who signed in to speak on that item.

>> Mayor Adler: So 61 is being pulled. And you recused on 37?

>> Yes, sir.

>> Mayor Adler: I'm going to abstain on item number 37 just because I haven't looked at that and don't know if it's close enough to the property I own that it would be impacted. I think it will pass bow my vote -- pass without my vote so I will abstain on 37.

>> Garza: Mayor, 53, and you may have said something different in your presentation, but it was our understanding that that item was going to be withdrawn and it says an indefinite postponement.

[10:56:27 AM]

I'm curious is it withdrawn or an indefinite postponement?

>> It's an indefinite postponement. 54 was withdrawn, but not 53.

>> Garza: Okay. But I believe my office was given an indication that it would be withdrawn, but we'll follow up on that.

>> Mayor Adler: All right.

>> Houston: Excuse me, mayor. Is this an appropriate time to just make comments about items number 64 through item 67?

>> Mayor Adler: It would be.

>> Houston: Again, this is the inequity that we find in getting anything zoned homework outside of the downtown area. These are all homework districts. The staff even -- is hesitant to recommend, but we're going to vote on those. So I'm skill concerned that there is the lack of houses and structures in the eastern section of this city that are eligible and get through the homework landmark commission process and are recommended to council for homework zoning are slim to few. And we've got nine -- four of them this morning. And one on -- and then the Henrietta-- who is the track coach? Littlefield

house is all in there, all in district 9. So we need to begin to look at the distribution of the homework zonings and see if there's something that we can do to try to help some of the other areas get some homework zoning as well. So I will be voting against all of these, including the Henrietta Littlefield house. Some of these are just very lightly homework.

[10:58:28 AM]

The people have no significance and we talk about the houses may not be significant or architecturally up to the standards, but there are people who have cultural significance and that doesn't seem to make it in some sections of the city, but it makes it in other sections. So I'm really concerned about how we make those decisions.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote on the consent agenda. All those in favor raise your hand with the notations that were made in testimony. Those opposed? It's unanimous on the dais with the notations made. All right. That threats get us through the consent stuff. Let's go back to the things that have been pulled. Let's start with item number 23, the tnc driver eligibility. Ms. Kitchen, do you want to lay that out for us?

>> Kitchen: Yes. This item is -- let me clarify. It is not tncs, it is all drivers. So this is an effort that we've been working on for sometime that recognized the difference between chauffeur's permits and tnc driver requirements, chauffeur permits apply to all kinds of drivers, limo, taxis, other kinds of drivers. So this is the direction that we provided to staff earlier was that these items be aligned so that it was the same that, the qualifications or disqualifications, I should say, are the same across all kinds of drivers. So I passed out a sheet, which is a quick way to see what staff has proposed which is currently what's in the chauffeur permit requirements versus what is in the tnc driver requirements.

[11:00:30 AM]

I'm pretty sure staff is here to explain. I'll just move passage.

>> Mayor Adler: Okay. This item number 23 has been moved. Is there a second? Ms. Pool seconds. Discussion on this item?

>> Kitchen: Let me just add two points because it's been awhile since we talked about this. This is just a reminder of what we had talked about before. And again aligning the requirements. This applies to convictions, not arrests. So, for example, if someone has been convicted of criminal homicide then they would not be eligible to drive. If they were convicted of sexual assault, for example, they would not be eligible to drive. And that just gives you some examples. You can see the details. You can also see from

the comparison that it was basically all over the map between the chauffeur permits and of the tnc drivers. So aligning them is something that the staff put together. So what's in the ordinance that -- the amendments that the staff is bringing forward is a set of convictions that result in permanent disqualification, a set of convictions that result -- if it's been in the last seven years. So it tracks to some extent what's currently in the tnc driver requirements as well as what's currently in the chauffeur permit requirements. So I'll stop there and if anybody has questions we've got the staff here.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Just a quick question. As you said, chair kitchen, mobility chair, we've worked on this for some time. I wonder why it took -- why it took this long to get here.

[11:02:33 AM]

>> Kitchen: Well, I think that the staff was, you know, has been working on this for awhile. And so wanted to make sure that they spent the appropriate amount of time aligning these. It's not an easy alignment. You can see the language. I think they worked very expeditiously to bring this back to us.

>> Zimmerman: Let me say I think this under scores the fact that the taxi business model and the tnc business model are considerably different. The kind of people that drive part-time versus people that drive full-time. And I think that's why it took a long time to merge these lists. I mean, in one sense we could have said back in the summer that we already have a list that is working for the taxi franchises. Let's just go ahead and mandate that to apply on the tncs. That probably could have been done last summer. If we just wanted to equalize. If anybody else has questions, I'd like to hear, but I'm leaning towards abstaining on this because my experience with all of this just says we probably shouldn't have been in this business and we had a chance to deregulate last summer and it looks to me that still would be the wise thing to do is for us as a city council just to get out of this business.

>> Casar: Mayor? I'd like to lay out an amendment and I'll just pass it up the dais. There's a spare copy down there if you want to hand it to the clerk if folks are interested. It's pretty simple and pretty easy to explain. Essentially the amendment changes it so that applicants for a permit or renewal may be disqualified if the applicant has been convicted under the laws that have been laid out. And then adds an additional section that says that in determining whether to disqualify an applicant for the offenses listed under subsection a or subsection B that apartments shall consider the nature and gravity of offenses and the length of time since the offense and completion of the sentence and the impact of the offenses on the applicant's ability to perform the duties and discharge the responsibilities of being a driver.

[11:04:57 AM]

So I could explain more, but I assume I need a second in order to discuss it.

>> Mayor Adler: Is there a second to this amendment? Mr. Renteria seconds it.

>> Casar: Thank you. So I -- I had some concerns about how this was brought forward to us in -- at the beginning and had asked staff to go back and work on it. My staff has worked with city law and with the transportation department to put this together. Essentially this trying to line up with the spirit of the fair chance ordinance that we passed and which instead of setting such hard lines that we can easily determine without even really looking into someone's background who they are and how well they will do at a job that we give that discretion to our staff and to some of these categories are pretty vague as to what sorts of offenses could be packaged into them and so instead we give the discretion to the staff to take in all mitigating information and really think through 32 they want to O -- threw they want to disqualify someone for a job or not instead of dictating a specific level of years there is no discretion. I think that it ultimately also speaks to that spirit of we want to be able to give folks a shot at employment, criminal background checks are within the toolkit that we can use, but they are not so deterministic that we've set them into stone, but that instead we allow our staff to use their discretion. These are eeoc guidelines about how criminal background checks should be used and so I've inserted them for the staff guidelines.

>> Kitchen: I appreciate the efforts of councilmember Casar.

[11:06:59 AM]

I do think it's appropriate, but I'm going to have to be against the amendment because I think it's too broadly stated. I -- there are -- I think it's the kind of discretion that is not appropriate for our staff, at least with regard to the once that are listed as permanent. So just to give you all an idea, what the amendment does is it would say that if someone's been convicted of a criminal homicide the staff has discretion on whether or not to say that that person is disqualified. If a person's been convicted of sexual assault and aggravated sexual assault, that would give the discretion to the staff to determine whether that person could drive. I just don't think -- if this amendment was more honed in on some of these items or more honed in to those within seven years, then perhaps I could consider supporting it. But as it is it just takes the entire list of all of these -- all of these types of convictions and says that they are discretionary. And I think that puts an undue burden on our staff and I think it doesn't recognize the difference between the categories that are set forth in the ordinance, the difference between saying something is a permanent disqualification versus within seven years, and I think it's overstated. Because I think it's appropriate for public safety requirements to have at least some level of convictions. Again, this is not arrests. These are convictions.

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: Out of respect for councilmember kitchen's efforts on this, I'm also going to be against this amendment for the same reasons that she stated, even though I'm probably going to abstain from the whole issue.

[11:09:05 AM]

I'm still going to support councilmember kitchen and vote against the amendment.

>> Casar: And mayor, just to clarify, in the end this is me trusting our staff just like we trust other employers and regulators who we ask to use their discretion, to use their discretion well. So I would not want the dais to think -- and I'm not saying that councilmember kitchen implied this in the least, but I think that she was being accurate, but because she noted some of the more extreme offenses, I would not the public to think that our staff are now going to be hiring folks with the most extreme offenses that were most recently committed. The fact of the matter is this would just give our staff the ability to use their discretion rather than us continuing to draw hard lines, which I believe has been a part of politics and a part of culture and various levels of government that I think have done more harm than they needed to. So this is an attempt to bring some of that discretion, give some of that discretion back so that people can be thoughtful and make compassionate choices, but also make difficult ones. And if we disagree on the point, that's fine, it's just a disagreement.

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I absolutely appreciate the spirit of this amendment. As I support second chance and as I supported that great thing that this council did, but in that second chance ordinance there was an exception to government regulation. So -- for me that exception is there because there are certain jobs where whether right or wrong, for public safety it's important to draw that line. And those would be jobs like basketballing a firefighter and a police officer -- becoming a firefighter and a police officer because those are jobs when people go into people's homes.

[11:11:05 AM]

I used to be a firefighter. We go into people's homes. This whole tnc thing has always been about public safety for me. And when we are regulating something that allows a corporation or entity to have somebody by themselves in their car drop them off at home at possibly 2:00 in the morning when they could be intoxicated or whatnot, I -- while it's not an easy discussion, I would have to -- easy decision, I would have to lean on drawing that line. But I understand why you brought this forward.

>> Mayor Adler: Further discussion? This is a hard one for me as it is for all of us being caught I think on the cusp of this. It's difficult. I'm going to vote against the amendment for the reasons that have been expressed, but I am interested in welcoming councilmember kitchen's invitation to hone this tool a little bit more and to consider bringing it back at some point in the future and I think that's a conversation that might be worth having at that time, but for the reasons given and the discussion, I'm going to vote against this amendment now. Any further discussion? Those in favor of the amendment please raise your hand? Renteria and Casar. Those opposed? It's the balance of the dais. We're now considering the main motion on item number 23. Is there any further debate before we vote? Those in favor -- I'm sorry, yes?

>> Troxclair: I wanted to ask why. So there's two categories here of convictions, certain convictions that would be permissible if it was previous to seven years or convictions that are never going to be permissible for somebody to be able to be a driver.

[11:13:12 AM]

Why is prostitution or promotion of prostitution included in the offenses that would be permissible if it happened seven years ago? I don't know, it seems like something that would pose maybe serious concerns?

>> Kitchen: Well, the categories are promotion of prostitution, aggravated promotion of prostitution or compelling of prostitution within seven years. I would have to speak to the staff. I would have to ask the staff that question. And your question -- was your question why -- I'm sorry, was your question why it was seven years versus permanent?

>> Troxclair: Right.

>> Councilmember

[indiscernible].

>> Mayor Adler: Can you pull that up to you a little bit.

>> Councilmember, mayor, Robert spillar, director of transportation. The answer to the question is that as we were putting this together we obviously had to take a look at the different crimes, take input of what we could and decide this ones -- if there's been a lapse in time since that behavior occurred and therefore they're in good standing, is it likely to re occur or is there a ding lingering danger. In that one we determined if there was a seven year space that was evidence that the person had ended that behavior. It's not a value judgment.

>> Troxclair: It seems to me especially the aggravated prostitution is more prevalent, but I'll defer to you because you're the one who has spent time working on this particular ordinance.

>> Kitchen: It's fine with me if you would like to change that.

>> Troxclair: Okay. I'll make an amendment then to move item 4, prostitution, promotion of prostitution, aggravated prostitution or compelling prostitution.

[11:15:21 AM]

Instead of having it listed under a, have it under B so that there's a permanent disqualification for those offenses.

>> Could I ask a clarifying question? Is that the entirety of item number 4, a-4, getting out of B? Or just the aggravated portion? I just wasn't clear on what you said, I'm sorry.

>> Troxclair: Does anyone else have input? I am most concerned about the promotion of prostitution, aggravated promotion of prostitution. I know it's a difficult issue, but I think there are probably circumstances where people are convicted of prostitution and in a case where they were compelled to be in that situation against their will. So actually I would prefer to leave prostitution where it is and move the rest of the item number 4 to B.

>> Kitchen: Yeah, that maintains our focus on violent crimes, which I would say promotion and aggravated promotion or compelling pros' tuition are violent crimes. Thank you for catching that.

>> And thank you for the clarification. So that would also as part of that amendment, if I understand correct, also change the numbering somewhat. So we'll assume that's included.

>> Kitchen: Yes.

>> Mayor Adler: So it's amended to move the aggravated offense from the seven year section to the permanent section.

>> Kitchen: Yes.

>> Troxclair: It's actually everything besides prostitution.

>> Mayor Adler: So in section a-4, prostitution remains, but promotion of prostitution, agriculture secretary graded and prevailing prostitution moved down to section B.

>> Troxclair: Correct.

>> Mayor Adler: Any objection to that amendment being made? No objection, that amendment is incorporated.

>> Troxclair: I have one more question, probably for staff.

[11:17:23 AM]

What is -- so I know that this -- unless I'm missing it, this speaks solely to convictions, not where somebody was arrested, but not convicted. How are we handling the instances where somebody has been, for example, arrested for sexual assault, but not convicted?

>> Thank you, councilmember. So item number F deals directly with that as well as E. And it gives some discretion. That's where we have the discretion to the director remaining that if somebody is charged, for instance, let's say with murder, Andrew Harris strong evidence, this has been the driver and I'm using that as an extreme, I understand. Or if there's not strong evidence there then I guess it could also change -- I'm just using it as an example.

>> Kitchen: And to clarify, it's to suspend until the final disposition of the matter.

>> That's the discretion.

>> Troxclair: Thank you for clarifying.

>> Mayor Adler: Okay. Anything else? Those in favor of this item number 23 as amended, please raise your hand? Those opposed? Those abstaining? Mr. Zimmerman abstaining. The others voting aye on the dais. Thank you, staff. All right, that takes care of 23. The next item is item number 30, the housing trust fund item. Mayor pro tem, do you want to lay that out?

>> Tovo: Yes, I'd be glad to. So this is an item -- again, I made a couple of additional changes to it that were posted as late backup.

[11:19:23 AM]

This is an item that gets back to what I view as the original intent of the enabling resolution that gave rise to the affordable housing trust fund. And in the initial description of the affordable housing trust fund, long before any of us got here, it talked about land irrespective of what entity had owned it. In the next budget cycle after that original resolution was passed, that focus on land became just city-owned land that went into private hands and began to develop tax revenue. So this resolution -- and I have to just credit councilmember Morrison because she did some of the initial groundwork on this.

[Phone ringing]. Excuse me, at least my phone is only interrupting me. This would restore that provision and it would extend it to any lands that aren't generating tax revenue once they begin to generate tax revenue that revenue would flow into the affordable housing trust fund. And you see appropriate caveats in the resolution. Of course we always have the discretion to alter the amount, the percentage

that flows to the affordable housing trust fund. We can do that during the budget cycle. We actually approved this transfer of funds each year annually during the budget process and so we could adjust the percentage or redirect that to other city priorities if there were different needs in a particular year. But I see this as critical, really critical. We had an opportunity a few weeks ago and it and on the agenda the first time. I think I talked about just in a five-minute walk down sixth street on a day where it was an unbelievable downpour the number of people in those two blocks I saw who were standing outside in the absolute downpour with newspapers over their head and trying to huddle under awnings.

[11:21:32 AM]

We have a tremendous situation here in Austin with an increasing number of homeless -- of individuals experiencing homelessness. And it is my hope that some of this additional revenue in the housing trust fund can support those needs as well as the other pressing needs we have in our community with regard to housing. I have cleaved with staff and I think this is -- I have clarified with staff and I think this is in the Q and a, the trust fund money can not only support housing initiatives, but expenses like case workers to help individuals find housing. So I think now of all times we really need to be mindful of additional sources of revenue or allocations that can be used to support the real pressing needs we have in our community. I'm happy to answer questions.

>> Mayor Adler: I forgot to ask for a second to that. Is there a second to this item? Item 30. Mount. Ms. Houston. Any further discussion on this item? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I want to call attention to the back side of the agenda item page. There's a message dated may 19th from the housing staff here. And there's an analysis of -- this was done I guess a month or so back. And I'm going to read a sentence here I completely agree with. It says moreover, while obtaining parcel level data it will allow staff to determine the fiscal year 2016-2017 cost of changing the transfer calculation, accurately figuring the cost in subsequent out years will still be extremely challenging. And I completely agree with that. So my biggest concern on this is it's almost impossible to really know what the fiscal impact is going to be. And that's kind of scary.

[11:23:33 AM]

We have an affordability problem for the people who are having to pay the taxes and pay the subsidies so whenever we increase subsidies there's going to be a cost no those who have to pay the subsidies. They have to pay their own way and then pay for more and more subsidized people. And this I think is a fair admission that we don't even know how expensive it would be, but if we committed ourselves to this course we would be on the hook to cover those costs no matter how high they might get and then

we're back in this problem of chasing our tail and trying to provide affordability through subsidies that make things more unaffordable for the people who aren't subsidized. So again, I don't think this is a good idea and I don't think we can even tell what the severity of the fiscal impact will be for the people who have to pay the subsidies. If I could get another comment on that from Mr. Van eenoo or someone else, that would help. Could you expound a little bit of that sentence of accurately forecasting the cost?

>> It's just an issue that we know there are many thousands of properties in the desired development zone that are not currently on the tax roll. We have no reliable way to predict how many of those properties will eventually be sold and put on to the tax roll and we have no reliable way of knowing what will get built on those parcels, so what the value would be in the future. All we can tell you right now is that for next fiscal year it was \$350,000 or so, there's 13 additional parcels that would go into the housing trust fund calculation. But the future is absolutely an unknown.

>> Zimmerman: Another quick question on this, Mr. Mayor. If we don't go down this path and we take the opposite path of selling these properties to the market and putting them on the tax roll so that they pay like everybody else pays, wouldn't that have the effect of having a broader tax rate to shoulder the load? In other words if we don't do this and we sell them on the private market and people buy them and contribute property taxes to all the entities, doesn't that help to alleviate the burden for every else?

[11:25:39 AM]

>> Only a few of those would be city owned properties because we could only as an entity sell, but these properties are sold and they go on to the tax roll, the tax revenues from those are going to come into the city. What this action really does is earmark them for housing trust fund purposes as opposed to general purposes. So it's important to keep that in mind in regards to the fiscal impact. We're not losing any revenue as a result of this, we're earmarking to a certain fund.

>> Zimmerman: But if properties built out they're going to need fire protection, police protection and city services and expect city services, but they're not going to be contributing on those budget items. They'll be earmarked for something else, for more subsidies.

>> Mayor Adler: Further

>> Mayor Adler: Further discussion.

>> Gallo: Before you sit down --

>> Mayor Adler: By the way, we have a couple speakers. Do you want to hear them first?

>> Gallo: Sure.

>> Mayor Adler: Either way.

>> Gallo: That's fine.

>> Mayor Adler: Mr. Hirsch, I think, is here. Do you want to speak?

>> Thank you, mayor, members of the council. My name is Stuart Harry Hirsch. Someone wrote a book and pointed out, the beauty and tragedy of the modern world is that it eliminates situations that require people to demonstrate a commitment to the common good. Today's agenda creates opportunities to enhance our community's ability to produce housing that is safe, mixed income accessible, reasonably priced, and transit oriented. And since April 20th, 2000, we call that S.M.A.R.T. Housing, S.M.A.R.T. I wasn't clear before I arrived here what was on the consent agenda and what isn't. I'm glad we're getting to speak about this. Mayor pro tem Tovo's exactly correct. I was one of the drafters of the housing trust fund resolution that passed on April 20th, 2000, and the subsequent September 7th 2000 resolution that designated 40% of all property tax revenue in the urban core that was not on the tax rolls by 1997 would go to the housing trust fund in perpetuity.

[11:28:04 AM]

Then my colleagues decided to run those numbers a different way, so that's why we are where we are today. We thought in 2000 that the triangle, Mueller, Green Seaholm, along with the properties that are currently generating housing trust fund revenue, would be generating plenty of housing trust fund revenue. But the last open records request I made, I don't think there's a dime coming out of triangle, green, Seaholm, or Mueller to the housing trust fund. So we are here as a first step today. I applaud what the mayor pro tem is attempting to do. There has to be a balancing act every budget year. I wouldn't expect you to do anything differently. But this rights a wrong that has been going on since the trust fund was created in 2000. I ask you to take a small step in rectifying that today. And then have a more serious deliberation, vote next week when you take up the action plan, public hearing, and in the fall when you take up the full budget. Thank you very much for your time.

>> Mayor Adler: Thank you. Is David King here? All right. That closes the public testimony.

>> [Off mic]

>> Mayor Adler: You can come down and speak. I don't show you on the list, but you can come down if you want to. We have Ann, Kara, and Ruby signed up in favor of this, but not asking to speak.

>> Mayor, good morning, Gus Peña. I applaud Mr. Hirsch's comments. I would -- and thank you very much, mayor pro tem. Even in the past administrations, I came to you, remember, when you were running. I supported you. And the issue was the homeless. Let's not forget that if there are housing initiatives, remember, there are vouchers from the VA.

[11:30:10 AM]

There are vouchers from huca that would generate revenue. It's not just Gus peña, let's go ahead and put them in housing and feed them, and pay for the house. No, revenue coming from the feds, also. The veterans affairs, McDonald, and the hud secretary Castro. Mayor, I would ask -- anyway. Mr. Hirsch stated it correctly, an imbalance in housing. And we just want to make sure that we have a good program here in Austin, Travis county, that the country will copy, because mayor pro tem is right. We've been saying it for many years. There are thousands of people that are not counted by echo or anybody else that are homeless and need housing. We cannot let them down. It's not charity. Anyway, thank you, mayor, for allowing me. And I did sign up. For allowing me to speak.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Thank you. I did have an additional question for staff.

>> Gallo: So, I appreciate your comments about the difficulty projecting what the cost and impact this would be, because as you mentioned, it's not affecting the tax dollars that come into the city, but it's affecting the discretion of the council to be able to use those tax dollars in appropriate spending patterns depending on the needs in each budget cycle, because it would no longer go into the general fund. It would go into the housing trust fund. Have you seen other cities make such substantial movements in this direction?

>> I'm not aware of any.

>> Gallo: Okay. All right. Thank you. And I think you answered some of the other questions that I had. So if, for example, if the -- I think also what's important is the basis of the analysis that I think was the 350 or 400,000, what was it, that you said would be the impact this coming year?

[11:32:14 AM]

>> In the fiscal note, it's 385,749.

>> Gallo: Okay. And that is based, really, on most of these properties either being vacant or under developed. One of the properties included is the growth at the corner of bull creek and 45th street. My guess is, where the value of that right now is -- I'm not sure what it's showing on the tax records, but it's probably --

>> 54.9 million.

>> Gallo: When it's developed, it will be close -- probably -- to at least 500 million in development. And so what -- you know, that's just an example of the explosion of the funds that would be coming in as

property taxes. And I think the concern is that as we talk about adding development and adding density into our city, it really is important to realize that we will have other pressures from the general fund that we will need to be able to pay for. Those are local libraries, local parks, maintenance and improvements. As councilmember Zimmerman pointed out, the support of the public safety is important. And you have to add more staffing, or more fire stations, or more police stations, substations to handle that. I think we need to be prepared. Thank you.

>> Mayor.

>> Gallo: I was kind of launching into my comments, and you didn't think to stand up there. So, sorry about that. My concern with this is not that I am opposed to supporting affordable housing. I do. And I think it's important in this community. I think it's important in this community to make sure we have affordable housing geographically dispersed throughout our community. But I think it's also important to give the council the ability to take tax dollars and spend them with -- and balance them with all the other needs that we have. We have more needs in this community that we're asked for as a council to look at during the budget cycle, and those needs are spread out through the different departments.

[11:34:21 AM]

We have transportation and road needs. We have parks, neighborhood parks and library needs. The list goes on and on. My concern is that we are taking a huge bucket of funds that will come into our general fund as these properties are developed and we're targeting them specifically. Yes, I know that the council has the ability to not have that happen and move that money somewhere else during the budget process, but that would take a majority vote at the council to do that. I think we've found once money is allocated to a fund in a way, it is difficult for the council to do that. So, I'm just really concerned about the precedent this sets, and the hands that previous council -- I mean, future councils would be tied with this. So I think I'm probably not going to support this as it's written, because I think the grab of our property taxes is just too substantial for future years to take it out of the budget cycle discussions that the council has when trying to figure out how to fund adequately, in a balanced way between all of our different departments.

>> Pool: Mayor. Mayor.

>> Mayor Adler: Okay. Any further discussion? Yes, Ms. Pool.

>> Pool: I am supporting the mayor pro tem's initiative here. And I appreciate the comments from Mr. -- Hirsch. I remember when the S.M.A.R.T. Housing came on the books. The attempts of the community to have it funded have been frustrated, a decade and a half. So this points to a predictable and clearly definable source of revenue. And if this had been in place, as had been originally anticipated when council passed the S.M.A.R.T. Housing policy, we probably wouldn't have had to shift money, for example, from the Austin water utility in order to make some elements of the pilot knob P.U.D.

[11:36:23 AM]

Affordability. We would have had that source of funds. And as the mayor pro tem has pointed out repeatedly, the moneys can be redirected at any time during our budget process. And I think it is absolutely appropriate to use the budget process in order to define what our policy and value priorities are for the community. So I support this, and thank the mayor pro tem for continuing to be tenacious in bringing this back. Thanks.

>> Casar: Mayor.

>> Mayor Adler: Further discussion on this? Mr. Casar.

>> Casar: Yes. I'm really supportive of this. We recommended it at both the platting, neighborhoods, and the housing committees. Thank y'all for giving it that time to go through there. And in reference to other cities, I just quickly pulled up Seattle's budget from 2016, a city smaller than ours. And their expenditures in housing were over 52 million proposed for this year, which really overshadows what we're talking about. Their mayor's proposed ballot initiative for housing bond funding is almost 300 million compared to our regular 50 and \$70 million proposals. So we really need to do a lot more on this front to deal with the need. And of course we can always modify in a given budget year, but this is headed in the right direction. So that's why I was happy to support it, and look forward to chatting about the other -- the nine more measures we have on the agenda here shortly to keep heading in the right direction. We're not going to fix it all with this, but I think it represents a shift in priorities in the right direction, so thank y'all.

>> Mayor Adler: I'm going to support this, too. I'm proud to be part of a council that is devoting so much attention and priority to housing that's affordable in the city.

[11:38:27 AM]

And I think we've done a lot of things over the last 18 months pointed in that direction. Some of the work that's being done with the homestead preservation trust, the work that's being done -- the prior work that's been done with respect to the tif moneys on the formerly government-owned properties, kind of the expansion. I appreciate the leadership of the mayor pro tem now in making that loop complete. There was the intent of the pilot knob effort to just try to have us at the end, or beginning of any year, to take a look at available resources and to measure at that point what we can afford to spend on housing that's affordable, and to keep it top of mind. So I appreciate your leadership on this as well, mayor pro tem, and I'm going to be voting yes. Further discussion? Ms. Houston.

>> Houston: May I ask another question of staff that's not specifically related to this item, which I support --

>> Mayor Adler: Sure.

>> Houston: I think I really want to ask Mr. Guernsey.

[Laughing] I didn't want you to get into lethargic out there, so. We have an item that was postponed that talked about zoning and demolition permits. And could you help me remember what are the fees for zoning permits? Don't do zoning. How about demolition permits?

>> Councilmember, I don't know the demolition permit fees off the top of my head. I can probably get that information to you in a little bit here, but I don't know those off the top of my head.

>> Houston: Would you please? This is going to sound flip flippant, but as many houses as we are demoing in district 1, wherever that money goes, I would prefer that money go to the housing trust fund. And maybe we could then put some of the money back in the general revenue.

[11:40:29 AM]

>> All the funds that would come from a demolition permit would go to the general fund.

>> Houston: That's fine. If you could find out how much we're contributing to that fund, and whether or not a cost of service has been done recently.

>> We did one in 2012 that looked at a lot of our fees. They were recalibrated. Rodney from the development services department is looking at an update of the cost of service study from 2012.

>> Houston: Okay. Thanks.

>> Mayor Adler: Okay. Further discussion? It's been moved and seconded, item number 30. Those in favor, please raise your hand. Those opposed? Zimmerman, troxclair, Gallo voting no. Others voting aye. 8-3, passes. That gets us, then, to the next item. Which I think is item number 33, Jane lane.

>> Mayor --

>> Mayor Adler: We have some speakers.

>> Houston: Did you mean to skip 29?

>> Mayor Adler: Number 29 passed on consent, with the amendment to make it plural for policies. That gets us to Jane lane. Does someone -- Mr. Rodrigo, do you want to lay this out, or . . . Which committee did it come from?

>> [Off mic]

>> Mayor Adler: I'm sorry? 33. Jane lane. Is staff here to speak to this?

[11:42:38 AM]

>> Mayor Adler: This is a resolution -- please go ahead.

>> Elaine hart, chief financial officer. This resolution asks the city manager to explore the feasibility of adding a project to the '17 budget process. And we have no opposition. We're glad to do the work for the council if this passes.

>> Mayor Adler: Thank you. Mr. Renteria moves passage of item number 33. Is there a second? Ms. Pool. Is that correct?

>> Mr. Mayor, I want to clarify that this was passed out of the housing committee.

>> Mayor Adler: Passed out of the housing committee. Moved by Mr. Renteria, seconded by Ms. Pool. I would add, parenthetically, that in the starting point on the \$720 million plan, there's also some money put in that that's been posted and handed out on the dais.

>> I would add that the mobility committee item that we voted out also included Jane lane in the 300 million proposal.

>> Mayor Adler: Okay.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: And the reason why is that we also -- you know, this has been an ongoing issue for, I believe, since 2007, if not even longer. But what I really want to see is what's going to be the true cost of what it's going to cost to complete this. Because it's very important. I think this is part of the spirit of east Austin, that we have a great opportunity to not only invest in affordable housing, but also have housing -- workforce housing for artists. And they have made a commitment for that. So I think this is a really great opportunity that we can move on. If we can't find the money in the budget, I'll be -- you know, we will at least have it there in the bond. And then it'll be one of the first developments that will be available -- be ready for development. So, I really hope that, you know, we can pass this so that we can plan out the true cost and get it back to us.

[11:44:39 AM]

And if there's an opportunity during the budget process, and there is some funding available, I would like to use it. But knowing how tight the budget is that I'm also looking forward to having it in the bond election.

>> Mayor Adler: Okay. We have speakers that are signed up for this, and I want to give the speakers a chance to speak. There are 13 that are signed up. My sense is, the council is going to be moving this forward. But I want to give everyone a chance to speak on this that wants to address the council. Is Roy here?

>> Mr. Mayor, this was heard in committee.

>> Mayor Adler: This was heard in committee? Then I'm going to -- then we would have -- what was the rule we passed? 90 minutes. Okay. So we're within that. I'm going to give people a chance to speak. Pete Rivera wants to speak. Robert Summers. Jennifer Bartlett. Henry flores. Chris Jackson. Gus peña.

>> Thank you, Mr. Mayor. And Mr. Pete is not here, he's for this. I'm not speaking for him, but we spoke. He's a friend of mine. This started when he was a councilmember. And you're right, councilmember Renteria, it's a goal for us. We're all supportive and I'll leave it at that. The property owners had to leave, also, but we're in support of it. Thank you very much.

>> Renteria: Mayor, I did see the speakers here earlier, but I guess they must have --

>> Mayor Adler: They checked with my staff, who told them we didn't look like we would be able to get to it before lunch, because there were so many speakers.

[11:46:52 AM]

But guess was that they wouldn't all stand up to speak, but they've now gone to lunch. I don't want us to take a vote on this, because they'll come back from lunch. But while we're here with 13 minutes left, I'm going to let the ones that want to speak speak, and we'll call it up right after lunch so they have a chance to speak if they want to.

>> Renteria: Thank you.

>> Mayor Adler: Let me finish the list here. Ron berry, Susana, Mary Engel.

>> [Off mic]

>> Mayor Adler: This is the group coming back? Take your time. So . . .

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: Maybe when we hear from our speakers --

>> Mayor Adler: Yes.

>> Zimmerman: I wonder if I could mention one paragraph here in the whereas where it talks about, since the 1980s, I guess something. It says whereas since the 1980s, the city of Austin has planned improvements to Jane lane. Maybe some of the speakers can talk to the history. It says Jane lane was originally planned to receive funding from public works from the 2012 bonds, however, because of the 19-month gap, let's see, the funds were spent on other projects. So if somebody has some history on that, I'd like to hear it.

>> Mayor Adler: Okay. Speakers, I'll point out that with the conversation on the dais, my sense is this item will pass. There are 13 speakers signed up to speak. And even though it looks like it's been mentioned in both of the bond starting point proposals that have been handed out, included in both of those as well, in addition to this, but I do want to give people a chance to speak. Don't feel like you need to speak if you don't want to, or that you need to use up all the time if you don't want to. But I want to give people a chance to speak. What's your name, please?

>> Ron berry. I'm the artistic director of fuse box. We're a local nonprofit arts organization.

[11:48:54 AM]

For the past three years, we have been working with the two property owners of think east, which is a 24-acre plot of land that was part of the former east Austin tank farm. We've been partnering with them, the cultural arts division from the city of Austin, and hundreds of members of the neighborhood and the arts community to try and reimagine the future use of this site that was once a toxic site, that was literally poisoning the neighborhood. We were really interested in trying to imagine a different way of developing real estate that was more responsible, that was inclusive, and that was addressing a lot of these vital issues that are facing our city right now as we're experiencing this explosive growth. We -- as part of this design process, we had two primary stakeholder groups, the neighborhood and the arts community. So we wanted to design a process that included both of these groups in a way that was meaningful. And we wanted to design something that would ultimately serve them. Halfway through this process -- this was hundreds of meetings later. These were meetings with lifelong residents, with neighbors living right next to the property, with schools in the neighborhood, and with artists. We do an annual festival as part of our organization, and we thought this would actually be a really meaningful use of our festival, would be to model all of the ideas that had emerged this far. We built a sort of pop-up village on-site, and activated Jane lane, which runs through the property. And we modeled all these ideas that had emerged thus far. We invited the neighborhood, the arts community, and the city to respond, tell us what do you like or not, what have we not thought about. Together we made a master

plan for this site. To me, this was actually a really meaningful use of festival in a city that has a million festivals. It's hard sometimes to open your pantry without a festival spontaneously erupting. For us, this was a really powerful statement and use of a festival to actually look at something together.

[11:50:59 AM]

In this case, how we're developing real estate, and actually build something together and make something together. We've just finished this planning process. We have a really remarkable master plan that we're happy to share with you. And through this process, several -- a handful of priorities emerged. Affordability was at the center of this. There were going to be two significant housing developments that are part of this project. There's going to be eight acres of open green space, including a parkland dedication and a new northern entrance to the park. We're working on creating a 4 1/2 acre artistic campus for local artists and arts organizations that would have permanent affordability built into it. And we've also been working with health leaders from the new medical school, the design institute for health, del medical -- the del children's center to apply a community health and population health framework to this entire process.

[Beeping]

>> All of this hinges on this roadway. The roadway needs to happen for all these sorts of other really remarkable projects to happen.

>> Mayor Adler: Great.

>> Okay.

>> Mayor Adler: Thank you very much.

>> Great. Thanks.

>> Mayor Adler: Does anybody else who signed up wish to speak? I'm sorry? Yes, sir. What's your name, please?

>> Hi, thank you, mayor and councilmembers. My name is Chris Jackson. I am a landscape architect and a planner with a group called tbg partners here in town. We're actually the group that's working on the meadow lane boulevard with the habitat for humanity group as well. I have a brief presentation I'll share with you with regards to, kind of, a high level of what the master plan process has looked like.

>> I think for this kind of snapshot of the master plan, we'll share how it, sort of, demands this Jane lane capital improvement, and what it means to the town in terms of the sense of community on the east side, specifically the Johnston cavale neighborhood.

[11:53:26 AM]

Yeah. That's great, thank you. And then there's -- go back to slide one, please.

>> Awesome. Thank you. Okay. So, as Ron mentioned, we are part of this very radical process we called living Charette. This is where we're located in, kind of, central east Austin. You can see this is a map from the imagine Austin growth concept map. We're nestled right against the future proposed Springdale station. And you can see the red dot to the left is canopy studios, for context. You know, high level, this neighborhood very much lacks connectivity. You can see further to the west a very nice, healthy, dense street grid. As you move further east, there's a major disconnect, primarily with airport boulevard and also the proposed green line, the mocan corridor. And I think one thing to focus on here, there's a Google maps background. For the families that live north of the tracks that the children go to eastside memorial, the proposed route, the safe legal route to get to school would be an hour-long walk as the crow flies, or as a child walks through a ditch, underneath the tracks, or across the tracks, which is a class C misdemeanor, is a ten-12 minute walk. You can imagine which way the students will walk to the school. And there's a wonderful, somewhat rather bothersome video of alom a, it shows how these children are moving to and from school, I encourage you to check it out.

[11:55:32 AM]

So, here's our site.

[Beeping]

>> This is a 24-acre property proper. You can see Jane lane in the middle. Here's our festival layout, which emphasizes Jane lane. This is the idea, this radically inclusive public engagement process. So, tactical urbanism, a workshop, a festival, is what this meant to us.

>> Mayor Adler: Is Greg Schmidt here? Is there someone else in the group that wants to donate time to the speaker to finish, instead of speaking? You need to conclude, then.

>> Six minutes.

>> Mayor Adler: We do if Greg is here to give him time.

>> Oh. Lunch may have gotten in the way. Okay. Well, I will conclude. But, basically, in summary, this area has a much higher rate of unemployment, a very high level of poverty in the context of our larger city, and this site and this lane would offer a great area for people to gather in an affordable, creative district.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Again, my sense is this is going to pass. Any further people that signed up that want to speak that would like to speak?

>> Good morning. Good morning, city council. I've heard your --

>> Mayor Adler: Please state your name.

>> I'm Robert, one of the two owners and codevelopers of the think east project we've been working on since 2011.

>> Mayor Adler: Before you start, is Richard here?

>> Yes.

>> Mayor Adler: Is Victoria Harrison here?

[11:57:33 AM]

You have six minutes if you want to take them.

>> I'm just going to talk about the roadway. Some of y'all are familiar with the project already. And to answer councilmember Zimmerman's question specifically, this is just the cover page of the original cip project that was funded by the bonds in 1984. The plans were drawn by the city. It was started construction in 1988. And then you see the little map, I understand it's hard to see. But this shows all the roads that were completed as a port of this project. The two red spaces weren't completed. Jane lane is the bar across the top. And we were talking about today. And also included in the request on our P.U.D. Zoning was for the city to complete the intersection at airport, balm, and shady. A piece of the road was designed and not completed. This is what the road looks like on both ends of our property. It's a 44-foot-wide rote and a 60-foot easement. It's a neighborhood collector. Those spills happen. The city was not able to complete this roadway. We're left with the 1930s-size, 30-foot easement and a 16-foot roadway. This is what it looks like with cars coming toward each other. The top bar is how wide the road should be. And the bottom bar is how wide it is. This is the type of thing this causes. The city squeezed sidewalks in, and we're getting all kinds of hazard. This is not an uncommon thing to see. This is what think east is doing. To solve that problem, we've donated 1.3 acres to the city for another park entrance. We donate another acre, over a million dollars in value. We provided six acres of the development, over a third of the development, to the housing authority. They closed in October. They're starting a project in September of this year, construction of 182 units. And 100% of those will be at 60% mfi. 100% at 60mfi.

[11:59:33 AM]

That's 182 units at 60 mfi. Those will deliver in late '17. The second thing we've done, we have four acres that's going to the Cesar Chavez foundation. And the neighborhood brought the foundation to us. They're a very good affordable how far. Affordable -- houser, 80% will be affordable from 30 to 80% mfi. In total with these two projects, 298 units between 30 and 80% mfi, with the majority of them being right in the middle at 50 and 60. Finally, one of the most important things we're excited about, as Ron mentioned, creative campus that they're going to be coming back looking for funding and telling y'all about. And the Dell medical school has decided to cooperate with us to put a first of its kind clinic in this neighborhood to investigate community health issues. And we're very excited about that. All those things, the Cesar Chavez, the medical school, the new entrance for the park on the parkland that we've dedicated, all that depends on completion of this roadway. And this is why it's important. And this just shows you quickly where those items are. You see Cesar Chavez is right on the road. The Dell clinic is going to be on the road. Paka is off the road. We're going to put a tremendous amount of people on the road. It's been a danger for 30 years and nothing's happened about it. I was walking in, mayor, when you said something about us being included in the bonds. That came up in the committee meeting. I just want to ask you to not do that. This needs to be a budget item. We've already been victimized by two bonds. We had a bond specifically to construct this street. The money was there. The money was not spent on the road. The money disappeared. When we came back in 2013, to your question, we were told that there was funds left over from the 2012 bond from a project in west Austin that wasn't done that we could have. And then those funds disappeared. So, twice we have not gotten this done with bonds. We need this in the budget, and these people need the roadway.

[12:01:36 PM]

There is a precedent for this. About a month ago, y'all did this on meadow lark lane. This compares it to Jane lane. You were concerned with how many more units of affordable housing you would get if you built the road for habitat. It went from 60 to 127. In this case, if we did not have the affordable housing requirements for these units, if we did only what we were required under the P.U.D., we would have 42 units of affordable housing. 42 units. And what we've done instead is 298 units. We have bought the affordable housing for you by selling this to people at a lower than market rate who can make this happen. We did that because we agreed in 2013 that the city would pay for the road, so we paid for the affordable housing. So we're very comparable, even better with Jane lane. They have a safety issue, which councilmember kitchen, was one of your concerns. They have one school. We have a high school and elementary school going two ways across the railroad that has no crosstions and across Jane lane, which is improper. We compare favorable in the last four. Things we've talked about meadow lake boulevard, they don't apply to that project. They're just listed here, they're additional factors we have that they don't. The P.U.D. Was passed in 2013. Neighborhood housing this morning, we were reminded

this morning that this is the only P.U.D. To their knowledge that's been passed on the consent docket. It was unanimous at every stage of way. There's been no opposition. We have neighborhood questions that we resolved early. We're doing the right thing and we need your help with this roadway. This lists some other things we've gotten, including recognition from the neighborhood. That's all I have. I'm happy to answer any questions.

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

>> Y'all need to hear anything else?

>> Mayor Adler: I think we're set.

>> Okay.

>> Mayor Adler: Any further speakers?

>> No.

>> Mayor Adler: Thank you.

[12:03:37 PM]

Mr. Zimmerman.

>> Zimmerman: Quickly, Mr. Mayor, is there somebody from Austin traffic that could speak to that capital cost of 2 to 3 million? It looks like a relatively small amount of money to get to something that substantial. I wonder where that number came from, the 2 to 3 million that I saw on one of your slides.

>> We have a preliminary engineering for a new roadway that goes in the new dedication that we give you. And our engineers did that estimate of \$2.8 million for the road and for the utilities. So I'm saying, 2 to 3 million. I think meadow lark is in the same ballpark for essentially the same quarter-mile road. And these are roads with pedestrian, bike, everything. Good things.

>> Zimmerman: That's good, but have you gotten the Austin traffic department to concur with that? Can I get an email from them that concurs with that cost?

>> I'll I'll communicate with them.

>> Zimmerman: That would be helpful.

>> Mayor Adler: It's after 12:00 P.M. Does the speaker want to speak before we break for lunch?

>> Houston: Citizens communication.

>> Mayor Adler: That's what I meant. Citizens. We'll have citizen -- that's supposed to start at 12:00 P.M.

>> Good evening, everybody. My name is Pete Rivera, I'm the president of the Springdale airport neighborhood association that surrounds the think east project and this street, Rainey Jane lane. I have lived in this neighborhood for 50-some years. And as you can see on this map, you see the outline of our neighborhood association boundary lines. That black mark line that you see there is where it separates precinct one and 2. We have kids that travel from up there from precinct 1 and 2 on the north side of the railroad tracks to get to school at east side memorial, and we also have kids from the south side of the tracks that travel over the tracks through and by that Jane lane connection where last year we had -- let's see.

[12:05:56 PM]

On the first day of the school year, we had a student that -- he had to cross -- walk underneath the railroad cart, you see it right there, in order to get an education at eastside memorial. This is what he had to do. And so we encourage you to please move this resolution forward, because we have for years traveled through this area in this very hazardous condition, that we were hoping that maybe it could be declared as a hazardous condition by either the city council or capital metro, or maybe aisd so we could maybe possibly get our kids bus back and forth and around this neighborhood so they won't have to be crossing through here, or develop the trails at the same time that maybe you're developing the completion of Jane lane road. So, that's all I have to say for today. So, please, I encourage you to vote for this resolution.

>> Mayor Adler: Great. Thank you, sir. Any further discussion? Ms. Houston?

>> Houston: I have further conversation about this, because this has been something that councilmember Renteria and I have been coordinating on for a long time. But I don't want to hold up citizens communication.

>> Mayor Adler: Is there any further public testimony that people want to give? Then I'm going to close the public testimony. We could recess, we could pause this item, and do citizens communication. Then we have lunch. Or we could stay here for lunch. Or do you want to complete the conversation now?

>> Houston: I'd like to pause the conversation so we can have citizens communication and then pick it up. It's not going to be that long, but I want to be respectful of people's time.

>> Mayor Adler: All right. We'll do citizens communication.

[12:07:56 PM]

At 12:30, we'll see if we can wrap this up before we break for lunch.

>> Gallo: Mayor.

>> Mayor Adler: Ms. Gallo.

>> Gallo: We have probably what's going to be a very short discussion on the zoning case number 52, a discussion about postponement. And we had asked that that could be heard, you know, at 11:00. So could we at least hear that before we break for lunch?

>> Mayor Adler: We'll do that. We'll call up this item and see if we can complete after citizens communication, call up 52, and I understand that staff is ready to read an agreement consent on item number 57. So we'll try to handle those three things right after citizens communication before we break for lunch.

>> Gallo: Thank you very much.

>> Mayor Adler: Let's give that a shot. And we'll move on to citizen communication. The first citizen . . .

>> Mayor Adler: Is Robert Corbin. On deck is Joe quintero. Sir, you have three minutes.

>> Councilmembers, our city's dog and cat policies, including the ones named as no kill are lunacy. They should be reversed and the dollars redirected to projects and programs that help our children. At circle C, I recently attended a meeting proposing to spend a half a million dollars on an off-leash dog park. The present circle C children's play scape area is tiny and overcrowded. More space and equipment are much-needed and should be a much higher priority than dogs. At that meeting were two off-leash proponents from the 40-acre off-leash area at see Wright park. About the half the dogs are walked outside the off-leash area. About half of those are off-leash illegal. Big signs at the parking lot warn non-dog people will get towed if they park there.

[12:09:56 PM]

Why don't the dog people parking in the children's play scape lot get towed? Barks are not allowed in the area, but dogs are allowed on the bike trails, where they cause accidents and injuries. See the pattern? Let's step in a lot deeper. Several years ago, an animal rights lady inherited the shopping center at west 24th and exposition. Holiday house had to go because they served hamburgers to humans. Texas bread couldn't serve chicken sandwiches to humans. The wedding shop left because they were selling leather album covers and others left, too. That lady now leases two spaces to Austin pets alive. I just had to check it out. The lady at the cat adoption facility proudly told me cats get fed bistro cat food with salmon and natural chicken. The lady at the dog adoption facility showed me a 20-pound bag of

dog food with beef in big letters on the bag. How absurd. I also learned their dog selection was good because Apa just received a truckload of dogs from San Antonio, probably because of trucking dogs, Apa felt the need to bully and shame the city to waste \$6 million to build more kennels. By the way, dogs from Korea are being flown into Texas now -- saved dogs. The no-kill Apa story gets even more pathetic. I walked through their food warehouse. It was mass murder. Salmon, chicken, Turkey, cows, canned and bagged ready for the dogs and cats. I saw a large old pit bull with pages of medical issues that had been kept alive for seven months at my estimated taxpayer cost of \$3,000 just because we're supposedly a no-kill city. Unfortunately, all that I've described is in some way at least partially subsidized by Austin taxpayers. For the sake of sanity, our planet, our children, and our tax-paying citizens, you need to put a stop to it.

[12:12:01 PM]

Thank you.

>> Mayor Adler: Thank you.

>> Zimmerman: Mr. Corbin, thank you for coming down, and thanks for your remarks.

>> Sure.

>> Mayor Adler: Next is Joe, and Liz Carrasco is speaking next.

>> Good afternoon, mayor. Members of city council, my name is Joe, from the greater east Austin neighborhood association. I'm wondering if any of you understand the United States constitution. Thank you, Dr. Zimmerman. There's a big issue here. And by the way, Stuart Hirsch and Paul is no friends of east Austin. This housing issue was supposed to be addressed 2000. But when someone came into office, they went to agenda 21 united nations. That's what you're in control of. This is one of the cities. And the issue was that they form a contact team led by Renteria, one of the traitors raised in east Austin. Before that, we had Latinos coming from south Texas, rockdale, Rodriguez, they come in here, put them at the vote. No nothing about east Austin. But the vermin is going to put you in there. It's an issue that we've lost our housing. They use the neighborhood to do the gentrification plan. They returned to the great land, right, Sabino, the contact team, the city controlled that. They put the space of habitat. We're building housing. All these people going to get a free house. Look at all the fields the city planned to put the expensive house when is they raised our taxes. Then they change the plan to central east Austin. The Negro plan in 1927 was to move I-35, and that would be east Austin.

[12:14:02 PM]

Now where does central east Austin come in? Right here, where we used to live. That's central east Austin? I live in east Austin. That was the city plan. That has been misleading for over -- oh my god, a hundred years. We got the sellouts. You take the nonprofits, the HUD monies, and you give it to them. They're the ones out there soliciting. Violation, as far as I'm concerned, a person that they're soliciting housing and we're paying 125,000 for a house so they can turn around and the city is in the real estate business. Now, go look. My question to y'all, what is your goal, this city, to move all the minorities out of east Austin? When is it going to be done? It doesn't happen overnight. It started in 2002. What is your goal? And I'm surprised, Garza, I haven't met you before, excuse me. You hired councilmember councilman Jackie Goodman, one of the biggest gentrification issues in this policy. My mother applied for a loan, \$30,000. They came back, the nonprofit said we'll give you the loan, but if you sell your house, we want 30% of the sale.

[Beeping]

>> Mayor Adler: Thank you, sir. Thank you. After Liz Carrasco, the next speaker is Pat Valls-Trelles.

>> I'm Liz Carrasco, I support no-kill, I'm here as an advocate for our shelter dogs, the lack of dog-walking being the issue. A resolution signed May 15th, 2015, called for immediate action. May 29 of this year, relief is coming, two dog-walkers walking 40 dogs per shift.

[12:16:03 PM]

Monday, it was made public, announcing a \$1.17 million grant given to the shelter is being used to pay for the positions. This grant, alongside the donations fund, unused for over two years, while we continue to operate and deny our dogs day after day standard care. Austin is and has been a leader of no-kill. Most of us are very proud of that. That is true representation of our city. But what type of message are we sending to the community, to the rest of the country, and the volunteers who work endless hours to try to get to each dog? If it is one thing we have learned, it's the term immediate. When used by city officials, it has a different timeline, even when it comes to lives at stake. As a volunteer, we feel time. We see the dogs. We know that the dogs who are lucky to get a kennel break every day may not be lucky until a day later or possibly two. Volunteers do what we do for the love of animals. Unfortunately, that is something that cannot be turned off. Volunteers play a vital role in the health of the dogs. Staff has a vital metric that volunteers can use. And that metric is the number of dogs not walked the previous day. When volunteers know this metric, they can plan their day and mobilize others through social media. I'm not here to give you a report of the number of dogs per day who have gone without leaving their kennel, as I assume these numbers were easily accessible and you and I could read them off a report. That is not the case. These numbers are not reported to anyone. They are not included in any monthly report. Staff may not like metrics being made public because it holds them accountable, but it helps us help them. One has to physically go to the shelter to read the boards and know how to read the boards. There seems to be confusion as to how many dogs have been

walked. Are they Ms, As, all causing confusion. I've seen pictures of these boards on social media. However, they tend to be deleted. An animal advisory committee member told me all dogs have been adopted and walked, and that is not true.

[12:18:08 PM]

Therefore, please require that the metric of dogs not walked be posted daily and ask staff to quit deleting the volunteers' own attempts at posting the metric. I'm asking the council to clarify and inform the citizens of a day as to when the city of Austin will be up-to standards according to the guidelines set by the association of shelter vets, shelter standards task force. And if you could please re-brain refrain from using the term "Immediate" if at all possible. Thank you.

>> Mayor Adler: Okay. The next speaker is pat valls-trelles. And then roadway nadler-olenick at this other podium -- Rae.

>> Thank you, my name is pat valls-trelles. I support no-kill, but I want a no-kill that's humane and has good standards. And right now I have three issues. The first issue I have is closed intake. The second issue is scrap cats. And the third issue is the donations fund. With regard to closed intake, January human services committee meeting, Tanya says intake is going down, prevention programs are working. Intake is not going down. Intake is not going down and prevention programs are not working. Intake appears to go down because we only look at the Austin animal center, but we now have three shelters -- Austin animal center, Austin humane society, and Austin pets alive. If you take the intake at all three, intake is going up. But worse than that, intake is going down because we're closing intake. It appears to be going down at Austin animal center because we're closing intake. During the bad weather recently, at the time that our vulnerable citizens most needed a place they could take stray dogs and homeless cats, intake was closed.

[12:20:10 PM]

They had someone at the parking lot turning people away. That's not open intake. We are calling ourselves an open intake shelter, but we're closing intake. Child protective services has a 24/7-hour hotline. If the director of child protective services were to announce that they're only going to take child protective reports from 9:00 to 5:00, that you have to come into the office to make the report, and that you need an appointment three weeks in advance, and then told you child abuse is going down, would you believe it? I don't think so. I think the child protection services director would get reamed up and down. But instead we're saying intake is going down when it's not true. It's going down because we're closing it and we have somebody in the parking lot stopping people from coming in. Let's fix this. This is

wrong. Secondly, the scrap cats. Friendly, adoptable cats are being dumped on the street. They get picked up, they get sterilized, which is a good thing, but then put on the street with no caretaker. Sometimes they're injured. Sometimes they're three-month-old kittens. This is wrong. Worse than that, it's included in a number that used to be for animals transferred to rescue groups that found them homes. If you want to know how many there are, you don't know. We do not know how many friendly, adoptable cats are being put on the street because that number is made to look like we're finding them homes. That's wrong. Finally, with the donations fund, during the 10-1 election campaign, I heard --

[beeping]

>> Okay. I'm out of time. I'll tell you later.

>> Mayor Adler: Okay. Thank you very much. The next speaker, Jennifer Lucas. And at the other podium, jyothi nadu will be the speaker on deck.

[12:22:14 PM]

Oh, did I miss somebody? Rae, I'm sorry, and then Jennifer. I apologize.

>> Recently the fda sent a warning letter to a supplier of fluoride supplements ordering them to cease and desist from distribution of that product line. The fda letter categorizes fluoride supplements as unapproved prescription drugs not generally regarded as safe and effective. Why should this matter? It matters because Austin's annual water quality report, mailed to consumers, includes what amounts to an endorsement of such supplements for infants as young as six months. The Austin water utility website carries the same irresponsible plug. It occurs within the context of what's supposedly a warning against mixing baby formula with fluoridated tap water to avoid dental fluorosis, but in reality, it reads more like a fluoride promo, because it plants the idea that anyone who dares deprive their infant of fluoride for any reason may have done them a harm requiring early medical intervention. Slide -- yeah. Here's the wording. If you use only non-fluoridated water, such as purified, deionized or distilled water to prepare your baby's formula, your doctor may recommend fluoride supplements beginning at six months. However -- next slide please -- the fda in its letter makes the claim that ingestible medications are not to be prescribed for children under three years of age. Even doctor Wong, who drafted the sentence in question onto CDC language, admits it's based on recommendations drafted by three trade organizations whose members make money from prescribing supplements.

[12:24:31 PM]

>> [Off mic]

>> Health risk for infants, enamel, fluorosis, and cause medical conditions. And also, in terms of the recommendations for dietary fluoride supplements, the American dental association, and the academy of pediatric dentistry.

>> Okay. The fda trumps anything these private groups have to say. Austin water's website and water quality report language in regard to supplements is unacceptable. Now is a perfect time to drop the tacit support of discredited fluoride-containing drugs for babies. And we've handed out all the relevant information, documents, and entered them into the record.

[Beeping]

>> Are there any questions or comments?

>> Mayor Adler: Thank you very much. Yes, Mr. Zimmerman.

>> Zimmerman: Before you go, so it was San Marcus that -- there was a referendum in San Marcus that was 60% or so that wanted to ban the addition of fluoride. And so, do you know, in the ensuing years, presumably there'll be some statistical data collected in a city that doesn't have fluoride that can be compared to cities that do have fluoride. Do you have any idea how long that will take to get that data back so we can kind of have a comparison group?

>> You have to be sure that the comparison is actually being made, that somebody has to do that study. If they did that study, I would think you would start to see some kind of results in, maybe, I'm guessing as a layperson, five years maybe, as little kids grow up and start sprouting teeth.

>> Zimmerman: The fda, CDC, these are the kinds of things they ought to be looking at in the years ahead.

[12:26:31 PM]

>> They ought to be, but they won't.

>> Mayor Adler: Okay. Thank you. Jennifer Lucas. At the next podium will be jyothi nadu.

>> Good afternoon, mayor, city council. My name is Jennifer Lucas, I'm an English teacher at an underserved community. When students and their families find a stray, have a medical issue with a pet, or need to re-home an animal, they often turn to me for guidance. On various occasions, the shelter has declared closed intake due to weather. This means if you find a stray animal, you're asked to hold on to him or her in your home, while you're turned away by a volunteer who isn't qualified to scan the animal for a microchip. Never mind people being evicted from their homes who have exhausted resources and have nowhere to bring pets. We're talking about good people who found stray animals with an unknown temperament or vetting history, who are making a responsible choice because they can't hold on to the

animal for whatever reason -- no space, pet restrictions, another animal, baby, elderly person, or child who can't be around a stray. Doors are locked and you're greeted by a volunteer who takes a quick look at the animal and tells you to turn around if it appears healthy. In trying to help people with limited transportation and resources, I've seen this procedure in place three times now. Here's one experience. The first time intake was closed this spring, a good samaritan brought in a stray cat. He was turned away. No one offered to have the cat looked over by a vet. He was told she appeared healthy. She gave birth to a litter of kittens in a small apartment. They gave away the kittens. By turning down one cat, there are now five extra kittens in Austin to find homes for, two of which went unfixed at a young age, three being fostered in my bathroom.

[12:28:41 PM]

When I took them to Apa C because I have a small apartment full of resident and foster dogs who don't like cats, I was not greeted with the friendly compassion you would think a good samaritan should be. I was greeted with hostility and incompetence. My friend and I were told to turn around after the volunteer said the mom and kittens were fine and should be held in my home. I asked if we could have a vet look them over. I was given a scripted response and said no. We were reluctantly admitted after we said we would lease them and call animal control. Closing intake and turning people away is a short-sighted decision, doing a disservice to our community and pets. It will increase intake numbers in the future. Apa C claims to be an open-intake shelter, but it's not. Other cities with limited intake have fully developed support systems in place. A tier of shelters in the community, a strong outreach system, and ordinances that are enforced. Currently, we don't have this type of structure in Austin that justifies a limited intake shelter.

[Beeping]

>> Thank you. Any questions?

>> Mayor Adler: Thank you very much]

>> Mayor Adler:.

>> Mayor Adler: Thank you very much. On deck is koo-hyun Kim.

>> Good afternoon, Mayor Adler and council members. Thank you for this opportunity. I would like to propose --

>> Mayor Adler: Would you please identify yourself. Help with the pronunciation of your name.

>> Jyothi nadu. I would like the city council to mandate school uniforms in all the public schools as an initiative to increase and maintain learning environment by reducing peer pressure, improving general discipline, decreasing violence among students.

[12:30:43 PM]

Today I will not go over the numerous advantages of uniforms or the cons. Today I will not go much into the statistics except for three points. According to the national center for educational stats, more and more public schools are adopting uniforms. It has increased from 14 percent to 20 percent. Second, the national retail federation, the huffington post and various other surveys actually have reported increase in spending on back to school with an average spending of anywhere from 500 to 800 per kid with highest person days going on clothes and shoes. We are also talking more and more about jobs, where are the jobs, how are the jobs going and also at the same time last year CNN reported companies and employers not finding ready now people. So in terms of average middle skill level job it stay open for 40 days. All these stats are in one site, but consider this case. A teacher comes into a classroom with a teaching plan for that particular day for 20 to 25 kids. She continues teaching and after certain period of time notices a kid wearing a short that is in violation to the school rule. Now, she can send the kid to change or to the office. At this point many things occur. From kids' point of view it is a consistency. Why did the teacher not tell until that time? Why did she say now? Why did she not say same thing to the friend? Or they could be subtle power struggle and they could be distraction to the class and also the class management issues. Most importantly the kid is also missing 10 to 20 or half an hour of instruction time. We cannot let that happen at all. Now, this patrolling of the dress code is not a job that teachers should take.

[12:32:46 PM]

It is not a job. Now, second point is how many times are we going to send the kid to the offices or -- and how many kids are we going to send for this purpose? The reason I'm proposing all this is because the shaping of the next generation of policymakers and decision makers is in our hands. Now, to create this sound resourceful --

[buzzer sounds] We have to take a multistep approach. Mandating school uniforms is a step forward and it helps in maintaining learning environment and minimizing distractions.

>> Mayor Adler: Thank you very much. Koo-hyun Kim. And then on the other podium afterwards would be Henry Floyd on deck.

>> Good afternoon. Do I look like American? No answer? Do I sound like American? No response? I have in here 10 years through 16 through today several times. American government, Texas government, Austin city government, Travis county government for 28 years and 10 years, didn't take any action to correct American government, terrorism to my family, to my son, to south Korea. Since 2001 until today.

American government terrorism to my son, to my family, to South Korea, two sons to one, actually 1999 up until today.

[12:34:53 PM]

You all didn't take any action, nothing, nothing. My speech has limits. President Lincoln's speech on November 19th, 1863 had 30 minutes. I need at least 11 minutes. I'm not Abraham Lincoln 2016. Make a great difference from 1863, Lincoln's speech was for American fallen heroes to destroy American slavery system. American government, Texas government, Travis county government made me a slave! Made me a slave! I have no constitutional right to sue any of you, like slave. Do you understand what I'm saying? Do you understand my anguish of what I'm saying? American government, American government do not know English. U.S. Supreme court do not know English. What it means by regulating press of the United States shall be elected. The five republican judges of the U.S. Supreme court, they killed [indiscernible] Elect to the presidency with 500,000 voters more than drunken driver, terrorist, George W. Bush. He's a terrorist. He's a killer of U.S. President elected and there goes the presidency.

[Buzzer sounds]

>> Mayor Adler: Thank you for your thoughts. The next speaker that we have is Henry Floyd. And then Dana Fradson.

[12:36:55 PM]

>> I didn't realize I was going to be this nervous, but I think you guys are all super stars, especially you, Mr. Adler, and Ms. Cruz. But I am here for illegal fireworks displays that occur in my neighborhood, however as I looked about my neighborhood I realized that the problem was actually bigger than that and stem from failed pledges from the city of Austin to the community of del valle. Prior to the annexing of my community del valle to the city of Austin, a committee was formed by the city of Austin. I was on the committee, my wife was on the committee and several other residents of del valle was on the committee. We met with several of the city representatives and we were given promises regarding representation. We have representation on the council, however, the representations of the services that was promised to the community of del valle has not materialized. And our roads are deteriorating, police response is down and crime is up. So I wanted to bring this before the council to try to get some sort of help, you know, within our community in regards to these problems and resources. I spoke to some of the law enforcement officers. They're great guys, great men and women there, and they're telling me that most of the problem has to do with limited resources. Thank you.

>> Mayor Adler: Thank you, sir. Last speaker we have is Dana Frandsen.

[12:39:19 PM]

>> Well, thank you very much for having us here. Barbara and I wish to do two things today. We want to extend some thank yous and we want to talk about and stress some of the findings of the flood mitigation task force in the report that they made to you recently. We want to thank you for passing this resolution to help identify funds for solving flooding issues in the onion creek area, particularly Ann, who is my representative. This is a picture taken from the loft of our home in the 2013 flood just before the lights went out and just before we broke the window and went out on the roof. We sat on the roof for two hours until we were picked up in a boat and taken to safety. And so I wish to thank all the first responders on that flood, and again in the 2015 flood in the onion creek area. And also to all the other city departments who helped with the cleanup and services in the area. They were outstanding and I know people don't thank people enough, but really the city did perform well very. And the second flood in particular and the other flood I was particularly happy with services especially as we got safely off that roof. There's a lot more pictures. That's the result of that flood. That's our household goods. In 2015 almost exactly two years to the day we experienced another flood. This time it was only 28 inches instead of 54 inches, but basically destroyed the house again. I won't show all those pictures. We're now living in a 40-foot motor home next to the house. I say to people that we're suffering from PTFD, which is post-traumatic flood disorder. And I shouldn't joke about it because in the last two months at least twice we've moved the motor home to higher ground because of worrying about being flooded at that location next to our old home.

[12:41:34 PM]

We've spent hours, countless hours watching the weather reports, checking the rain gauges online at the atx flood site as well as others and actually walking down and checking the creek. So we are struggling with the fact that we've been flooded twice in that location. I want you to look at this map. This was on the cover of that report. You'll notice the purple area, the purple area was the area that this study was supposed to focus on. But you'll notice if Luke at this map the real problem. Notice the Travis county line. Most of the area to the right of that, to the north of that line, is in the etj of Austin, but you will notice that over 50% of onion creek's run is in hays county and there's even some in blanco.

[Buzzer sounds] I'm sorry, I'll have lots more. I'll have to give you written testimony to follow that up.

>> Mayor Adler: Please do that.

>> Kitchen: Let me just say thank you for coming down and thank you for providing this to us in prig. We know your family has been through a lot and we appreciate this.

>> Thank you once again and thank you for the city for their response.

>> Mayor Adler: Thank you, sir. All right. That ends citizens communication. We have four items. We have the item that we were just debating. Item 52, that postponement. And I think we're consent on items 57 and 61. Let's go back to the item that we had finished the public testimony on. It was the Jain lane matter, number 33. Ms. Houston, you wanted to speak?

>> Houston: Yes, thank you, mayor. This is an area that councilmember Renteria and I share and just the other day we were talking about trails and urban trail plans and the fact that when you don't talk to the neighborhood you miss an opportunity. And that's one of the missed opportunities to be able to get our students from Ortega and those that are going over to southwest key and to east side memorial across the railroad track into the trail so that -- and then to Jain lane so they can get to school.

[12:43:53 PM]

And I've toured that and it's terrifying to think about kids coming and going from schools across those railroad tracks. So one of the things that we talked about when we were trying to get quarter-cent funds and get some extra infrastructure into district 1 and 3 was this very issue is how do we get our kids across that railroad track so that they're not in danger? And we're still not there. So I'm very much in support of whatever needs to be done to get -- I understand and have the same things on the second whereas highlighted because this is what happens all too often in our communities is that the city has promised something, promised something, promised something, and it never gets done. So whatever mechanism we need to do to get this done it needs to be done now so that this is not again pout the back burner. So I'll be supporting this.

>> Mayor Adler: Thank you. Yes, mayor pro tem.

>> Tovo: I apologize if I missed this in the testimony. What is the estimated cost of this project?

>> [Indiscernible].

>> Mayor Adler: We had a slide show. It was a couple million dollars.

>> Tovo: My colleague said 2.8. I appreciate that. I appreciate the committee for bringing this forward. I think this is a very high priority and I hope we can find funding to complete this.

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

>> Kitchen: I would like to understand what happened with the previous bonds? Because given our tight budget if we end up having to put this in the bond, I would like to understand more detail.

>> Robert Goode, assistant city manager. I'm not sure I can tell you what happened in the '80s. In the recent bond program that was alluded to by some of the speakers, council passed a resolution in 2014, mayor pro tem probably remembers this, to direct the manager to come back with some ideas about how to fund this project.

[12:46:03 PM]

We came back with those ideas, including using some 2012 bond funds. That council choose not to give staff direction on how to proceed, so that's where we are today.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you. Before you go, there are millions of dollars left in the 2012 borrowing capacity, I believe. Probably tens of millions. So we had a conversation I think about a year ago and I think I brought a resolution to council to say the council needs to be consulted on those remaining funds. I know that the funds are spoken for. I believe staff has already got them allocated, but that really is to me a huge issue of how I think our council should be voting on taking another look at where that money is going because it could very well be that councilmember Houston could scrutinize that list and say, you know, it would be better to spend three million on Jain lane compared to three million spent somewhere else in the district 9 area. To me that's the crux of this issue is that our council should be taking a look at where the money's going and being able to change those priorities. Is my opinion on the matter.

>> Mayor Adler: Okay. Yes, Ms. Troxclair? You're not on.

>> Troxclair: I think you had abstained on this in committee because you had questions about the cost. So do the estimates that have been provided address your concerns?

>> Gallo: They do. And the only other question I would have is the logistics of how this would work. And I think councilmember Zimmerman's point is well taken as we are talking about the upcoming bond because when projects aren't specifically listed, then they can fall off the radar as far as being a priority for money that is left. So I think this is a really good experience and case for us to watch how that has happened at the detriment for this area that was thinking that they were going to get this road.

[12:48:13 PM]

I do have a question. So the bond -- if we do the bond election it will not be until November. The budget is going to be done and approved prior to that. So if this is put into the budget and then it is funded through the bond, how does that work?

>> Robert Goode, assistant city manager. This kind of capital project is typically funded in bond programs, not in operational budget. Operational budgets are more maintenance. We're doing pothole replacement, doing overlay work. We're not doing roadways like this in the operation -- again, the operational budget. Typically construction like this is funded in the bond program.

>> Gallo: If the council passes this resolution -- if the council passes this resolution to say it will be brought up in the budget, how would it be passed up in the budget?

>> It would be in the budget fund.

>> Then if it were passed on part of the budget, but then it was funded through the bond, if the bond passes in November, how do the two of them interact?

>> On the operational budget we don't have names projects, we have for construction. Those funds in the bonds, they would go to another roadway project.

>> Gallo: Thank you for that.

>> Mayor Adler: Okay. Yes, mayor pro tem.

>> Tovo: On I don't do this very often, but I do need to make a point here. Mr. Goode, assistant city manager Goode, you said the previous council -- I've forgotten exactly the language you used, but decided not to provide you with direction to move forward. I just want to note that I believe that resolution instructing the city manager to conduct a viability -- regarding public financial support for think east was passed in October of 2014. Remember that council was in office like two more months. So there was not a proactive -- as far as I recall there was not a proactive decision of the previous council not to pursue funding for this project.

[12:50:22 PM]

>> We came back with a resolution in November and then we didn't receive any direction.

>> Tovo: That was a month before that council left office.

>> Absolutely correct.

>> Tovo: Anyway, as one of the previous speakers said, there's been a lot of support and enthusiasm for this project. I think it's enormously exciting. And again, as I said before, I hope we can make it a high priority to provide funding for this.

>> Mayor Adler: Okay. Those in favor of item 33 please raise your hands? Those opposed? It's unanimous on the dais. Let's see if we can handle these other three. Is 57 and 61 consent?

>> Good morning, council, Greg Guernsey with planning and zoning. Item number 57 we can offer for consent. Applicant has now agreed with the planning commission's recommendation. So 57 is case c-14-2016-0022 for the property at 502 west 15th street and 1502 San Antonio. The zoning request to downtown mixed use conditional overlay combined district zoning, the pvc was to grant the zoning and it is approved for all three readings. Item number 61 is case c-14-2016-034 for the property located at 701 Rio grande street and 602 west seventh street. The zoning changes to downtown mixed use combined district zoning planning commission's recommendation was to grant the zoning. I understand there are five additional prohibited uses that the parties have agreed to. One is for bail bonds, two to prohibit cocktail lounge, three to prohibit partly sunny shops, four to prohibit liquor sales and five to prohibit outdoor entertainment.

[12:52:22 PM]

And with that I think we could offer this item also for consent approval. I believe that's on three readings as well. And item number 56, I don't believe this was mentioned to you, mayor, that we've been looking for the agent, Mr. Jim whit live. He had asked this case to be postponed so he could address the council. He was not present, but there was no opposition so I'll offer item 56 for consent approval. It is case c-14-2016-0018 for 710 Augusta avenue. The zoning request to family residence neighborhood plan combined district zoning. This is a down-zoning request that the commission did recommend the zoning and this is ready for consent approval on all three readings.

>> Mayor Adler: Okay. We have five speakers that signed up on this item 61. Are the speakers okay with this proceeding on consent without speaking? Okay. Is there a motion to approve items 56, 57 and 61 as they were laid out? Ms. Pool. Is there a second? Ms. Troxclair. Any discussion? Yes? Mayor pro tem?

>> Tovo: I just need the record to reflect my recusal on 57 and I filed the appropriate paperwork with the city clerk.

>> Mayor Adler: Those in favor please raise your hand. Those opposed? It's unanimous on the dais with the notation noted. Thank you.

>> And mayor, the only other case was item 52. This was -- at the work session was spoken of being made time certain at 11:00. This is a postponement request that we have received from shepherd mountain neighborhood association. There's a request that it be postponed since the council does not have a meeting in July, could we postpone possibly until August?

[12:54:31 PM]

So that would be August 11th. And the applicant's agent, Mr. Suttle, would agree to a postponement today to the 23rd, but not to August 11th. I believe there are parties here from both sides as well as some additional neighbors that may speak to the case on the postponement.

>> Mayor Adler: On this item 52 we have 14 speakers identified. Is it your hope to get this done before we break for lunch?

>> Yes. Because I know they're hungry too out there, I believe. Yes. So I think that one of the comments that you will make is that the speaking, because we are talking about the postponing of this, would need to be directed to that. So if I could just make some comments, and those comments may address some of the things that the people -- thank you for being patient. I know you've been here since we started. But it may address some of the comments that they wanted to make about the postponement. So this is a 45-acre property at the corner of 2222 and city park road. The current zoning on this property is g.o.-co. And the initial application was to change the zoning to g.o.-co-mu and construct 50,000 square feet of general office, 42,000 square feet of clinic and 325 apartment units. The applicant has since agreed to remove the general office and the clinic and now would only be building the apartment units. Our office has been meeting with representatives from the surrounding neighborhoods to address their concerns and a week ago zap approved mf-4-co zoning with a list of conditions which would actually be a down-zoning on the property. My office has received at this point letters and emails supporting the zap recommendation of the mf-4-co zoning and those have been received from the neighborhoods of glen lake, Westminster glen, long canyon phase one.

[12:56:34 PM]

But we've also received a request from shepherd mountain neighborhood association to postpone to August 11th. We've had a lot of meetings with the neighborhood groups and unfortunately I think the members from that community were out of town and could not attend some of those. So I do know that they have some questions that they would like to have addressed. But it's my understanding that the applicant would agree to a first reading only on June 23rd, which means the second and third reading to approve the zoning would not be until August the 11th. So I think we can set this for next week on the first reading only and then understand that the second and third would not be until August 11th. And I think that would accomplish what the neighborhoods are asking that have some concerns that they want a little bit more time to be able to visit with both their neighbors and also the staff.

>> Mayor Adler: Is there a motion to postpone this to the 23rd on first reading only? So moved by

[indiscernible]. Seconded by councilmember Zimmerman. We have some folks in the public to speak. I'll give them a chance now to do that. The first speaker would be oliver Zimmerman. The question before us is whether or not to postpone this for first reading next week. Which means that it would not be final -- we couldn't take a final vote until August.

>> Understood. My name is oliver Zimmerman. I'm president of the green shores on lake Austin property owners association board. I would ask that you please vote to postpone this decision in part because I just requested last month data from txdot on traffic accident statistics on city park road and 2222 in the vicinity of the development. I just received some, but not all of that data yesterday. I haven't yet had the time to analyze it and I'd appreciate more time to be able to do so and talk to my councilmember about it and just have more time to communicate with the neighbors about it.

[12:58:40 PM]

>> Mayor Adler: Are you comfortable with -- the proposal is, which sounds like a constructive compromise solution. We would have it come up next week, but on first reading only. It has to pass on first reading, second reading and third reading. Second and third readings couldn't come before the council until August because we don't have any meetings --

>> Understood. The question on that would there be an opportunity to comment further prior to the council taking a vote on the matter?

>> Mayor Adler: Public testimony? I would think yes because we're limiting public testimony at this point to only the question of postponement so we would have a substantive discussion at that point.

>> Yeah, I would be in agreement with that.

>> Mayor Adler: Okay, great. Thank you. Susan Kimbro? Do you want to speak? Linda Bailey, do you want to speak? Carol Lee is next. Is Edwin Huber here? And is Susan Paulos here? You have nine minutes if you want it.

>> No, I don't. My name is Linda actually with glen lake neighborhood association. We support the postponement. Thank you.

>> Mayor Adler: Thank you. Carol Lee, do you need to speak, want to speak? On deck is Randolph lipshire.

>> Yes, my name is Carol Lee and I'm a resident of the glen lake neighborhood. I support the shepherd mountain's neighborhood association request to postpone. They wanted until August, and I would hope that if you go ahead and proceed to have a first hearing on it next week that you would consider not closing the public hearing because of the length of time. I know I have outstanding questions to staff and so there's a lot of review and study can y'all are on break.

[1:00:42 PM]

I just ask that you keep the public hearing open until that August time. Thanks.

>> Mayor Adler: Let me ask that question. Ms. Gallo, would it be your intent to keep the public hearing open after first reading?

>> Gallo: Yes, I think that would be appropriate.

>> Mayor Adler: Okay.

>> Gallo: What we have done also is give the community the option if we were concerned about the time constraints with that because I know next week is a very robust meeting, is given the community the ability to choose whether they wanted to speak with the first reading or the second.

>> Mayor Adler: We've done that before. People can pick one or the other, but not both to speak on.

>> Gallo: But not both. So certainly I would encourage speaking at the August meeting because I think that's when the final decision would be made on the zoning case. And that would be after you had the time to be able to get the questions asked of staff or of other entities.

>> Mayor Adler: Okay. That would make sense to me as well. Next speaker would be Randolph lipshire. Marilyn Blewitt is next at this podium.

>> Thanks. I'm the president of the shepherd mountain neighborhood association and we actually made the request to delay the first reading until August 11th. The reason we did this is because we, the leaders of shepherd mountain, will not be in town for the first reading. And we're the main conduit of information to our neighborhood. So in essence our neighbors are not going to know what's going on, unless the first reading absolutely has no -- you don't take that into account when you make your decision, I think it's actually quite important that we're here when that occurs. And we're not going to be. The fact of the matter is this is scheduled during the summertime. Our kids are basically going to camps, our neighbors, half of them aren't even here.

[1:02:43 PM]

We can't have a quorum in our neighborhood association because nobody's here. We can email people, but we can't talk. I mean, this is a big thing for our neighborhood. It will potentially destroy our neighborhood. And for us not to be able to attend the first reading of this, I mean, come on, would you want that for your neighborhood? Would you agree to that? What we're asking for is that we're treated

respectfully. That you allow us to be at these meetings because the meetings actually are important, and that whatever decision that occurs that we're a part of it, not half a part of it. I mean, we have kids, nobody's here. I mean, we're leaving this week. We're going to San Diego. We're just not going to be here. This is something that was scheduled a long time ago. So we're, please, asking you to help us communicate with our neighborhood. If it doesn't happen, what I could tell you -- I know what occurs is there's just this gut feeling of disgust which occurs in the neighborhood, feeling that the government is not actually listening to us. And that occurred at the zap meeting. So please, I know -- and the fact of the matter is that we're only asking you -- if you're not going to make a decision anyway, then just allow us to be there at the first meeting, the first reading, delay that to August, allow us to be part of that rather than tell us that we're not important or that's not important. I mean, we're only asking for some common courtesy. You're not going to make the decision anyway, so please. Anyway, that's all I have to say.

[1:04:47 PM]

Yes, sir.

>> Zimmerman: Dr. Lipshire, you probably have a property tax bill you're not very fond of.

>> Yes, sir, I'm not.

>> Zimmerman: Do you happen to know what the property tax is for the people that are holding this property right now?

>> I have no idea.

>> Zimmerman: I don't either, but I bet it's pretty big. And time is money to them, right?

>> Time is money, but we live there, sir. And the fact of the matter is if the wrong decision is made, it's going to devastate the neighborhood. And there are going to be consequences of that. The citizens of shepherd mountain aren't happy with being shoved into a corner. And I understand that time is money, but the fact of the matter is that we're human beings and we live there. So we want to make sure that whatever decision is made that we're part of it. And if you don't allow us to be there at the first reading, we just figure that we're not part of it, we're not important enough for you guys to wait for us. And, do you know what? I've got to tell you something. Our kids, our families, are more important than someone's pocketbook, sir.

>> Gallo: Mayor? Mr. Randolph, thank you for your comments. I really appreciate them and I know that you've been not able to attend the meetings we've already had with the neighborhood because y'all have been out of town also so we certainly want to be sensitive to that. One of the options we would do, mayor, this would normally be set for the August 11th zoning. I would say that based on his concerns

that we could do a first reading on August the 3rd with the understanding and commitment from the neighborhood that the second and third readings would be on the 11th and that would be able to have the meetings when you would be able to be in town. But there would be a week in between those two.

>> I think that's certainly better than this.

>> Gallo: And we certainly want to be respectful to the applicant to see if that is something that they would be agreeable to.

[1:06:49 PM]

>> Okay. Thank you.

>> Mayor Adler: Do you want to address this?

>> Mayor, members of the council, my name is Richard Suttle, I'm here on behalf of the applicant. This is a case that has been around for a long time. It's been subject to litigation. It was filed over a year ago. We need an occasion from y'all whether or not our request or the planning commission request is going to be something that you would consider. Because we still have a site plan that will have to come after that. If you delay any action until after your break then we are stuck with paying extensions on our contract and yet we get no indication from the council whether this is a reasonable case or not. Which means it would be kind of dumb to start the process of a -- a site plan process. This gentleman likes to ask for postponements. He did it planning commission, he's doing it now. He's never in town. We had lots of conversations with lots of other people, but we would like to get at least indication from you before you go on break so we can start working on the site plan so we can then share that with the neighborhood. Part of the arrangement on this case is we're agreeing to not develop half of this tract. The only way that works is if we can get the site plan to work on the other half. The only way that works is if we get an indication from you whether this is a good idea. So we would like to go next week and get an indication from you as to whether this is even viable. Thank you.

>> Gallo: May I ask staff a question? Now I can't remember what the question was -- never mind, keep going and it will come back to me. I'm sorry, it's past lunchtime.

>> Mayor Adler: I'm trying to look at this and having heard both folks, and I'm going to continue with the testimony.

[1:08:53 PM]

I think it's important that before there's any decision made by this council that everyone have both the opportunity to be able to address the council to be able to raise any issues they want to raise and have conversation. Based on the conversation we've had I think it's important that people have the time to be able to get the information and data they seek so that they have the ability to be able to engage in discussion on the merits. There are two things that have been proposed here that are out of the ordinary. And are intended to ensure that the neighborhood has the ability -- all the neighborhoods have the ability to be able to discuss this on the merits before any decision is made. And those two things were that the first hearing is limited to first reading only, which means there can't be a final decision. And the second thing is that the hearing that happens in eight weeks or whatever it is, is a hearing that even though the public hearing is going to be open next week, remains open in August. Those are two things that are abnormal and unusual. I'm not sure, Mr. Suttle, what kind of indication you really get next week because since the final decision is not going to be made, it pushes the process along, but the real discussion on the merits will really be happening in August after the folks are -- have a chance to be able to vet and discuss. That being the case, I don't have a problem with having it go on first reading next week. It's not a sign of disrespect. It's consistent with a lot of times we move things forward in a process and people vote to move the thing -- move something forward, but express reservations and in many instances end up voting against something on second and third reading as expressed with reservations that are communicated.

[1:11:03 PM]

So there's nothing about the process I think that you proposed that as I've heard it that prejudices your ability to be able to meaningfully and effectively participate in this and to be able to just kill it if the merits of your argument win out. There's no precedential impact of a first reading vote with respect to the second and third reading votes. Those are independent votes that are taken. And it's something that's not inconsistent with practice we've done. So the only issue is what would be a misperception by you or the community that there was something that was happening that was not in fact actually happening. And that would be the only concern or issue. Yes, sir. I'll treat that as a question to you as if you were still standing there.

>> Gallo: I think it might be helpful to speak. I think we have some other speakers signed up to speak too.

>> Mayor Adler: Most of them are against. But I'll let you respond.

>> So mayor, we haven't been through this process as a community. It's really important to us that we participate in all components of the process. We don't know what first reading is. We don't know what it means. We don't know if that's going to affect your decision later on. All we know is that we're not going to be available first meeting. It's the summertime. And with regard to the -- Mr. Suttle's comment about me not being available, I'm an er doctor and I work outside of the state. So I have limited time that I'm

here. I'm the organizer of the community. I got everybody together. I could just tell you that what's happening at this point -- and it may be misunderstanding on the part of our community, but stuff is starting to boil.

[1:13:08 PM]

And that's not something that I think that you want or the city council wants. I mean, we would like to work with you to come up with a solution which is something that we can live with, but if we feel that it's getting shoved down our throats because either we don't understand it or whatever, you know, that sense of frustration is there. So what we're asking you to do, and we'll take councilmember Gallo's offer and say yes, at least we'll have a little bit of time to talk about this and be part of the process. Again, if we're not part of the process, I'm just telling you that it's going to be like a fist in our gut.

>> Mayor Adler: Right. And what I urge you to do is just listen to the debate as people talk because you've heard me talk as far as my vote and my consideration of it wouldn't impact the first reading vote. It's not the ultimate vote on the merits. And I recognize -- so let's listen to the debate and let's see if the facts of this and the real meaning of this and the real importance of this become something that becomes apparent or not. Let's listen to the debate. We'll continue on with the other people.

>> Just one last comment. Again, we are not sure what the first reading is. But if it's not important, then why have a first reading? That's the only thing I have to say.

>> Mayor Adler: Thank you. The next speaker we have on this item is Randolph lipshire. I'm sorry. Carol Lee. No, no. Marilyn. But the speaker before that is -- Marilyn Blewitt. I'm sorry. And then Carol torgesum will be speaking next.

>> Thank you for hearing our comments. And postponing your lunch.

[1:15:09 PM]

I can hear my stomach growl so I can imagine how y'all are feeling. I've been a resident for 37 years. I live on shepherd mountain and I think I like Ms. Gallo's suggestion but I'm not exactly sure what it means. And I do know about money. I have been in real estate. I made my money in real estate. And I currently pay \$36,000 a year in property taxes to you. And all I know is that I'm probably a victim of my own success. I can hardly get out of my driveway. So we would like to check those traffic counts and see if they took into consideration the five big office buildings on courtyard that are hidden. You don't see these buildings, but New York life is there, internet companies are there, a lot of people trying to get on out to 2222 and to 360. And it's almost impossible to get out during rush hour. So we would just like to

check those traffic counts. And we are willing to compromise. You know, our view or no view, we are perfectly willing to work with the developer and really look forward to doing so because I know we need housing. We need housing here. But let's make it sensible, please. That's all I have to say. Thank you.

>> Mayor Adler: Thank you. Any further discussion on the question of the postponement? Because that's what's in front of us, not the merits of the case yet. Ms. Torgesum?

>> Good afternoon, mayor and city council. My name is Carol Torgesum.

[1:17:10 PM]

I'm a resident of Long Canyon, one of many neighborhoods that would be affected by the development of this tract. Shepherd Mountain backs up to the tract, but it is one of many neighborhoods that will be affected by that. And I think that the original proposal that Councilmember Gallo made to have first reading next week and then the other two in August will give everyone to do the due diligence they want to do. Because they've had a year. The case was filed last May and Dr. Lipshire was notified of the filing last May so it shouldn't have snuck up on people too much. There's been a lot of delays and I for one want to see this champion tract finished once and for all. It's tortured me for 10 years. I would appreciate it you would go along with Councilmember Gallo's original proposal and let's get the first reading done on June 23rd and at least get that done and then get this thing finished up in August so we can all move on with their lives. Thank you.

>> Mayor Adler: Thank you. Those are all of the testimony. We're now back up to the dais. What's your motion, Ms. Gallo?

>> Gallo: I have a question of staff if I would, please. We typically will allow the applicant to request a postponement and allow the neighborhood to request a postponement. How do you handle a situation where in this particular case we have many, many -- on we probably have five, six, seven, eight, nine neighborhood associations that are involved with this. How would you handle it? This is from coming from a particular neighborhood association. Does that count as the one and then if another neighborhood association requested a postponement would we be dealing with that also?

>> Councilmember, Jerry Rusthoven, Planning and Zoning. Typically -- it's the council's decision every time. So it is more of a tradition than a written rule. But traditionally when we say request from a neighborhood, we just take that to be counted as one.

[1:19:17 PM]

And if we have multiple neighborhood associations in the past, we have not allowed -- the council has not allowed, you know, five neighborhood associations ask for five different postponements and each one be automatically granted because of the tradition. Typically it's one per side. That's about it.

>> Gallo: Thank you for that clarification. And Randolph, I also might mention too, I think this does, with keeping the public hearing open and allowing the meeting that would be held on the 11th in August to have robust conversations and a lot of dialogue with the neighbors and as many neighborhood people as you would like to bring with you. I guess we do stream live so even if you're not here or if somebody else is not available, getting that information and our staff can help you with that, be able to get that information out to your community so if they are not actually here in Austin next week, then they would be able to view it and certainly if you have conversations and questions that you want us to address as part of that meeting in your place, hopefully there will be somebody else in your neighborhood. I know the woman in the gorgeous jacket that spoke lives there, so perhaps she would be here to speak and be able to carry some of that message from your neighborhood too. But we can certainly help you with the access to the meeting if you're not actually here in Austin.

>> Mayor Adler: Okay. So what's your motion on this?

>> Gallo: So my motion would be to do first reading next week, only first reading. And then second and third reading would be heard on August the 11th.

>> Mayor Adler: And testimony would be kept open for the second and third reading?

>> And testimony would be available for both of those two meetings.

>> Mayor Adler: People could choose whether they want to speak next week or the August meeting.

>> Gallo: That's correct.

>> Zimmerman: As a point of order I think that was the motion that had been made and I seconded it. Just a point of order.

>> Mayor Adler: I wanted to make sure I understood it. Just wanted to make sure I understood it. Any further discussion? Those in favor of the motion please raise your hand? Those opposed?

[1:21:17 PM]

It's unanimous on the dais with councilmember Garza gone. Oh, there you are. I just couldn't see you. Unanimous on the dais.

>> Gallo: And I want to thank everyone for being here. I know you've been sitting here for awhile and we will see you, at least most of you, next week. And then I look to see those of you who can't come next week in August. And please stay in contact with our office. I know staff has been really good about trying

to be available and answer specific questions. So as you have -- as you talk to your communities and I know transportation and traffic issues, we talked about a lot. I think we talked about the hill country roadway regulations. So we've had a lot of conversation that if there's specific questions that you have that you would like for us to address, please work with our office to do that and we're happy to coordinate that.

>> Mayor Adler: Okay. It is now 1:21. Time to break for lunch. What time do you want to come back? 2:15? 2:30? 2:15? All right. Let's break for lunch. We'll be back here at 2:15.

[Lunch break]. >>

[2:00:19 PM]

Austin city council meeting

[2:23:17 PM]

blarve blarve blarve blarve blarve blarve blarve blarve .

[2:25:59 PM]

Test. Test. Test. Test

[2:33:39 PM]

>> Mayor Adler: I think we have a quorum, put this back up.

(Indiscernible) Is not here. Do we want to talk the -- Sheri is not here, which would be item no. 25. We have whichcraft discussion and sun chase. We have the mobility items. We have the fair housing item.

>> We can just do the housing one since it's next.

>> Mayor Adler: Why don't you go ahead and do that since Sheri not here. Greg why don't you do that.

>> And I'll let councilman Renteria explain more about it when he comes back but I imagine he's --

>> Council member Gallo is down the hall.

>> Good, because she's going to want to talk about it. But go ahead.

>> Casar: This has gone through a few months' worth of process.

>> Mayor Adler: 37 -- 35,.

>> Casar: No. 35.

>> Mayor Adler: Do you want to make a motion?

>> Casar: I'll make the motion to -- to pass it as it was recommended out of the housing committee. Most of it was recommended out of both committees, and I think from experience that those committees will probably want to take individual votes and every be it resolved clause.

>> Mayor Adler: Mr. Casar moves that 35 as it came from the housing committee, recommends that the question be divided. So we vote by resolve clause. Is there a second? Mr. Renteria seconds that. Mr. Casar?

>> Casar: So this went through some process, a lot of community meetings, two separate hearings at both the housing and planning and neighborhoods committees.

[2:35:39 PM]

I think it takes a truly all of the above approach to addressing not only our housing affordability issues but our housing integration issues. I'm really proud to present this with member of both of those committees today and appreciate all the community members who put lots of work into it. I imagine we have some public testimony but I know some folks weren't able to make it today, but Mandy Demayo -- Greg Anderson from habitat for humanity signed up in support. Liz was at a press conference with us this morning supporting -- along with lots of folks, the development community. And so I'm glad that something that has so many parts to it could gain some consensus. So I'm happy to answer any questions from the guys but I know we also have speakers.

>> Mayor Adler: Let's go ahead.

>> Casar: We may want to hear from committee members too.

>> Mayor Adler: Let's go ahead and call the speakers so we can handle public comment. Mr. Hersh? David King is on deck.

>> Mayor, members of the council, my name is Stewart Harry Hirsch and I still rant. In 1968 Lyndon Johnson proposed the fair housing act. It was dead in committee until two things happened, as he pointed out in his book *The Vantage Point* published in 1971. The first thing is president Johnson announced he wasn't going to seek re-election, and the second thing was the assassination of Dr. Martin Luther King, Jr. Mr. Johnson wrote that fair housing would have never made it out of the committee had not those two events both occurred, and by April 11 the house and the senate finally broke it out of committee and it was adopted. Several months later we had an election, in October 1968, here in Austin, Texas, and the voters turned down the fair housing act that the city council had approved a few weeks earlier.

[2:37:48 PM]

And we failed in subsequent elections on fair housing. So it is with great pride that you should take up the issue of the fair housing initiative that's before you today. It creates the opportunity for us to do what we should have been doing all along. We've had Todd Baxter's bill in 2005 that said we as a city had the ability to use density bonuses and other incentives, and we had state representative Rodriguez's bill that said we might be able to do inclusionary zoning in certain parts of the city based on the concept of homestead preservation. Both of those required nexus studies, is what I've learned at every American planning association training session I've ever attended, that the supreme court has set a standard by which you can or can't do inclusionary zoning and a study is one element of this, and all of the things that are in the resolution that came out of the housing and community development committee will move us ahead, and where we could have been ten years ago and failed to get there. So we should take great pride in finally moving forward. Every one of these elements that passed by a majority of the committee should be adopted exactly the way they wrote it, and we should move on with the issue of providing affordability for renters and homeowners who desperately either want to remain or return to the city that we love. Thank you very much.

>> Mayor Adler: Thank you. Jim Williams will be on deck at this podium.

>> Thank you, mayor. And mayor pro tem, council members, and I support this. I think this is an important step forward, and I think it will -- it will put Austin on the forefront, number one, on this list. I'm glad we're going to be number one on this list so thank you for all your good work on this and bringing this initiative forward. I just have a few suggestions to, you know, maybe help us get there as quickly as possible and helping -- helping our neighborhoods be open and fair to all of our citizens.

[2:39:54 PM]

You know, in terms of the mixed income developments, I just really want to keep pushing on the planned unit development and bonus, density bonus program, should really be changed so that there are at least 25% of the residential units are affordable to families at 30% mfi, that 50% of all the affordable units must be designed for families with children so that we can really have opportunities for families with children, low-income families with children, to live in all of our neighborhoods. And in terms of the residential units, they should all be Ada compliant. If we're really going to be open to all of our citizens, then now is the time to make that a priority. And smaller housing in high opportunity areas, that's very important. We've heard time and again that that's how we can lift our low-income families out of poverty, give them the opportunity to live in a high-opportunity neighborhoods that we have, and that should be -- I'm glad that's a priority. So -- but, you know, that component of the initiative talks about preserving affordable housing unit but didn't include any strategies to do that. So I'm suggesting a few strategies, that we should enforce our property maintenance code so that the properties don't go in -- become dilapidated and then become targets to be demolished. We need to really enforce that. Inspect the older rental units and properties for -- and require the owners to bring them up to code. That's our older affordable units are what's going to help our families remain in our neighborhoods. Increase the fines and penalties for violations of the maintenance code. Let's be serious about this. Increase funding for grants and low and no interest loans to repair and maintain older reblity and owner occupied. Reserve and recycle 100% of existing housing on transit corridors in our puds and in development projects that take advantage of density bonus programs. We have none of those requirements in those programs. And we do need to enact -- have a larger public investment, so I'm really 100% behind the linkage fees.

[2:41:57 PM]

I think we should get that nexus study and get there as soon as we can. And in terms of staying in place, I think we should wave the application fees for type 1 short-term rental licenses for low-income families and seniors who want to rent out their homes. Let's just take that fee away. Let's make that a priority. Let's increase the property tax homestead exemption. I know you passed that earlier today, thank you for doing for seniors and people with disabilities. Increase subsidies to low-income families and seniors to help them pay their utility bills and property taxes, rent and mortgages. And -- thank you very much.

>> Mayor Adler: Thank you. Jim Williams? Gus Pena? Carmen Yanez polido? On deck will be alba Serano at this other podium.

>> Thank you mayor and council, I'm Carmen yamez polido here in support of the fair housing initiative. I would like to keep in mind as we plan for future developments that we also keep in mind maintaining the existing high-density and accessible housing that exists in the city of Austin, not only in the areas that are most directly impacted by rising prices but across the entire city so that we build inclusive and healthy communities. I'd also like to encourage everyone as we're thinking of the land development code and moving forward in the entire city of Austin, that we plan for communities to have access to all

of the important elements of a healthy lifestyle necessary, like food, transportation and access to recreation and other opportunities. So let's not develop anything that isolates people where they're cut off and we see these high concentrations of disproportionalities.

[2:44:03 PM]

Thank you.

>> Mayor Adler: Thank you. Mary Engel will be on deck at this podium.

>> Hello, my name is alba Serano, I live in district 7 and I'm vice president of the immigration commission representing district 4. I want to speak today about housing works report that came out for 2015. That report shows us that we have a ways to go in making sure that people can live, play and work in the same place. So as we look to solutions about affordable housing we know that at every income strata we face pressure, and we need to be looking very critically at how we structure solutions. I believe that the proposed gives us a step toward doing that and to making sure that people have a choice to live not in segregation but across the city where they wish to live and where they wish to work. Segregation continues to be an important issue, not only an historic issue for us. In the last year Harvard economists showed us with county level data that one of the five most important indicators about income mobility across the entire country is related to segregation, and so the last segregated that our counties -- less segregated that our counties and our areas are, the more income mobility not only do minorities have but does the entire community have. And so today I'd like to encourage you to look towards solutions that help us live together, play together and work together, equitably across the city, and as my colleague said, that do not isolate people. I believe that what is proposed is a step toward that. Thank you.

>> Mayor Adler: Thank you. Those are all our public speakers. Mary Engel had signed up speaking neutrally, and Tish jaginski and Greg Anderson all signed up not to speak but in favor.

[2:46:12 PM]

We're now back up to the dais. Any discussion on the dais? Yes, Ms. Kitchen?

>> Kitchen: I want to thank my colleagues, council member Casar and council member Renteria, for bringing this forward through the housing committee. I was pleased to be able to vote for it as part of that committee. And I have one small amendment that I can -- I can mention right now or I can wait till we get to that be it resolved, whatever --

>> Casar: I think if it's small you can mention it now.

>> Kitchen: Okay. We talked about it some in committee, and that's the -- let's see, the third from page, where it says the city council directs the city manager to provide recommendations on new city programs that would help low-moderate income homeowners develop more on their property, et cetera. We talked in committee -- this was part of the ideas to help people stay in place, and so I wanted to include, and seniors. We talked about that at our committee. So it would be would help low-moderate income homeowners, and then insert "And seniors." So that's the only change.

>> Casar: And I think that we may have even voted on that in committee and maybe it got lost in translation. So I'm happy to incorporate it from the start if it's fine with --

>> Mayor Adler: Is there an objection to including and seniors? Hearing no objection let's just include it in the resolve clause.

>> Casar: And the experience of having to moderate this discussion at planning and neighborhoods, I think it may just be best to be be it resolved -- be it resolved now so we can get through the votes and not start arguing about different parts of them.

>> Mayor Adler: Let's call them up in order.

>> One other question. The phrase stay in place, I'm accustomed to hearing age in place. Is that the same or --

>> Kitchen: It's the same idea. The idea behind is to help arms not be forced out because of cost.

[2:48:13 PM]

With seniors, you call that age in place. With others you call it stay in place.

>> Pool: Great. So what we're doing is effectively having a wider embrace?

>> Kitchen: That's right.

>> Pool: Good. Thank you.

>> Casar: So the first one is directing the city manager to meet with stakeholders and provide a plan to initiate inclusionary zoning and the preservation districts.

>> Mayor Adler: Okay. Were reready? All right -- we ready? So the first resolve clause I will call up as asking the city manager to meet with stakeholders, to provide a plan to initiate inclusionary zoning in homestead preservation districts.

>> I have a question.

>> Mayor Adler: Yes?

>> Pool: I just had a question. This -- this particular be it resolved will flesh out the idea about whether we can, in fact, accomplish what some call inclusionary zoning?

>> Yes, or find the process for that or how that works out.

>> Pool: Okay. Great. That's really helpful. Thanks.

>> Mayor Adler: Any discussion on this? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. These comments are general to most of these. I'll have some other particular comments with some of the sections, but I'm still going to maintain my position that the thrust of this is too institutionalize economic segregation. So I'll be probably voting against all of these, but in general, in my view, the city has created an affordability problem with its very, very onerous centralized planning and rules, land use rules and zoning that makes it unaffordable to build in the city. And so the city has two directions it can go. We're kind of at a fork in the road. We can either do something differently than we've done for the last 70 or 80 years with zoning and centralized planning. We had racial segregation, of course, back in the '20s and '30s.

[2:50:15 PM]

Everybody acknowledges that was a bad idea but what we're doing now with economic segregation is also a terrible idea. It may take 40, 50 years for people to figure out that what we're doing today is a horrible, horrible idea, institutionalizing economic segregation. So with that, that's my general comment, and I'll some other comments on other points. So thanks.

>> Mayor Adler: Okay.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Just for your information, mayor, segregated, '30s, '40s, '50s, '60s, '70s, '80s and 90s.

>> Mayor Adler: That's other discussion on the further resolve clause?

>> I'm willing to pass many of these forward, but with the idea that when it comes back that I am certainly a proponent for incentives of ways for us to provide affordable housing, incentives to produce more housing stock. I think that that barrier is the barrier that keeps us from having affordable both subsidized and market housing, and we need to be very careful when we -- when we put more regulations in that cause the stock production to go down. But I'm not supporting, once again, more regulations. I think that incentives would be the way to go, and so I look forward to seeing how this

comes back, but once again will be analyzing it to be sure it's an incentive and not just additional regulations.

>> Mayor Adler: Okay. Any further discussion on the further resolved clause? Those in favor of the first resolved clause please raise your hand. Those opposed? Zimmerman voting no, the rest -- and treks trox -- troxclair abstaining, so it's 9-1-1, first resolved clause passes. Second resolved clause, asking the city manager, comprehensive local relies market analysis to reevaluate and look at recommendations relative to the smart housing policy.

[2:52:25 PM]

Changes to the -- any changes to the density program and code. Any changes on this paragraph? Do you want to play that out?

>> Casar: Sure, I'll just note that this was strongly recommended by both our codenext team and our housing staff to make sure that we are able to calibrate our incentive programs properly and get -- achieve the city's goals and the city council's goals related to affordable housing production. So once we have what other cities have, which is a really thick study of different submarkets, we can better gauge at different levels of density bonus more or less how much housing production will again supply side and how many restricted condominium housing -- income housing we could get instead of struggling in the dark which I've expressed frustration with, having to pick a number and not level of analysis, and instead of what other -- I would feel more comfortable making the decision with that information. We had disagreements in committee about whether or not we should hold up decisions related to the density bonus program and smart housing pending this report. We can -- we can have those discussions when those items are up, but I do think that -- I would hope that there is consensus up and down the dais to at least ask for that market analysis since it was a recommendation from our staff, and if anybody wants to see what other cities have, we have big fat copies in my office. They're heavy and very useful.

>> Mayor Adler: Okay. Yes, mayor pro tem?

>> Tovo: Yeah, I can certainly agree to support this item, but I do want to just talk a little bit about the discussion that we had at planning and neighborhoods that council council member Casar just reference the. Last fall I sponsored a measure asking our staff to provide us with information regarding different density bonus programs with the intent of moving forward with changes and asy indicated multiple times this year I think there is low-hanging fruit of changes we need to make in our density bonus programs.

[2:54:39 PM]

For instance, we had a situation in west campus where we were told that we could not require as part of that discussion that the -- that the units -- that the affordable units be required to be built on-site because our code provision allows them to have an in lieu fee, and that to me is something that we really don't need a market analysis to tell us if we have an in lieu fee. I believe the data is going to show us that most of the time people pay the fee and don't build the housing. So while I think more information is useful I do want to point out that that resolution happened last fall. We're a week away from getting that information. Most of the information I was looking for actually existed last fall, but there was a will on the part of the planning and neighborhoods committee to have an economic piece of that be added in, and I believe that that is what -- one of the things that has taken a long time to compile. So as somebody who has watched our density bonus programs for a while and noted the need for changes, I'm happy to support this measure, but I'm -- I will not be -- I will want to move forward with some of the changes that I think are critical to the density bonus program before we have back this report. So I just want to make that clear. I don't know what this would cost. I don't know how long it will take to complete. I don't know that there will be funding in this year's budget, but I do know that we have a housing crisis in this city and I think our density bonus program provides some opportunities for addressing that with the construction of units in various parts of town that don't currently have affordable housing. So again, I'm happy to support the measure, but I do not regard this as a prohibition against moving forward with changes. Either to smart housing or to the density bonus program. In the meantime, especially since that's, you know, something we embarked on last fall.

>> Mayor Adler: Okay. Any further discussion on this paragraph? Ms. Houston?

>> Houston: Mayor, may I ask a question regarding all of the different paragraphs? Are there any timelines embedded in here that I'm not able to see?

>> Mayor Adler: I don't think there's a timeline associated with it.

[2:56:44 PM]

Further conversation, discussion of the second resolved clause? Ms. Pool?

>> Pool: To follow what the mayor pro tem just asked, is that the sense at the dais, that if a density bonus program comes back in August, for example, or next week -- next week, that we would, in fact, be able to bring that up and not, in her words, be prohibited from taking that up and debating it and passing it potentially? This doesn't stop us from doing that?

>> Mayor Adler: Wouldn't stop us from doing that.

>> Pool: Great.

>> Renteria: I'll also support that, because I think it -- you know, there's an urgent need out there, and we need to just move as soon as possible when this report comes back and there's an opportunity to move this forward, then I'm going to be supporting it.

>> Mayor Adler: Okay. Any

>> Casar: I think the point that's been raised, what I said in the committee meeting, I'll repeat now, if there are obviously good changes that we can make short-term, I'm very supportive of doing those. Some changes may not be so obvious and so that's -- this report will really help us with things that are -- that are very complicated and unclear but in the end us voting for this does not preclude our decision-making on anything else. I would just say that I don't oftentimes in these density programs, I do not feel comfortable knowing what the appropriate level of requirement is to get the most affordable housing. If -- if I knew I could get 75% of the units to be affordable housing by just asking for it and requiring it, I would do it in a heartbeat. My expectation, just of some baseline economics that most likely would not provide me with the affordable housing I needed. I don't know between zero and 75% what in any given summer, at any given time the requirement is, and this will hopefully help all of us get somewhat closer.

[2:58:51 PM]

Now, you don't need this kind of analysis do any changes of the density bonus program and so I think it just depends on what changes are proposed for me. As far as this item goes it doesn't say be it resolved, we won't do anything until this comes back

>> Mayor Adler: Let's take a vote on the second clause. Those in favor please raise your hand. Zimmerman voting no, rest voting yes. That gets us to the third clause about initiating a code amendment concerning nondiscrimination on source of income.

>> Zimmerman: I'd like to raise a point of order on item 3 where maybe our legal counsel can chime in, but my recollection shows that the 2015 Texas legislature passed senate bill 267 on exactly this question of whether the city had the power to implement something like this. I think the fifth -- federal fifth circuit court of appeals granted an injunction blocking the law immediately after it was passed and then in about March of last year Texas legislature took up debate on the bill, and I believe this is banned by state law. So I don't know why this is back in here. But correct me if I'm wrong, if this is not already banned by state law.

>> This is different. This is a voluntary program that y'all can implement. It's not banned by state law.

>> Zimmerman: I'm sorry, the city doesn't do voluntary programs. We do mandates. We require people to do things. They already have choices to do things. What the city does is to take away choices and force people to do things. That's what our ordinances do so. . .

>> Mayor Adler: Okay. I'm going to let this go. My understanding is what the legislature said was that we couldn't require it as a condition for getting a zoning entitlement but just with our -- as with our density bonuses, someone can opt to do something voluntarily in order to get a discretionary benefit.

[3:01:02 PM]

>> Zimmerman: What that means, Mr. Mayor, people that would like to have that density bonus program they're not allowed to have it unless they comply with something that's been outlawed by the state.

>> Mayor Adler: Well, the state outlawed it as a mandatory provision and the state -- in fact in representative Baxter's motion and in the homestead preservation district state law adopted at the time, it specifically allowed for discretionary benefits like density bonuses. So the legislature distinguishes between those two about we'll continue on in this bit resolved clause. You look confused, Ms. Houston. Can I help with something?

>> Houston: No. It sounds like a chipmunk or something. I can't figure out whose mic it's coming from.

>> Mayor Adler: Okay.

[Laughter] Don't know. We're on --

>> Pool: It's our newest member on the dais. We have a pet week pecker up here.

>> Mayor Adler: Third resolved clause. Yes, Ms. Gallo.

>> Gallo: Speaking along the source of incomes, my concern with this is that source of income often requires a different type of lease, a different type of procedure, because they're often, if not always, federal programs. And there are many management companies that do not do that as part -- can y'all hear that out there? Yeah?

-- That they don't do that as part of their Normal operating procedure and big management companies may be able to be able to include that and be trained on it, be knowledgeable with it. But I'm afraid this is really going to be an administrative burden on small owners and small management companies, and my concern is that we have a robust smart housing program that people are participating in.

[3:03:06 PM]

It is getting us affordable housing in this community, and I think there will be people that choose not to participate in the smart housing program because they do not want to be administrative burden -- the administrative burden of having to implement and manage a different type of rental management system with their leases and time lines and inspections and everything else that will be different. So I'm concerned about the unintended consequences of this, and I think tying the two together I would support it if people that were participating in the smart housing program had an additional incentive to be able to gravitate towards the source of income component of it that I think -- I think tying the two together where you can't do the smart housing unless you battery in the source of income not going to get us more housing. I think we're going to have people drop off because of that.

>> Mayor Adler: Other discussion? Those in favor of this resolved clause please raise your hand. Those opposed? Those abstaining? Ms. Houston is abstaining, Zimmerman and Gallo are voting no and troxclair voting no. Seven of us -- the remaining seven voting yes. That passes. Next item is the fourth resolved clause.

>> Casar: Mayor, this one I believe we just essentially passed with -- in mayor pro tem's resolution, so --

>> Mayor Adler: We don't need to have this one? That's already done so we'll pass on that. That gets us to the first complete be it resolved clause on the second to class page. This is asking city manager to conduct a nexus study concerning the relationship between a -- no, no, I'm sorry, I skipped one. I skipped one. The next one is one at the top of that page, city council directs city manager to provide recommendations on how to redevelop any city-owned land including properties existing for affordable housing. Is there any discussion on this? Yes, mayor pro tem, and then Mr. Zimmerman.

[3:05:08 PM]

>> Tovo: Just a similar caveat to what I mentioned before and we had a good discussion about this in the planning and neighborhoods. It's my understanding that the intent of the sponsors is not to delay any potential particular projects from moving forward. We do have several, I think, really good opportunities to potentially build some affordable housing on city-owned land, including the tract on winnebago and so I'm looking forward to seeing the city manager's recommendations that come forward that are more general in scope. But, again, I wouldn't -- I would -- I'm voting for this with the assumption that any of those particular projects could precede unhindered by those recommendations. In other words, we're not going to wait for those recommendations to move forward a particular project if it seems to make sense.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to propose an amendment to item number five and replace the word "Redevelop" with the word "Sell" so it would read the city council directs the city

manager to provide a recommendation on how to sell any city-owned land, including properties with existing facilities for affordable housing.

>> Mayor Adler: Mr. Casar, does that make sense to say to redevelop or sell? Would you want to know if there was an opportunity to sell some of those tracts to some of the housing corporations and the like?

>> Casar: Does the -- do you think that the language -- and I guess I could ask counsel or the city manager's chair if existing language precludes that opportunity. Redevelopment would just -- would you interpret that as including all options for redevelopment?

>> Well, I'll defer to councilmember Zimmerman. I think his amendment is to only sell.

[3:07:11 PM]

>> Mayor Adler: But that's not the question that Greg was doing. On the language that it says right now, would you interpret the language provide recommendation on how to redevelop to include both redevelopment with the city maintaining ownership as well as redeveloping it incident to a sale do a third party that would develop it?

>> Yes.

>> Mayor Adler: You would interpret it that way? Okay, thank you. It's been moved to make it only sell. Is there a second? Hearing none, let's continue on. Is there any discussion on this? Ms. Gallo.

>> Gallo: Just a clarification, if I might ask. So we're asking the city manager to provide a recommendation on how to develop any city-owned land. Does that -- does that take away the conversation of all the potential uses of that land which may or may not include affordable housing? I'm just trying to understand how broad of a stroke we're putting here or how specific it is because I think that we have all talked about that there needs to be an analysis of all the city-owned land that's underutilized or not being used and what the appropriate resolution for that, whether it's developing it into affordable housing, whether it is selling the property, whether it is having it become something else, develop -- going into partnership with someone that would build an office building and the city would be able to lease it back for office space. I just want to make sure we're not narrowing our target so tightly that we're not analyzing all the potential uses. That's my concern with this, I think we need to look at all the properties and figure out the best use for all of them.

>> Casar: I think that this continued to come up in conversation in our stakeholder meets and both committee meetings, the urgency of finding city-owned land for this purpose, not closing off city-owned land for all the other things we need like a new municipal courthouse or A.P.D.

[3:09:15 PM]

Headquarters all that stuff but instead that this has -- the -- this I think would serve to be the city council continuing the drum beat that we need to find ways to utilize our city-owned land, especially to integrate lower income housing especially or in areas losing housing. To answer your question, no, this is not saying that we shouldn't unite city-owned land for other things or that we shouldn't analyze those uses but instead this has been a constant part of the conversation for sometime. As mayor pro tem mentioned there's some projects hopefully coming forward soon but as part of this package folks have continued to ask about where the city-owned land projects are so we chose to include it to continue to reemcyst size as a council this is a priority.

>> Gallo: Thank you. That's helpful. We have a lot of departments out there that have needs, as you said there may be needs for a fire station or police substation and I want to make sure we're not precluding those other departments from being part of the discussion that, yes, there may be a property appropriate for affordable housing but it might be more appropriate for a fire station. So I just want to make sure that when we have this come back to us that this is part of a whole conversation and we're not just funneling down to one department's needs and not taking into consideration other departments that may have a need that is even better suited for that property. So I will trust that the city manager will come back with that report and I think we've talked for a long time that we really need to do this across the board with all of our real estate that we own as a city and really look at the uses and the potential uses.

>> Mayor Adler: Yes?

>> Follow-up question I had from staff's input. The way I'm reading this we are to evaluate every facility that we have right now?

>> Casar: No. I think that --

[3:11:16 PM]

>> We develop any city-owned land including properties with existing facilities for affordable housing. So I would like that clarified or just whatever council is directing the manager to do. That's a large task if it's every property, to evaluate whether affordable housing would work on that property. One Texas center, waller creek, is that what you're intending? Because that's a pretty big list.

>> Casar: We can come back to this one shortly and have some of the housing staff and others that looked at this with my staff to bring you some of the that clarity, but I think the goal is really to keep emphasizing and accelerating the opportunities that have been currently identified, especially not just

those that are on vacant parcels but those that -- parcels but those that have other existing properties on them. Why don't we move to the next one and I'll have my staff circle around to provide clarity because I think there's already been discussion with staff about this. We can move on to the other be it resolves and I imagine at our pace this may already be worked out by the time we get to the end of the document.

>> Mayor Adler: I knew there was a reason I skipped to the first. Mayor pro tem?

>> Tovo: I'm going to hear that other discussion but I thought when we talked about it at planning and neighborhoods it was kind of asking the city manager to come up with any additional ideas they might have about ways to move those projects forward. I didn't think it was specific to particular tracts.

>> Casar: That's right. I think that's generally what we talked about but why don't we do the other ones and figured out what they've discussed with staff already as this has been vetted through with various departments already.

>> Mayor Adler: We'll come back to that one.

>> Gallo: Can I ask one question of staff they can look into before we come back. I thought we had contract wad real estate company in Austin to evaluate all of our office buildings. I mean, if we're talking about all the properties it seems like maybe some of that has been worked -- once again, this needs to be a broader dissuasion. It's going to take a lot of staff time to do this analysis, and I just -- I'm really concerned that we are focusing this very broad, very staff-intensive project on just one department where it really needs to be an analysis for the best use for the city and the best use for the community.

[3:13:29 PM]

So but maybe that would be helpful if there was some information that came back that is already done, some of this. It may have just been targeted only to office properties that we're using.

>> Certainly. We performed a strategic master facility plan several years ago, and I think you're referring to the recent efforts. So we do have consultants on board to help us look at ways to facilitate the development of several projects in the municipal court and some of the projects that we have -- that you have on your list. So it wasn't a complete, broad look at every facility. The recent study. The previous study was a complete look at the facilities.

>> Gallo: What did we do with the results of the study that was done a couple of years ago?

>> That's how we've launched several of the ongoing efforts that y'all have been involved in and some of the facilities that we look to seek your direction on how to replace those, with these consultants' help on how to move forward with some of those.

>> Gallo: All right. Thank you.

>> Pool: Just to clarify, there isn't anything in this particular be it further resolved that has an expectation that affordable housing would always be recommended on every tract that is evaluated, right? I mean, it is open-ended.

>> I get that. What I'm asking and maybe Burt can help me, it's pretty broad and it looks like I'm -- the manager is being asked to review every facility to see if affordable housing would be what he would recommend y'all for an alternative, and so I think that would need to be clarified because I don't think that's what y'all are asking for, but that's the way it reads. I just want to make sure we're interpreting what the spirit and intent of the resolution is.

>> Pool: And I wasn't in the committee meeting, but my guess is that, for example, we wouldn't evaluate one Texas center in order to shift the use of one Texas center or this building for use of affordable housing. I think there's probably a categorization that is just top of mind would not be included, but I get your point.

[3:15:36 PM]

It isn't specified here. I guess that clarity would be helpful.

>> Tovo: Mayor?

>> Casar: I'd just like for us to move on to the next one.

>> Mayor Adler: Let me get some clarifying language that's been worked out with staff and that might give us a basis to have a conversation. Mayor pro tem.

>> Tovo: Since we are talking about it, I just want to mention as we talked about in the planning and neighborhoods chi, the staff has already done some of this work in the past. I was telling the planning and neighborhoods committee I had sponsored a resolution in, I think, 2014, asking staff to go forward and look at our pieces of city-owned land and recommend three that could be used for affordable housing. So we have some existing -- I would hope they -- it was never my intention in supporting this they would repeat that level of work. I think we've got various reports from staff about city-owned land that might be appropriate for affordable housing and, again, we'll hear from councilmember Casar about those more recent conversations but it was my feeling in supporting it at the neighborhood that they were not going back, they're not doing an inventory of properties, repeating the work they did for that previous resolution, identifying the three best city-owned tracts. They're providing some level of further recommendation and I don't have a clear sense frankly of what those but I definitely don't want do see them repeating previous work.

>> Mayor Adler: Let's move on to the next clause, this is the one that talks about the nexus study, relationship between residential and commercial development and affordable housing needs. Any discussion on this? Those in favor please raise your hand. Those opposed. Zimmerman voting no. Others voting aye. And all the others voting aye. 10-1. The next resolved clause is the last one on the second-to-last page. Manage a stakeholder process and to initiative that process and code amendments to reduce housing restrictions for lower income and moderate income homeowners who wish to add additional uses or uses and continuing thereon.

[3:17:45 PM]

Any discussion on this one? Yes, mayor pro tem.

>> Tovo: I'd like to propose an amendment and it's something we talked about at our planning and neighborhood so based on I'll offer it as an amendment for a second and that amendment would be to change the language so it says to initiative a stakeholder process to consider code amendments and I'd be happy to talk about why. Typically we have a stakeholder process before the initiating code amendments. I think doing both at the same time sends a confusing message. There's a substantial amount of community and staff time to goes into the initiation of a code amendment and I believe this is an idea that needs more fleshing out before that code amendment is initiating. By airing those ideas would give substance to what are the actual provisions being considered before those codes are initiated so that's my amendment.

>> Pool: I'll second that.

>> Mayor Adler: Okay. It's been moved and seconded to amend it to add the words "To consider." Initiate a stakeholder process to consider code amendments. Strikes the word and. You okay with that.

>> Casar: We talked about this during planning and neighborhoods subcommittee disagreed about it and during housing committee we had the discussion and we accepted an amendment from councilmember kitchen that would not slow down the process but sort of loose to have a check-in which basically says that before -- here it says to provide -- we asked the city manager to provide a briefing to the council on recommendations at the end of the stakeholder process for those code amendments get fully moving. I think it's a pressing issue. I think we can move swiftly and I believe that this language lays out what those code amendments might actually look like without being too prescriptive.

[3:19:50 PM]

So I think that if you're for the idea of allowing this potentially in our city and we have the sense of urgency that I would urge that we just leave it at the middle -- sort of middle ground that we struck at the housing committee.

>> Mayor Adler: Which would be what to this?

>> Casar: This -- the housing committee recommended that we initiate the -- initiate the stakeholder process and the code amendments but that the city manager provide a briefing to the council on how the stakeholder process went.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Yeah, I brought forward that amendment. The discussion was that the purpose was that the results of the stakeholder process come back to council and it come back to council in time for council to weigh in on that. Because the concern was that the -- you know, the stakeholder process and all the code amendments going and nothing comes banning to us until we have in front of us code amendments and the results of the stakeholder process. But the recognition was the council needed the opportunity to weigh in at the end of the stakeholder process in time for input on the code amendment process. So that's why it's -- the language is here and to provide a briefing to city council on recommendations at the end of the stakeholder process, and that assumes that the stakeholder process ends at a time where wringing that briefing were bringing that council back to council allows council to have input before the code amendment process is so far down the line. So that was the --

>> Mayor Adler: That language is not in this.

>> Kitchen: It is in here.

>> Mayor Adler: I'm mitessing it.

>> Casar: You may have printed an old version from the planning and neighborhoods committee as opposed to to the one posted in back of housing.

>> Mayor Adler: That could be.

>> Kitchen: What it says, and to provide a briefing to city council on recommendations at the end of the stakeholder process.

[3:21:54 PM]

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: So I never -- I know that was the change added at housing committee and I guess the -- my concern remains the same. Once we've initiated code amendments we have set them forth in the

process and they can come back and provide a recommendation but it's not clear to me, without really having some kind of direct measure, are we going to then at that point vote continue the code amendment process or is not once we've initiated it's going. And I think let me just speak to some of the provisions in here. Lot size requirement, you know, that's not a simple matter, and I don't think that we've had any level of complex discussion about it, frankly. These are all measures that I think demand and require a more comprehensive view. We talk a lot about how important it is to preserve existing affordable housing or existing relatively affordable housing. Changing lot size requirements could have a real devastating impact on the existing affordable housing. I've seen this happen again and again in the neighborhood I've lived in. One example, I lived in Bouldin creek, there was a long time renter, I believe he lived in a small cottage maybe a decade and rent zero. His property owner moved that cottage off, built \$2,750,000 condos on that lot. So that then went from housing one renter to three property owners with \$1.3 million worth of housing. If we start creating measures that reduce the lot size, I think we could be incentivizing the demolition of a lot of existing housing, including that which is currently more affordable than what will replace it. And so, you know, again, I think these measures all need considerable -- more discussion before we initiate code commencement we need to think about, number 1, some of the unintended consequences, particularly with regard to affordability but also with regard to historic preservation, neighborhood character, lots of other things people in the neighborhood value.

[3:24:02 PM]

I also think we need to consider if we're going to do this -- if we're going to make these kinds of code changes in the name of affordability there need to be income restrictions. I know we had a discussion about that at planning and neighborhoods and I had made an amendment to say housing restrictions for lower-income homeowners and I think that language is changed too. Again, if we're going to make major code changes in the name of affordability, I think we need some kind of assurance there's going to be income restrictions on the resulting occupants. So I think without the amendment that I proposed I'm simply not going to support this. I don't agree with initiating code changes on such a wide variety of things without a lot more discussion.

>> Casar: Mayor pro tem, these are income-restricted. This is the one for the income-restricted units just to clarify. This is not non-income restricted.

>> Pool: On the list of items that are identified here, regulations, considered may include but need not be limited to building structure requirements, lot size requirements, disaggregation, building height and unit limits on a single site, there isn't anything, although it does say they may not be listed but you're also not making any reference to impervious cover limit. Are you anticipating that those would be obviated by changes based on lot size changes?

>> Casar: So the intention here is to take a look at two situations. If you have a low-income or moderate-income homeowner that wishes to stay in place by adding more uses on their property or units on their property, to initiate a stakeholder process that could create a unit that they could stay in place longer in that could be income-restricted for them -- let me take a step back. Let me finish the second part. Then second for someone to -- who is not lower income but that lives in the neighborhood or in a place on their lot where there is not existing income restricted housing to create income restricted housing there in exchange for some of these lowered housing restrictions.

[3:26:21 PM]

And so this would create, as mayor pro tem noted, income-restricted units is the goal. Can we create income restricted units so homeowners can someday in place where if they currently live in a market house, property values, property taxes go up and it doesn't feel very affordable or income restricted because it's getting very expensive or to create an affordable unit somewhere where one does not exist. Now, when you ask about impervious cover, building height, lot size, instead of trying to prescribe right now what the exact code amendments and code changes should be, we modeled this off -- after other code changes like the accessory dwelling units, code change initiation that said go and find out how we get nor accessory dwelling units on the ground and taking a look at the housing restrictions that may restrict that. In the same way, figure out a balance among our competing city values to figure out if or how we could create more income-restricted units that could help low-income homeowners stay in place or create some housing integration in places where it may not exist.

>> Pool: I guess then my question is who is going to pay for the additional housing should we disaggregate on a lot? It's hard enough to get a mortgage and if lower income or income restricted and own or rent you may not have the ability even to put down a down payment, right? So is this something that the city then would build? I don't understand the economics of the proposal, frankly, if it's targeted to people of modest or lower band of income, how can they afford to build a new dwelling on a site if they are already having difficulties either paying the property taxes that are existing or if they're renting, having trouble with the rent.

>> Casar: Certainly. I'd really direct you to having a meeting with the folks from the alley flight initiative and others who have managed to create income restricted alley flats and granny plants to help long time homeowners in the neighborhoods so I think that partnerships with nonprofits also our next be it resolved has our city manager look into programs that could help those folks utilize these tools -- utilize these tools, in particular if you look at South Carolina and other places, they've got things like that that could help those folks that can't get the loan easily themselves in the private market.

[3:28:52 PM]

And then also initiatives -- could initiate a code amendment where folks who do have the means to add additional capacity on their lots to do so in exchange for having an income-restricted unit.

>> Pool: It's possible I could get to that place where you are, message -- councilmember Casar, but I'm not there today. This seems like for today.

-- This seems like to me a step just too big at once. I think in this instance I can't support this one for those reasons and also the reasons that the mayor pro tem has identified. I'm not necessarily against the concept, but I'm very concerned about impervious cover, which then leads to flooding issues. I'm concerned from an economic standpoint we don't know -- I know it would be up to whoever wanted to do an alley flat, but I don't know anything about the construction and what the quality of it is, for example. There's just a whole lot of questions, and I think there is some -- there's a lot to be gained by acquiring the information and everything, but I'm just not there right this minute on this particular be it resolved.

>> Mayor Adler: Mr. Zimmerman first.

>> Zimmerman: Thank you, Mr. Mayor. I'm not going to support an amendment T this. I'm going to support councilmember Casar on this particular item. I think it's too small of a leap in contrast to my league, councilmember pool. It's a small step in the right direction. And the right direction are these magic words here, code amendments that reduce housing restrictions. I got so excited about those words it was hard to read the rest of the paragraph. But that does move us in the right direction so I'm going to support Mr. Casar on this one?

>> Mayor Adler: Mr. Renteria and then the mayor pro tem.

>> Renteria: Thank you, mayor. I wanted to explain when I went through the process, my house was paid off, and the value had gone up so high in my neighborhood I was able to get a loan to build my garage apartment.

[3:31:00 PM]

And I did have to -- fortunately I knew how to work in construction so I was able to build mine for under \$70,000. So that's what helped me out. I would have to -- if I hadn't built that garage apartment when I did, I wouldn't be sitting here right now if I had been out in the outskirts in Elgin or manor somewhere out that way. So it is possible. My payment was close to 640 a month and I took a 15-year loan. So there is -- a lot of these homes in east Austin have a lot of equity in it. They're selling for \$400,000, so it's possible to build a secondary unit.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I just want to reiterate what my amendment would do. It would simply make sure -- it's not suggesting that these aren't good initiatives to consider, that these aren't good tools to have a discussion around and explore, but it does stop short of initiating the code amendment before we've had that stakeholder -- that considered stakeholder community process. It is -- I guess I would say again it's good to have a briefing, but the language itself does not say, and then we're going to have an affirmative vote to continue on that code amendment process. I don't know of another code amendment that has sort of stopped mid stream after a briefing. So we would need to really build that measure in if that's really the intent.

>> Mayor Adler: Yes. Ms. Kitchen.

>> Zimmerman: The intent was the timing of the --

>> Kitchen: The intent was the timing of the briefing from my perspective. I'm fine with the briefing because I think the council has the opportunity to act at that point whether we want to or don't.

[3:33:05 PM]

We don't have to specify that we can't move forward without acting. But in looking at the language I want to make sure that this language is interpreted such that that briefing doesn't come back to us at the end of the entire process. Because the language says, and to provide a briefing to city council on recommendations at the end of the stakeholder process which assumes that the stakeholder process happens first and then you start writing code amendments. Is that a good assumption or do we need to change this language to be more specific to say -- I mean, I need to understand the process exactly. I don't know who can answer that question.

>> [Inaudible].

>> Kitchen: No, no, I'm not requiring a vote. I'm simply saying, okay, stakeholder process happens from, you know, A to B. We get a briefing, we can act or not, but we're not required to act. And if we don't act, it continues, the code initiation process continues. But what I'm not envisioning is start stakeholders, start code amendment process at the same time.

>> What if it said that we're asking the city manager to conduct a stakeholder process, then to provide a briefing to council and then initiate code amendments. What if we just said that.

>> Kitchen: That makes it clear.

>> Pool: Can we get zoning staff or --

>> Kitchen: Would you say that again?

>> Mayor Adler: I'm trying to break it into pieces so that after the stakeholder process it comes back to the council and it would provide an opportunity for the council if it wanted to take action to take action associated with the briefing, but what the language would say would be direct the city manager to conduct a stakeholder process, then to provide a briefing to council and then to initiate code amendments. So it adds that pause.

[3:35:06 PM]

But there's an amendment that is currently on the floor. I was just asking the question. I can't substitute out for that amendment. Just procedurally I'm correcting that. Did you want to say something, mayor pro tem, and then Ms. Garza.

>> Tovo: I just need to understand what you're saying. So then after the briefing the council would then vote again on whether to initiate -- I see -- I'm really trying -- I'm attempting to understand is why I'm asking the question.

>> Mayor Adler: I was trying to get to a middle ground so putting in a pause point after the stakeholder process, but before the code was initiating, but at that point it would require an affirmative action on behalf of someone on the council to initiate a vote.

>> Tovo: I think we should ask our zoning folks that question because with this action today as it's currently drafted we will be initiating that code amendment. I'm not sure what a future action would look like, affirming a code amendment we've already initiated?

>> Mayor Adler: It depends on what the language is. Greg, do you want to come up --

>> Kitchen: Could I say one other thing? I don't think it does that because the language that the mayor is suggesting is if you look at the first line it says the city council directs the city manager to conduct a stakeholder process, so that's the first step. And provide a briefing to city council on recommendations at the end of the stakeholder process, and then initiate code amendments that reduce housing restrictions. So it's a very clear step one, step two, step three.

>> Mayor Adler: No, no. I was trying to find a place that would let us move forward on this issue that would provide a pause in the process so that we weren't initiating a code amendment so that staff wouldn't be listening to a stakeholder process and then initiating a process without us knowing formally what the stakeholder had said, but it wouldn't cause a break in the process unless someone on the dais initiated a break.

[3:37:13 PM]

>> Kitchen: Right.

>> Mayor Adler: I was just trying to find a way for us to move forward. If we asked for a three-part process like that is that consistent with our ordinances? Could you do it that way?

>> I don't know why we could not do it, but just to frame it would be to pass an item today that would say go hold a stakeholder process and bring it back for a briefing and you could decide from that point whether you actually initiated a code change.

>> Mayor Adler: No. It would be a pause in the process.

>> Pool: That's actually the crux of it right there.

>> Mayor Adler: That's the question. You would be conducting a stakeholder process and then you would come back and say to the council, this is where we are in the process. This is what we heard. And this is how absent someone telling us otherwise, this is how we intend to proceed respect to initiating an ordinance.

>> We do need from the council a resolution that initiates a code amendment. So if you did that today we could go hold the stakeholder process, come back with a briefing on what we heard in the stakeholder process. Y'all could maybe give us some further direction on what you would like and then we could move forward with the actual code writing part of it, but there would at some point have to be a council vote that said we want to initiate to start the process of a code amendment.

>> Casar: And if we do that now --

>> Mayor Adler: We're going to do that now. And does that work?

>> Yes. The only difference is we would be doing -- the only difference is we would do a briefing that we wouldn't normally be doing, but that would be fine.

>> Mayor Adler: That would allow the council an opportunity to weigh in at that point if it elected to affirmatively weigh in.

>> Yes.

>> Mayor Adler: But that's not the amendment that's on the floor. The amendment that's on the floor is the mayor pro tem's.

>> Casar: I have a procedural question.

--

>> Garza: I have a procedural question. Once a code amendment is initiated, doesn't it still come back to council for like a final approval?

[3:39:19 PM]

>> Yes. It would go through the process. The Normal process is you go to initiate, we go back, hold a stakeholder process, do staff review, multidepartment staff review. We then take it to the codes and ordinances, planning commission and then the city council. Once you initiate it it always ends up back at the city council.

>> Garza: In the past that has been the process and it gets initiated and it goes through all those things and comes back to council and in the past council has changed some things, correct. You can make amendments at that point.

>> Yes.

>> Garza: You can vote against it -- okay.

>> Yes.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Mr. Rusthoven that certainly has been the process on some things. There have also been kind of thorny issues that needed a lot more discussion that began with stakeholder processes before there were code amendments initiated. I mean, either one is a viable path.

>> Yes. It's just to actually get the direction to initiate the code amendment we would need a vote from the council.

>> Houston: Mayor? I guess I'm confused because to me why aren't we giving this to codenext? Why are we initiating any kind of code amendment? Why is it that we're even going this route? And if we are going this route then my preference is that we have the stakeholder process to inform what we're going to be making a code amendment for. So I'm confused as to why this is not just going to codenext. Can you help me, Mr. Guernsey?

>> That's a decision entirely up to the city council. If you give us direction to move forward with an amendment now, we will do so. If you want us to go forward and look at this in the context of coax we will do so.

-- Codenext, we will do so. I understand council might have a policy decision that is so urgent that they would like to take that outside of the codenext process and we would certainly work to accommodate that.

[3:41:23 PM]

>> Casar: I think it's to that point we did ask throughout this process on all of this if any of this was already being worked on in codenext and the consultants and the affordability consultant who I think is here with us said this is not being worked on in codenext currently with the addition of the scope, so it's really a do it now or -- initiate a code amendment now or initiate a code amendment later, but codenext is currently not considering doing any of this.

>> And I think there are things that can be added along the way. You've asked us to look at fair housing issues already. Through a previous resolution. So we're certainly looking at --

>> Casar: We could add it to codenext, but the point is this is not something being worked on in codenext now.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Thank you, councilmember Houston, for asking that question, because there was a press conference yesterday where there was a lot of support for -- and frustration that the codenext process was not moving along quickly enough. And so I would ask staff and our assistant city manager, are we doing things that are slowing down the process because it is taking staff time away from the codenext process? I'm really trying to understand to make sure that we're not -- our priority is codenext and our priority should be being able to allocate staff to that process so that it continues to move forward, but are we as a council through our policy decisions layering additional staff time, focusing in other areas that it's causing the codenext process to slowdown?

>> No, I don't believe -- this would do something that would slow down the process. We're committed to getting -- as I said previously, the draft to council, and my staff as well in January. We could certainly work with others to make sure we stay on track for that time?

[3:43:23 PM]

>> I want to make sure you're very sensitive to your time. Everything we do and all the decisions we make take up staff time in that process. So I don't know how to always ask the question correctly so that staff is comfortable saying to us, we will do this, but that means that it's going to mean we're taking staff time away from another process. I think we need to hear more often so that we're not impacting things in a negative way.

>> Houston: Mayor? Mr. Guernsey? Or do we say that we want to have codenext now to look at all these recommendations? It seems like we're on a parallel track so we're doing something over here, codenext is doing something over here and I'm not sure where that intersection comes. So maybe our advice to staff is to make sure that codenext takes a look at these issues as a part of their stakeholder

process because we're creating a parallel process to codenext. We're going to have a stakeholders process, they're having a stakeholder process. We're going to have these options that they need to look at, again, my preference is that we have the process, stakeholder input before we start developing the options. The options are already laid out here. So aren't we duplicating some effort if we just say to them we want you to look at these?

>> Councilmember, we're doing -- actually, we're working with all the different departments right now on codenext. We're working very closely with atd on their mobility plan, on the street designs, incorporating that with codenext. We'll certainly looking at housing issues, affordability issues within hcd because we already had previous direction on that. So if it's the desire to look at this in conjunction with codenext we would certainly be doing that.

[3:45:24 PM]

If it's one that is separate because this isn't being looked at right now in codenext, we could work separately within hcd and some other departments on this element as well.

>> Mayor Adler: Okay. Anything else? There's an amendment offered by the mayor pro tem to make it so that it's initiating a stakeholder process to consider code amendments. It's been seconded. Are you ready to take a vote? Knows in favor of the amendment, raise your hand? Houston, mayor pro tem and pool. Those opposed please raise your hand? Okay. Are you amenable taking a pause and having the briefing? I would move to amend this to save language I said earlier that we're going to break it into components so that we have the pause, that first you're asked to conduct the stakeholder hearing, you come back to the council, brief the council and then continue on with initiation of amendments -- ordinances.

>> Kitchen: Could I read that just for clarity to people? What it would state is the city council directs the city manager to conduct a stakeholder process, so that's the first direction, and to provide a briefing to city council on recommendations at the end of the stakeholder process. So that's the second thing. And then, which is the third item. And then and only after that it says and then initiate code amendments that reduce housing restrictions, et cetera. So that's the language.

>> Mayor Adler: Is there a second to that amendment? Ms. Kitchen seconds it. Any discussion on that amendment?

>> Zimmerman: I'd like to call the question, Mr. Mayor?

>> Mayor Adler: I think there's no further debate. Those in favor of that amendment please raise your hand? Those opposed? Mayor pro tem votes no, the others voting aye. Amendment is included. If there's no further discussion we'll vote on that resolve clause. Those in favor of the resolve clause please raise your hand?

[3:47:27 PM]

Those opposed? Mayor pro tem votes no. The others voting aye. That gets us then to the first complete be it resolved clause on the last page. Provide recommendations, low, moderate income, homeowners and senior homeowners. Any discussion? Those in favor please raise your hand? Those opposed?

>> Zimmerman: Abstaining.

>> Mayor Adler: Zimmerman abstaining, the others voting aye. We're now to the second of the last, the penultimate clause. This is to have integration in high opportunity areas. Any discussion? Those in favor please raise your hand? Those opposed? Mr. Zimmerman voting no. Others voting aye. Troxclair abstains. 9-1-1. The last be it further resolved clause to create options for more diverse housing opportunities and reading further. Any discussion? Ms. Gallo?

>> Gallo: So my concern with this is how I read it is it almost looks like it's trying to circumvent areas where deed restrictions or other private covenants have a disparity impact on low to moderate income communities. I would really like to hear from legal if -- I don't want -- I'm uncomfortable passing something that looks like that's the intention is when a deed restriction in a neighborhood says one thing that the city is trying to find a way to maneuver through that. And I would love for legal to address that.

[3:49:29 PM]

>> I think we could come back to council and talk about what options if any are available?

>> And also from a legal standpoint?

>> Absolutely it would include that.

>> Okay, thank you.

>> Garza: I wanted to know what the idea is behind -- like what that's addressing? I just wanted to know what that addresses? Can you give an example?

>> Casar: So there are as we've talked about how it is that we can integrate communities and neighborhoods, some folks have said that there's only so much that the city has direct control over because there are often private restricts or deed restrictions that might make certain neighborhoods very, very difficult for these folks to live in. We have an impediments to fair housing report that talks about how meeting site area requirements or areas where there are very few apartments allowed or

existing or very large lots could be that kind of impediment. So this is beyond city policy. This may just be a report so that we can find out what it is that we can do. It might be cooperative and working putting together resources and make changes to further the spirit or it may have to be less cooperative if there's a real sticking point. But the fact of the matter is we know that private covenants have a long history of having not the best impact or not a good idea, as councilmember Zimmerman mentioned, and so I think it's worse than not a good idea. I think that it we need a report to figure out what our options might be.

[3:51:33 PM]

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I have some concerns about the legality of this particular clause, but again, our issue here is economic segregation. If you are a multimillionaire, you can buy a home in any of Austin's neighborhoods. If you have a sufficient number of millions of dollars, you're in. And if you don't, if you don't have enough money to buy in, you're not in. It's pretty much that simple. And the city in my opinion needs to do what it can to stop the economic segregation through the policies that the city implements, and I'm a little concerned that this item here could lead us into some legal troubles. I'll be voting no.

>> Mayor Adler: Further discussion? Ms. Kitchen?

>> Kitchen: I'm just clarifying, I think what I heard and -- I think what this -- I am not reading this to allow us to do anything that's illegal. And, you know, we couldn't -- a deed restriction or private covenants are enforceable -- are enforceable under the law. So I'm income with noting this because I know that our legal department and the city manager when he comes back with options will identify for us what it is that we can do and what it is that we can't do. And what we can't do is circumvent the law.

>> Mayor Adler: Okay. Ms. Garza?

>> Garza: Yeah. I guess my confusion was whether deed restrictions or private covenants that have a disparate impact on communities of color are even enforceable, but I'm assuming -- and I know our legal will rein us in if we're -- this is not attempting to do anything illegal. My deed says that persons of color cannot live in anywhere but the servants' quarters in my house and obviously that's not enforceable.

[3:53:39 PM]

>> Casar: Mayor, I think there's an important context for us with the recent decision in Dallas that the inclusive -- I believe it's inclusive communities there, the supreme court decision that said that disparate impact is now much more enforceable than intentional discrimination. So I think there could be some -- the law is being interpreted before our eyes. So I think that there is a -- it's a good moment to check in about this.

>> Mayor Adler: Okay. Any further discussion on this? Let's take a vote on the last resolved clause. Those in favor please raise your hand? Those opposed? Zimmerman voting no, troxclair abstaining.

>> Casar: And my understanding is Mr. Lumbreras can talk to us about the one that we got stuck on.

>> Mayor Adler: Okay. How did you vote? Two abstaining. Zimmerman voting no, troxclair and Gallo abstaining. 8-1-2. It passes. That gets us then just to the last resolved clause to be considered. It's the one that is at the top of the second to last page.

>> Casar: Mr. Lumbreras, under the language that was passed through committees and as we talked back and forth to staff how would you all execute what it is that's currently in the resolution?

>> Good afternoon, mayor and city council. Burt Lumbreras, assistant city manager over community services. What the language is proposed here, I believe staff could work with it. I've checked with staff. Certainly I wouldn't recommend the sell part, which I think council understands that piece, because as we have stated before, we believe that any property that can be developed for affordable housing presents a significant value to the community in a variety of ways. So I'm not going to go over a lot of that. But it's important for council to know, and I'll be happy to share with you, with property that does become surplus, we do try to go through an assessment of affordable housing.

[3:55:42 PM]

This gives us an element of looking at properties that are available even with existing facilities. And I'll give you an example. We certainly, when we look at the list, we would not bring city hall, we would not bring one Texas center, because those are not viable options. What we would look at would be, for example, the Bettie Dunkerley campus, where we have six acres that is already dedicated within the campus that already has existing facilities, that is dedicated for affordable housing. Or if there's a similar site that has the similar type of makeup with existing facilities, then certainly we want to explore that because I think council has made it crystal clear here that you want us to look under every stone and look at under every opportunity and we would do that. So it is my belief that we can do that. The other thing we could do is as we work through the stakeholder process one of the elements that we can include in there is to develop some criteria. You know, some criteria that can come before this council and we can certainly present to you how -- the lens that we would look at in evaluating all of these properties. So in conclusion, the short and sweet of it, we can work with this property for all the reasons that I just stated.

>> Casar: Thank you. And you wouldn't be slowing down -- as mayor pro tem mentioned, there is some work being done already on some properties. You wouldn't be slowing those down in order to look for the next ones in the pipeline?

>> Not whatsoever because I'm pretty excited about some of the opportunities that we have, the win bay go site is a prime example. The work that I'm hoping we get some momentum on, the workforce initiative with aid, I'm hoping that gains a lot of momentum because those are models that could start making some measurable impact in what we provide to our residents that really need it. So no, we would not slow any of those projects down at all.

>> Casar: And my last question is I think in private meetings and also in the committee meetings folks have expressed some frustration that they haven't seen more workable a options for council to get moving on more of these opportunities. Do you think that with this added emphasis y'all can get us some projects and some choices in relatively short order?

[3:57:43 PM]

>> Yes, sir. And we would dedicate a team to really work with the community and do everything we can because we understand the importance just by the mere nature of the conversation that you were having just a matter of a few days ago, not to say that that is going to be our driving force, but we understand the importance of this initiative. So we'll make it happen.

>> Casar: Thank you.

>> Mayor Adler: Okay. Any discussion on this? Ready to take a vote? Those in favor of this resolved clause please raise your hand? Those opposed? It's unanimous -- all voting yes on the dais except for Ms. Troxclair -- I'm sorry, what? All in favor except for Mr. Zimmerman, who is abstaining. All right. That's all for that item.

>> Zimmerman: Mr. Mayor, can we bring up item 25 maybe? Could we do 25 next? I think that's going to be quicker than the others.

>> Mayor Adler: Yes, I held off on that because Ms. Gallo was off the dais when we initially started. Ms. Gallo, do you want to lay out number 25?

>> Gallo: I will, thank you, mayor. So as many of you can tell from conversation on the dais, accountability in city government has been a priority of mine since taking office. And ways to help move our city in a way where our departments run efficiently and cost effectively. You know, as we talk over and over again about all the funding needs we have in this community, we have to be sensitive to spending money wisely and in the right places. And when we can do things to make things more efficient, I think that that is always what we would want to encourage. We put forward this resolution

because we became aware of a situation in San Antonio where it tracked our code department -- their code department very similarly to the way that Austin has tracked, which was it was part of development services zoning and then it moved to other departments, and now it is separate from that, but as we talked to different employees in that department there are a lot of overlap and there's a lot of education that's done with becoming familiar with the codes and we just felt like that it would be -- it would be useful for the city manager to be able to step in and really analyze if it would be more efficient and it would be a cost savings for our taxpayers to be able to merge the code department into development services and allow that group of workers and employees to be able to be trained and be part of the department that actually implements codes and is aware of those.

[4:00:44 PM]

So that was the process. San Antonio evidently has pulled theirs back into their development services department and it's been very successful both from the standpoint of efficiency and also cost savings. And our idea was that we would ask the city manager to evaluate this and come back as part of the budget process to be able to see if there would be a cost savings by doing this and I think as all of us are looking at a budget that we are going to struggle with ways to provide services without cutting services or cutting employees, that this would be an opportunity to have the city manager look at that.

>> Mayor Adler:

[Inaudible]. Is there a second to this motion? Mr. Zimmerman seconds this motion? Any discussion? Mayor pro tem.

>> Tovo: I have a question and I don't know if there are speakers who want to address this, but one question I have, it's my understanding that the city manager's office, the office of performance management, has been examining our code department for some of these same points, for some of the same elements, looking at efficiency, improved customer service. I assume they're looking at a good number of these issues. So I guess my question for this sponsor would be how would this effort differ? And my question for the city manager or the assistant city manager is, you know, I guess let's start there. If you could confirm my assumption that they are currently underdoing a pretty extensive review as part of the two departments that were selected by the office of performance management. So if you could help me understand whether that's true, what kind of analysis they're doing and whether you see this as duplicative. And then I would ask the same question of the sponsor, kind of what you see coming out of this -- your resolution as potentially more comprehensive than the current process.

>> That's true. We are completing a review of code from the office of performance management and that will look at efficiencies and operational changes and improvements that may be made to make that code department run more efficiently.

[4:02:57 PM]

>> Tovo: So what's different? What do you see as different, I guess based on your understanding of the resolution, what would you see coming out of this resolution that would be different from the work that's already ongoing?

>> I see this resolution as more specific than we would look at at this point, the office of performance management is looking at a review of that department. I would sincerely think they would not recommend a consolidation with a specific department at this point. They would just recommend improvements throughout that department and leave the city manager to take what next step he deems appropriate.

>> Gallo: Did you also address that question to me? So what we saw when what San Antonio did is they actually set up a task force to look at consolidation of different departments from the standpoint of if there was duplication between what different departments were doing, could that duplication and cost be eliminated if departments were consolidated? And the place that they started was with their code department and pushing it back into development services because they did see that there was a lot of duplication from both the jobs that the employees were doing and the training that the employees required. And it just seemed like it mirrored very closely kind of to our situation here. And once again what we're asking for is I think that what's going on now is an evaluation of the department, but what we're looking for is as part of this resolution is that the city manager expand that to consider if there are opportunities that would increase efficiency and cost savings because of the duplications between those departments and bring that back to us as part of the budget process. So it really is -- it's fine tuning it a little bit more to the direction of as we have more things to spend on, as we have money to spend, are there some places that the city manager can make some recommendations in consolidation to avoid the duplications to save money, as we go through the budget process?

[4:05:07 PM]

>> Kitchen: Mr. Mayor? I would emphasize also that the language -- you may have already had this discussion. That the language says consolidation or shifting. So it doesn't presuppose any result, it's just a request for information.

>> Mayor Adler: Any further discussion? Motion? Those in favor? I'm sorry? We have some speakers? I'm sorry. Mr. Hersh. David king is next up.

>> Mayor and members of the council, in the last century building inspection was an enterprise fund department prior to 1983 in and code enforcement was part of that. And the level of customer service that people received when they came to this location at 301 west second is very different than the level

of service that they receive currently. There was an expectation that you, if you owned a home or an apartment complex or a business, that you could purchase a minimum standards permit for \$25, which was the cost of issuing it, and an inspector would go to your property and punch you a list of all the things that were wrong if you wanted it, or you could hire an architect or engineer if that was your preference. And we would give you a permit based on that list and you would move forward to improve your property and eliminate substandard conditions. And all of us who were inspectors in substandard housing were expected to be state licensed as plumbing inspectors so that we would understand how water and sewer and natural gas regulations worked and how heating and air conditioning systems worked and framing worked so that we would be competent in giving you the comprehensive list.

[4:07:26 PM]

If you involve us stakeholders in the discussion of the implementation of this resolution, you have an opportunity to return to the effectiveness and efficiencies that existed before you started receiving these complaints and your predecessors have received this century. So I am so grateful to the sponsor and the co-sponsors of this resolution that we can finally have a conversation that we haven't been able to have this century. And to serve -- to provide the revenue that we're getting both on our utility bills for code enforcement and the revenue we get as a city from building permits and sales tax revenue from materials purchased from building permits and eventually property tax revenue from all those things being completed so that you will have more choices when you get to budget because we will run this much more effectively and much more efficiently than we do in the 21st century. So thank you very much for bringing this forward.

[Applause].

>> Thank you, mayor, mayor pro tem, councilmembers. I'm really glad that there's going to be focus here and whether it's consolidation or they remain separate, I think the goal should be that we see some measurable improvements in issues like effect my neighborhood, the zilker neighborhood. We found over 17 violations of the erosion controls on residential projects in the neighborhood and that's in the developmental services department. So they're already not able to keep up with what's going on. We find trees that are damaged, protected and heritage trees that are damaged during the demolition process and they're already damaged. It's too late. It's an honor system. So we already have problems in performance in those areas. And I'm not necessarily blaming it on development services. I don't know that they have enough staff. And I think they're going to come forward with some strategies to help them and make improvements in those areas.

[4:09:29 PM]

So I hope that the consolidation is not just about reducing headcount, but it's about making material differences in the results? That's what we need. And so to that end I think we need more proactive inspections, not fewer people, more proactive inspections on the front end to avoid these problems. There are consequences when we have 17 projects that are violating the erosion controls and the runoff clogs our storm water systems and pollutes our water. The regulations are in place to protect that, but it's not happening. And then we know that we have a problem with inspecting our residential units. So I hope this consolidation will lead us to better results so that we can preserve this older housing. We need to be more proactive in inspecting our housing to make sure that it is up to code and that it can provide housing for the long-term, affordable housing. So I hope that we can get some metrics in place to see that whatever comes out of this process that we get measurable results. So thank you for putting a focus on this and I hope we get some improvements down the road. Thank you.

>> Mayor Adler: The next speaker is Bianca bush. Is Nash Gonzalez here? Then you will have six minutes. On deck is Carrie ingall at this podium.

>> I have a presentation. My name is bianci goash. The motion in the bottom, that was the comment made in the sucker report about code compliance.

[4:11:34 PM]

Is there -- that's the comment by the Zucker report. And I am speaking here, one of the reason is in the last five years I have lost more than \$30,000 trying to work with some of the corruption issues of code compliance. That there is no process, there is absolutely no process, and the code compliance did not believe in the judiciary system, that has been a big challenge because if you take them to code, then they will come back with another set of violation. The whole behavior is if I cannot harass you, I will find somebody who can harass you. And this presentation will be for you. But the real root cause is we are really funding two departments, interpreting codes where none have the higher position. So think about if you have two supreme codes, one up in New York, one in Dallas, and they're interpreting the same laws and then the citizens in between they have to run in between these two supreme codes to find out which one is right, which one is wrong, and by the way, the process that's being applied to many of you people, such as the process being applied to me, is completely different because the process is made up at that point in time. There is no process. Now, this creates an enormous loss in tax dollars and knowledge and I will be talking about this knowledge a little bit. But we are also losing precious time for codenext. So what is this? If you're looking to

[indiscernible], we are talking about the employee life cycle. Employee life cycle of a city employee because they're joining the city to achieve something. Today we have an ex-law enforcement employee who has no building, no motivation and working there for a paycheck and treat citizens like criminals and are

[4:13:49 PM]

[indiscernible] Practices. That's why we have this problem, that's why we have the audit report. We have to ask the question why do we have the audit report? It's not happening by magic. In 2010 we had an audit report and in 2016 we had a worse audit report. I would ask that you amend to this ordinance that city employees should be able to have a path where they're working for code compliance, they're educated workforce. And we need more women in code compliance. Pleased in there is only 15% women there. But there is really the groundwork for city planning practices. That is where they become planners because if you are an engineer typically the past four or five years you work in the field to understand how the field works. What's happening in code compliance is that all this knowledge that we gather on code compliance, why people are avoiding code, et cetera, everything is lost. We never find anything because it's never reported back. There is no feedback mechanism for that. And finally, we need this process for the collaboration with various departments. We are talking about codenext. Codenext needs collaboration between multiple departments. If we do not create this collaboration channel today and it will take two or three years to create that channel, then codenext is not going to be successful because we need to have code and compliance officers who have to find out, read the codenext, understand that and then understand where we are non-compliant. So I am requesting everybody to also look into the city employees, the life cycle in the process -- of course we would like to consolidate, but also what is the city employee getting out of that consolidation process?

[4:15:52 PM]

Finally, based on my experiences I made two pages of recommendation to the city, but one of the biggest recommendation I will say that this idea of anonymous compliant. If it is a safety issue, how can you have an anonymous. If somebody was feeling unsafe, how can it be anonymous. So what happens is that the code employees confuse this most of the time and then neighbors use it against each other. If it is anonymous, we do not have to publish it in the website, but if you remove that idea, then your code compliance ticket Numbers will go down by 50%. And there are quite a few other recommendation, but one of the other recommendation -- and because I am a father of a daughter, so I always speak for this. More than 50% of the U.S. Society is women, but in code compliance it's only 15%. This needs to be changed because many code compliance issues are for society at large. They are not really just a building issue, they're -- so we have to change this situation. Finally, we have to bring innovation to code compliance. We have innovation in the city. We have paid 600 or \$700,000 just to build that so we have to use that also.

[Buzzer sounds] Thanks, everybody.

[Applause].

>> Mayor Adler: On deck, by the way, is John Woodley. Is Ross Silvey here? Thank you. Is Barbara Christianson here? No? Yes, I've got you. Thank you. Is David Ingall here? Is Dale Flat here?

[4:17:52 PM]

>> Here.

>> Mayor Adler: Got you. Then you have, one, two, three, four, five -- you have 15 minutes.

>> I won't need that much time. Thank you, good afternoon, my name is Carrie Ingall. I would like to point out a pattern evident from examining attempts by the former and the current city council to reform the Austin code department through means of new ordinances and resolutions continually reiterating council's intentions that the priority of code resources should be shifted to the most egregious safety violations of landlords. On June 6, 2016, a council resolution was put forth in response to a year long stakeholder process which, quote, did not result in a satisfactory plan to address the health and safety concerns that had been raised. And because, quote, further meetings with staff did not result in action on the agreed to solutions, this resolution thought to further have mark cotulla for the repeat offender program under the 2-5 rule. He was also directed to have performance measures to ensure program effectiveness. Three months later, September 26, 2013, a city ordinance was instituted by council to further address the continuing lack of effectiveness of the code department to place the emphasis of their resources on dangerous health and safety conditions. So again, an ordinance was put forth to reiterate council's objective of policy change by clearly defining council's expectations. It gives the code department the authority to proactively inspect repeat offender properties via periodic inspections, set sharp penalties for landlords who do not comply and then require that the code department submit a report to council quarterly that addresses very specific data as to the number of properties which received a proactive inspection, the number of violations found, et cetera. 21 months later the UT law school's extremely detailed report was presented to council entitled, an analysis of Austin's 2-5-2 repeat offender program and efforts to address dangerous rental properties.

[4:19:58 PM]

Is addressed ongoing challenge in the form of deteriorating multi-family properties with dangerous and substandard conditions. It specifically noted that adding to this challenge Austin has a long-standing culture of lax code enforcement in which owners of substandard -- of standard -- substandard buildings face little in the way of repercussions for allowing their properties to deteriorate and generate unsafe

living conditions. It then pointed out that although the repeat offender program ordinance allows code officials to conduct periodic comprehensive inspections, the code department had not started conducting their first round of inspections until March of 2015, 18 months later. They also noted that while the same ordinance required quarterly reports which address five specific questions in order to monitor progress, the first six quarters had come and gone with no report from director smart. To date there have been two of these quarterly reports made since September of 2013. The first was second quarter of 2015 at the time of the UT report. The second was not until first quarter of 2016. And then there's a third, which is alleged to have occurred in March of 2015, but evidence of this is not obtainable. Council's efforts to reform the code department's priority of resources through policy change again failed. On October third, 2013, another resolution was council's next attempt at policy change, citing that structures at multi-family properties have increased putting rental unit dwellers at risk. It pointed out that code compliance staff had not during the past year requested the bsc impose' thousand dollars per building per day fines for properties that do not comply with bsc's orders. It subsequently directed the city manager to utilize the bfc to the fullest extent possible. Then on November 20th, 2014 another city ordinance amended the original 25-2 ordinance to expand attempts to the repeat offender property list for eligible properties, over 24 versus a 12 month period.

[4:22:05 PM]

On October 24th, 2013, council submitted another resolution in response to a 2013 UT law school's first in-depth study of the code department called addressing problem properties, legal and policy tools for a safer rundberg and safer Austin. It identified needed strategies for taking a more Saturday enforcement action with regard to problem properties. Again, city manager Marc Ott was recommended to bring recommendations to council for the city's response for health and safety issues at multi-family rental properties. Again, council attempted to use policy in order to redirect poor prioritizing of code resources by making the city manager hold director smart accountable. Since then -- okay. Since then several councilmembers have repeatedly and publicly made it clear to director smart that the priority of his resources should not be ongoing to extremes to enforce minor code violations, but rather to put more effort into enforcing serious violations which impact citizens' actual safety and the habitability of their homes. Two events in particular the effects of failed policy efforts to reform code priorities. The first was -- we're not getting this right. There we go. The first of these was the second story balcony which collapsed at the wood ridge apartments in may of 2012 after which 150 tenants were displaced. According to coverage by the "Austin american-statesman", the city had visited this property 33 times over a period of 28 months to respond to tenant complaints, but was unaware of the substandard condition of the walkways until after the collapse. None of the tenant complaints had pertained to the walkways, so the walkways were never inspected until after the collapse when code inspectors finally conducted a comprehensive inspection of the complex, finding 760 code violations in 84 units. Prior to the collapse, no thorough proactive inspection had been triggered since the property

had not had any citations issued against it, despite the high volume of tenant complaints and code investigations.

[4:24:20 PM]

The second event was less publicized, but far more tragic. May 26, 2015, a four-year-old boy was playing behind building number 15 at high point village apartments when he touched an exposed wire behind an exterior ac unit, was electrocuted and instantly killed. The death of this four-year-old occurred seven months after council amended the requirements for a property to be placed on the repeat offender list to include those which received five or more separate notices of violation issued on separate days for the same property within a executive 24-month period. This property had received seven notices of violation on separate days over the previous 24 months prior to this incident, as well as inspections due to several other complaints which were closed with no notices of violation. Some of these cases were closed for reasons such as it took so long to do the initial inspection that by then the tenant had moved out and was then unavailable for comment. Each and every one of the complaints that came to code's attention from this property were related to health and safety or habitability issues. So despite council's best attempts to protect the public, this property was never put on the repeat offender list and subsequently never received a proactive inspection. It took a little boy dying in order for this property to receive a semi thorough investigation. Primarily of the exterior of the property. Once that occurred numerous violations were found in 11 out of 20 buildings in addition to a parking lot issue. Multiple violations included exposed and dangerous buyers to additional exterior ac units. So how many citizens need to be displaced, fear for being evicted for reporting code issues or even being killed because of the outrageous miss prioritizing of code resource and attention. Director smart would rather focus his poorly trained staff on overly aggressive measures to target homeowners for issues having nothing to do with health or safety.

[4:26:22 PM]

Often bordering on the absurd. All the direction from council to Marc Ott to hold director smart accountability has failed as well. I submit to you had council's policies been implemented as intended the displacement of all the wood ridge tenants could have been prevented. The death of the child could have been prevented. The 2015 Texas law school study would tell you the same thing. It states, quote, the city's list of registered properties is leaving out many problem properties that should be qualifying as repeat offenders under this ordinance. These words were written within one month of elice's death. The assistance on policy change has been noble, well meaning and very well articulated. The policy change has not worked. Director smart largely ignores policy and the city manager does not hold him

accountable. So today a young boy is dead. If council inadvocacy another ordinance that requires policy change again without finding a way to include leadership change, history will keep repeating itself. The management of the code department, coupled by the inactions of the city manager, is the root problem. Until this is remedied, the best policy changes council can muster will be nothing more than a band-aid on cancer and disasters will continue to occur. I am a Normal citizen with property that was inspected by code and found to have two violations. Neither of which relate to health and safety issues, and both of which I quickly brought into legal compliance. This was late last year. I have no open violations or safety issues, but director smart's focus is on properties such as mine. Through open records I discovered the last -- the last recent visit from city employees visiting my property a month ago cost the city no less than \$1,718.25 for four public works personnel and a department surveyor to spend 5.5 hours measuring my property boundary in order to show that the face of my sign was encroaching into the right-of-way by exactly two inches.

[4:28:28 PM]

To give you a sense of where director smart does prioritize his resources, the following is a list of city and state personnel involved in handling just my case with Austin code, which is still ongoing despite the fact that I'm legal and compliant. Six code inspectors, two code management, two A.P.D. Officers, two senior police officers with Siu, four 311 operators, one watershed protection department environmental compliance specialist, two engineers, one building inspector, one road and bridge survey inspector, two senior investigators with city of Austin audit department, the assistant city manager, the assistant to the assistant city manager, one zoning department employee, five developmental services department staff, one fire inspector. At least two staff from city legal. Numerous staff involved in multiple pir requests. Two -- a field agent from the state comptroller's office, two field agents from tcad, two staff from the department on aging and disability services, three city councilmembers, four staff members of councilmembers, three people from the permit department, one division director from Travis county natural resources department, one division supervisor from quality management division of public works department, and now four surveyors from the public works department. And this does not include six surveyors, four attorneys and three land use consultants that I directly hired. I repeat for the record policy change has not worked. Council is currently council is currently proposing great ideas but I submit you to that your resolution will not be effective without leadership change. That being said I speak for some citizens extremely grateful for your efforts, particularly to councilmembers kitchen, Gallo, Renteria and troxclair for submitting today's resolution and of course to the caption of our cause councilmember don Zimmerman who has repeatedly rolled up his sleeves and got into the mud and personally fought alongside of us against the abuse of authority by code amendment. Thank you for your time and attention to this matter.

[4:30:31 PM]

[Applause]

>> Hello. I'm John Woodley. I'm an advocate for disability access and I would like to bring up some code issues and building inspectors that are not making sure properties are Ada compliant or accessible. And some of the ramps don't have and parking lots -- a lot of properties are parking golf carts in the handy cap parking spaces residential apartment complexes and they're blocking the Ada access ramp. Code compliance and building inspectors are not doing anything to address those issues. And I would like to see the code inspectors and building management became more Ada compliant. When you walk down the roads, like on third street, you see a lot of trees and vegetation that is cut too low and there's vegetation in residential areas that are overgrowing the sidewalk and bike lane, blocking. A lot of them need to be addressed. Thank you.

>> Mayor Adler: Thank you. Those are all the comments we have. Anyone else? I think that's all. We're back up rot dais. Any further -- up to the dais.

[4:32:32 PM]

Any further conversation? Ready to take a vote in yes, Ms. Pool.

>> Pool: If -- and this will probably be part of the information that the city manager collects, I would guess, but is there any potential conflict of interest between putting code compliance staff in the same department as the one that issues the permits and does that kind of regulation? Look at that? Okay. Thanks.

>> Mayor Adler: Anything else? Any further discussion on this item 25? Those in favor of this item please raise your hand. Those opposed. It's unanimous on the dais. With Ms. Troxclair off. All right. That gets us to the next item. We have a consultant here from out of town to talk to us about south shore. I said we were going to break close to 4:00 to do that. We should do that now.

>> Mayor Adler: Jim, what's the item number? 74. Conduct public appearance and consider ordinance regarding the imagine Austin comprehensive plan.

[4:34:35 PM]

Does staff want to lay this out for us?

>> They're loading the presentation.

>> Mayor Adler: Ongoing.

-- okay. I didn't see Ms. Troxclair. She was right at the corner of that last vote. She voted aye. We're now calling up item 74. This is to conduct a public hearing and consider an ordinance. In this public hearing we have one speaker identified, David king. But we should do your presentation first.

>> Okay.

>> Mayor Adler: Thank you, sir.

>> Good afternoon, mayor, city council. I'm Alan holt, an urban designer with the city's planning and development review department. It appears that the presentation is not coming up, but I trust that you recall the presentation that I delivered to the council back in -- a couple of months ago. And you have before you the plan itself. And so it's 114 pages. It has 60 pages of amendments. So I don't want to belabor the plan, which speaks for itself. Simply put, the -- this plan lays out a path forward for seeing that the tremendous amount of redevelopment that is already underway on the southshore, which involves 32 private property, 118 acres, can be coordinated so that as these properties redevelop, we have the opportunity to make a great urban, green, accessible district that could yield a great public realm with 20 acres of public space.

[4:37:08 PM]

That could yield coordinated development to create good quality architecture and urban design. That could create hundreds of units of affordable housing. The option is that we do nothing and hope for the best. And we've modeled what that would yield and what that will yield is very little open space, very little connectivity, and a guarantee of not a single unit of affordable housing. If we hope for the best, the status quo is going to take us, under the existing rules, regulations in place, to doubling the amount of density in the area over the next 15 years and doubling the amount of taxes the city receives. Under this plan, there's a coordinated path forward to tripling the density, but increasing our tax revenues by a factor of six. In working with a collection of innovative finance tools, be able to pay for a \$100 million public realm of connected street, parks, open spaces, using infrastructure so it's not only beautiful but environmental sustainable and producing hundreds of units of affordable housing, in the test scenario that we modeled with our financial consultant, Abe fargas, here about us today from Portland, Oregon, applying market-based rules we saw a generation of 527 units of affordable housing in a test scenario and build-out. Also with us today is Jim Adams from Mccan Adams studio and Zack from

[indiscernible], so with that I'd welcome questions or discussion from the council. If you want to delve into details of the plan or technical memos associated with the plan between myself and the consultants we'd be happy to try to answer your questions.

[4:39:15 PM]

>> Mayor Adler: Thank you. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I have a real quick kind of high level, general question. I've been kind of -- I've been a vocal crit but I know professionals like you that do modeling and market research you could work in a place like Houston, Texas, that doesn't have centralized command and control. Can you give me a frame of reference for work that you've done in areas like Houston that have less centralized planning and control?

>> Me personally? I have not worked personally in Houston. My consultants have worked extensively in Houston, Zack --

>> My name is Zack

[indiscernible], we were one of the prime consultants on the project and our home office is actually in Houston. So I've worked very extensively there on similarly scaled projects and would be happy to answer any questions about --

>> Zimmerman: If you can give me a high level kind of comparison between what you're experience -- your experience is like in the Houston market with a similar comprehensive plan versus trying to work here.

>> Houston, the tool set is very different that we would use here in Austin versus what we use in Houston. The outcomes we are looking for are much the same and I think I would stress in this particular project the way that we put the market elements as well as the Texas open space and affordable housing and those sorts of things that we are really looking to get out of it at the forefront of how we're thinking about it, rather than thinking from a regulatory perspective actually mirrors closely the way we would do a similar project in Houston. In the Houston case, we are looking at really what the market is trying to do, what it's trying to provide, what sort of benefits we're trying to get out of it. And then in their case they're using more building are regulations and some of those sorts of issues rather than a zoning code. In this particular plan there's not regulatory recommendations. What we're really looking at is how much development would drive the types of tax increment and other elements we would need November to provide the public realm and public benefit we would be looking for in this project.

[4:41:30 PM]

>> Speaker2: You lost me there because I thought a lot of what this was about was zoning changes based on kind of like a P.U.D. Or something, based on a superior land use scheme. I thought we were talking --

>> What we're trying to do here is that since this land is private property, the city only owns one Texas center and the right-of-ways, it is how did we harness the tremendous amount of free market investment that is already taking place over there in order to create the incentives, to get the private properties to literally buy in to a vision that creates parks, open space and affordable housing. So this is a way of harnessing the existing free market and we can dig into the details and Abe can unpack how we're doing that.

>> Zimmerman: And I'm not necessarily opposed to this, all right? If we can get there to market-based solution that's sustainable without government subsidies and that respects private property rights, you know, great. But it seems to me that -- I lived in Houston for 13 years about I know a little bit about it. The difference is that you have more market-based solutions in Houston. You know, people offer to buy into something. Here we have government coercion and mandates that can put people in a disadvantageous position so they have to sell out fortunate? They can't compete with larger people that have more political power. That's really my concern with what's going on here in Austin.

>> You know, this plan has three points that, first of all, we immediate to think district-wide, not parcel by parcel in order to get the kind of streets, connections, open spaces. Second, we need to think district-wide, not on a parcel by parcel basis, on how do we collectively tap into that tremendous value the free market is already spending over there and third we need city leadership. So in my mind leadership is different than coercion and because this has to be done in partnership with the private sector.

[4:43:32 PM]

>> Zimmerman: Sorry, I had to -- city leadership being different from coercion, we pass rules and laws and zoning ordinances that force people to do things. Sorry about that. But are the other property owners that are affected by that, are some of them here? Large, small, that kind of could speak quickly to property owners' interest and kind of how they're viewing the whole idea?

>> I do see one property owner here, and -- the one at -- I don't want to speak for him or coerce him to have to get up and speak before the microphone, but I would say that we've tried really valiantly to meet with property owners large and small and we have been meeting with property owners as well as business owners, neighborhood groups, advocates in affordable housing, back conservation international, parks, trails, open space, et cetera.

>> Zimmerman: Okay.

>> Mayor Adler: Let's give the public at this open hearing the chance to speak. Mr. King?

>> Thank you, mayor and councilmembers. You know, this is important to have a district-wide approach to this. I really agree with that strategy. But this is in the water front and I think this is our opportunity now make that a priority in the redevelopment of this area. And that is my point. I hope that you will

send a message that it is a top priority to adhere to the height limits, the setbacks and impervious cover requirements in the waterfront overlay. If we don't use this opportunity for it to be redeveloped to do those things then we're missing -- then we won't really care about the waterfront, really. So I hope that you will make sure that those are requirements that are embedded into this master plan.

[4:45:37 PM]

And, you know, we don't have a waterfront planning advisory board in place anymore with the expertise to know about the regulations and the waterfront overlay and to be involved in this process. I know that two members of the board have been involved in this process. That's really important. I hope that they will become a formal part of this process on an ongoing basis, and I hope that we will have a waterfront advisory board in place to look at other -- to monitor the other parts of the waterfront overlay. We need that expertise. And I think it's kind of interesting that earlier today we heard that one Texas center is not on the list of potential sites for affordable housing. Yet in this master plan that we're looking at right now, guess what, it is. It is. So I think that we need to reconcile that. Why is it not on the list now for the fair housing initiative but yet it's on this master plan? So I hope that you will ask questions about that. It seems to be inconsistent to me. Thank you very much.

>> Mayor Adler: That is the full extent of speakers. So is there a motion to close the public hearing? Ms. Pool moves that. Is there a second? Mr. Renteria. Those in favor of closing the public hearing, please raise your hand. Those opposed. It passes with Ms. Gallo and the mayor pro tem off the dais. With mayor pro tem off the dais. We'll continue now further in discussion. Do you want to say something further?

>> May I respond to a couple of things that Mr. King brought up.

>> Mayor Adler: Sure.

>> First off, of course, we worked extremely closely with waterfront planning advisory board up until their dates ending last year about I'd like to put out in terms of the goals of the planning advisory board, this actually results in more open space especially along the waterfront than a strict application of the waterfront overlay ordinance would yield.

[4:47:51 PM]

As a matter of fact significant more open space, 4 acres more open space. I'd like to point out that the waterfront overlay -- waterfront advisory board when they were active appointed their own committee recognized in the front of this book even though that was a somewhat informal group staff continued to

work with the committee over this last year and that included not only the kind of expertise that were representative of the waterfront planning advisory board whose charge was waterfront ecology and shoreline protection and so forth but also included experts and advocates in affordable housing, in transportation, and in the other goals that are part of this plan that go above and beyond what the -- the strict charge the waterfront planning advisory board is. As a matter of fact, in working with some of the former members of the waterfront planning advisory board and the stakeholder outreach committee on page 108 there is a specific recommendation as part of next steps that the council would appoint a south central waterfront advisory group that might be modeled similarly to the kind of expertise the waterfront planning advisory board in their wisdom appointed to the stakeholder outreach committee, that included not only folks that longstanding understanding of waterfront issues but also of affordable housing of transportation and other key community concerns that are part of this plan. So thank you.

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

>> Garza: I have a question. I'm sorry. Can you come -- on page 94, there's mention -- and other parts. I think it's in the beginning, to the mention of the amount of affordable housing. There's a sentence that says offers the potential to set and achieve a target of making 10% to 20% of future housing units developed in the area affordable.

[4:50:02 PM]

Our downtown commissioner reached out to us about concerns and would there be a problem? Because I've been a big advocate of setting that bar high, not setting it low, of saying we're going to shoot for as much as possible. Would there be any issue if we took out that 10 and said potential to achieve a target making 20% of future housing units developed affordable?

>> Not at all, councilmember Garza. We wrote this plan to be flexible, and there are next steps. Some of those next steps include that the council weighs in and sets these policy goals. For the purposes of, you know, our discussions, we heard from some community members, 10% is good enough. From others we need to set the bar higher. And so we work with our economic consultants to model a scenario that achieved 17% affordable housing, 527 units. And in order to do that had to crank up the -- to do that we had to crank up the amount of incentives for the private sector to deliver that level of affordable housing. It is the council's job to tell us what target to set and we can dial the financial tools to meet that target. We stayed flex to be respect the kind of balancing act we were doing as we were working with stakeholders in the development of this plan.

>> Garza: Thank you. So with that being said, again, as a target, doesn't say it's required, it's a target, and I would like to amend the draft to say -- to take out that 10, if I can get a second. And I guess my discussion would be I want us to set higher bars for these goals, especially in big projects like this.

>> Mayor Adler: So there's been a motion to amend the plan.

[4:52:05 PM]

Tell me again what is this?

>> Garza: I'm looking at page 94, but I believe it might be in other areas of the report. But wherever it's listed, the percentage of future housing units with regards to affordable housing. It says to set and achieve a target of making 10-20% of future housing units developed in the area affordable. I would move that you just strike 10 and the word to, so target of making 20% of future housing units in the area affordable.

>> Pool: Mayor, I would second that and I would also even maybe suggest we make it 25%.

>> Garza: I'm good with that too.

>> Mayor Adler: So the motion is to --

>> Garza: To take out the 10.

>> Mayor Adler: To make it what?

>> Garza: A target for 20. I'm trying to --

>> Mayor Adler: It's been seconded by Ms. Pool. Target for 20.

>> Gallo: And my staff had --

>> Garza: And my staff had some discussions with staff. The reason I don't propose any higher is because concerns of if that 25% is something we can reach. If it is, obviously, I guess my language would want to be target 20 at a minimum is.

>> Right.

>> Garza: If you run your models and you find it can be 25 obviously we would love for that to be the case but it is my understanding --

>> Right. I would point out in next steps on page 112, 2nd to last box we find the affordable housing implementation strategy, the first sentence says refine the target goals. So that's something that you're just getting on to the next steps so I applaud the council for doing that leadership. I might also point out that in the example that Abe is extremely familiar with, that he worked intimately with in the city of Portland, the city council there established 20% goal when they based their vision framework plan about 15 years ago, and the city council in Portland recently upped that goal to 35% so that plan has been amended because 20% has delivered and worked well.

[4:54:16 PM]

So there's nothing to preclude the council at some later date, once this plan gets up and going, to come back in and amend the plan. As I understand from Mr. Fargas, the city council in Portland has amended their vision framework plan 13 times now and so, again, this is a flexible plan. I welcome as much clarity as we get it out of the gate as responsible and there's always the opportunity for the council at a later date to come back in and refine those goals even further.

>> Mayor Adler: So I understand, so if you set a goal you would set the goal higher but you then have to turn the knobs to allow for greater development in order to be that able to economically work? If we take the plan as it sits right now and say as was proposed and seconded that we have a target of 20%, is there any knob turning that you have to do in the report as it sits to correspond to that amendment change?

>> I'm calling Abe fargas to the stand.

>> Abe fargas with econorthwest, Portland, Oregon. Good to be back in Austin.

>> Mayor Adler: Good to have you back.

>> Thank you. Yes, you need a robust tool kit on the regulatory side and robust on the financial incentive side. The plan does lay out a number of possible tools on the financial side, including tax increment -- area-wide tools such as tax increment pid transfer development rights. There are also specific tools that are targeted to individual projects, some of which you're already using, low-income housing tax credits, new market tax credits so a blend of robust tools are really the package that you'll need in order to meet the 20% affordability.

>> Mayor Adler: So there's not in the plan the setting of those tools at any level that should be adjusted with an amendment like that? Is that correct.

[4:56:17 PM]

>> The plan does make suggestions for some next steps and some of those next steps involve -- should you adopt the plan, taking action on doing a feasibility assessment for a tax increment or tourist district, feasibility for P.I.D. So that you can do some parallel tracking to get ahead of the curve because there's so much development already taking place in this area.

>> Mayor Adler: I'm sailing there's nothing you need to change about the rest of the plan in order to correspond with that amendment? Nothing you need to change.

>> No.

>> Mayor Adler: Got it, good. Mr. Casar.

>> Casar: Thank you for coming in and for y'all's very hard work on this issue.

>> Do the current economic analysis you've done support us putting in 20%? It sounds like it did because you said 10-20% but just to make sure that we are setting an expectation that you think we can meet, does this -- is 20% us turning the knob up on affordability but to a level that we can make it?

>> And when we did the modeling, we modeled affordable units at 80% of median household income in both lower or midrise buildings, basically five stories over retail or active use. We also modeled high rise. High rise construction is very, very expensive so when you build 20 story buildings or ten story buildings it just costs a lot more to construct than it does the wood-framed buildings that are the five story buildings. You can get more bang for your buck in the wood-framed buildings, the lower ones. We modeled both of those. If you were to provide more of the affordable units and wood framed buildings you would come closer to meeting or exceeding the goal but we, again, tried to make sure that you could model some of those affordable units in high rise buildings and still achieve 17%.

[4:58:29 PM]

So we're happy to share the math and various pro Formas with you if you want to go through that level of detail.

>> Casar: The idea being of the various you've done 17, 18, 19% that's something we can do? We may have to dedicate some city money, do tifs and development right transfers and all that but we can do it?

>> Right.

>> Casar: Thank you for that. I would look forward to our 13th revision of this thing if we can make it better and better but thank you for your hard work.

>> Pool: Mayor.

>> Mayor Adler: Ms. Pool.

>> Pool: Before he leaves or the other gentleman, I'm looking at the next steps in the final draft, I guess it starts on 110, do we have baked in here somewhere and I'm just not seeing it immediately aside from the waterfront advisory group, is there some -- what are the monitoring and oversight mechanisms that you let me that are in here so that 15 years down the road, 25 years down the road we have an intact and really robust process in place so that we can follow this throughout? One of the things that gets lost over time of course are what the intentions or promises are of a project. That's in here in the report but this dais won't be here 20 years from now, and, you know, other people will be here.

>> Right.

>> Pool: What do we have in place that the city can adopt and have transparent and available online, whatever the internet looks like 20 years from now so that people can have a touch point to go back and market value our progress on this plan?

>> Excellent. I'll point out two things and then I'm going to ask Abe to talk about the experience with the development corporation. On page 110 there is a next steps that recommended that the council create a south central waterfront advisory group.

[5:00:37 PM]

That would a group owning and taking the principles and goals of this plan and that be body that would be council-appointed that could oversee this. Very importantly, on page 111, there's, second box down, the -- initiative the development corporation authority evaluation. That's talked about a little more on the paragraph on page 108. And the -- and here I would ask Mr. Fargas to talk about the experience in Portland, Oregon, and the development corporation and the role that they played to monitor and oversee the implementation of the plan there.

>> So a number of cities, it's not just Portland, it's other cities in the southwest and southeast that have either development corporations or development commissions whose charge is to oversee these kinds of districts. So they are the responsible entity. They usually have boards that are assembled by mayor and city council and those boards are created to oversee the implementation of policies and plans that the council approves.

>> Pool: And those are voluntary? Volunteer positions?

>> Right.

>> Pool: All right. Thank you.

>> Mayor Adler: Okay. Any further discussion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. On page 112, there's a reference to a tif, a feasibility study. Can you just talk a little more about that. Is that city staff that would be doing that tif feasibility or is that part of your work?

>> Well, the -- that would require some consultant assistance to actually do the full-blown tif feasibility study. With the time and money we had we were able to model this to a level of reality testing.

[5:02:38 PM]

But to actually do the r&d on the tif feasibility study and to bring that back as a proposal for the city council to act on, to implement, a tif study is some additional work. So that's an important next step. As I mentioned, we've already lost in the last three years since this effort started \$200 million worth of investment we'll never be able to tif that moving forward. But we had the opportunity to -- we act quickly to get in on the next round of developmental. Abe, do you want to elaborate on that is this.

>> Sure. Doing a tif feasibility study, which would refine the preliminary work that's already been done, there's a suggestion to create a tif district but in order to implement one do you need to determine what the definitive boundaries are going to be, what are the projects you'd lining tif to fund, how does tif work with other resources. That's going to require working with property owners, other property taxing jurisdictions in order to establish it.

>> Zimmerman: I'm going to predict that that's not an inexpensive thing to do. Would it be a hundred thousand dollars for a consultant to do that kind of work, to do a careful study for the tif? I'm sorry the reason I'm asking is I don't want to, you know, have somebody go down that road and be spending that money if the council doesn't want to create another tif. We've had some discussions about the policy of doing tifs. Do we want to keep doing them or stop doing them, and that's a question for my colleagues on the council before we run you down that rabbit hole, you know.

>> Absolutely. So that is a recommended next step and the sooner, you know -- if there were a tif put in place, the sooner that's in place the sooner the city can start to capture revenues that could be put back into this plan to make it more implementable but, you know, obviously there would immediate to be a green light to move forward with that particular next step. But adopting this plan doesn't make that next step happen.

[5:04:44 PM]

>> Greg, financial services. Councilmember, on that one recommendation, certainly as part of that next step to look at a tax increment financing as one of the tools that were laid out in this study, that we would bring that back to council for that authorization. So we'd have to go through some steps and council would have the ability at that time to opine on moving forward.

>> Zimmerman: So is city staff prepared to do that tif work that had been brought up here that's mentioned on page 112? Is city staff prepared to do that themselves or do you need an outside consultant?

>> We would look at using an outside consultant. The reality of creating a tif district is it requires going through some steps according to state law. We have to create a project plan, a financing plan. There's multiple steps. There's a lot of intricate detailed real estate analysis we would look at. Again, as one of

the next steps that's laid out in this program, the need for consultant services to enter into a contract like other contracts that would come back do the city council for approval.

>> Zimmerman: Okay, thanks.

>> Mayor Adler: Okay. Further discussion? A lot of work went into this item, 74. I appreciate all the work. It's an incredibly exciting project and iconic piece of property for the city. Thank you and thank the legions of folks that have worked on this.

>> Garza: I wondered if we're going to vote on the amendment.

>> Mayor Adler: Yes. There's an amendment that's been moved. It's been seconded. Those in favor please raise your hand. Those opposed.

>> Pool: I --

>> Gallo: I need to recuse myself from the discussion and vote and make that announcement.

>> Mayor Adler: Okay.

>> Gallo: So my husband and I have a financial interest in a property that is within this district so I will fill out the form but I am publicly stating I'm going to recuse myself from the discussion and the vote.

>> Mayor Adler: Okay. Those in favor of the amendment please -- sorry?

[5:06:46 PM]

This is to change ten to 20% to be a target of 20%, wherever that appears in the document. Those in favor of the amendment please raise your hand. Those opposed? Mr. Zimmerman voting no. Ms. Gallo recusing herself. The others voting aye. Now did you -- and Ms. Troxclair abstaining. A vote now on the plan, unless there's further discussion. Those in favor please raise your hand. Those opposed?

>> Zimmerman: Abstention.

>> Mayor Adler: Those abstaining. Mr. Zimmerman abstains. The others vote aye. The plan is adopted as amended. Thank you very much. Thank you for traveling here from Portland. Okay. Do we want to call up the mobility bond, 27 and 34?

>> Mayor, I think we had a advertisement certain of 5:00 for item 10.

>> Mayor Adler: We did. This was time certain number 2,.

>> Troxclair: I think -- if I had to guess that would be a much longer discussion, the mobility bond.

>> Mayor Adler: Which one were you thinking about calling up?

>> Troxclair: Number --

>> Mayor Adler: So what we have is fair housing, we've taken care of 35. We have still to handle 27, 1930 which are the mobility. We have the two zoning ordinances that -- witchcraft and sun chase. We have the several of the zoning cases that have been pulled. We have the sidewalk plan at 6:00, amendments at 7:00. Which one did we set at 5:00?

[5:08:50 PM]

>> Troxclair: Item 10.

>> Mayor Adler: Item 10, Hays county, yes, state rep here for that. We'll stop and do that now. Thank you for reminding me.

>> Kitchen: After that item 40 should be quick, the witchcraft one.

>> Mayor Adler: Okay. Let's call up then item 10 is there staff on this? Who lays this out.

>> There is not a staff member here on this. This is an item from -- there are some speakers on it, but it concerns Hays county.

>> Houston: It's back on the agenda because there wasn't enough people here but also state representative Isaac was willing to address the council.

>> Mayor Adler: That's correct, approve a resolution as sent to go the creation of the Hays county emergency services district 9. And you're saying there is no staff associated with that? No? Let's look at speakers but it would seem to me there should be -- is the representative here? Ah, there you are. We'll open the public hearing. We'll have the representative speak and then we also have Anthony Marquatt would be next and then -- well, those two speakers speaking. Representative, yes, sir. Welcome to our --

>> Thank you, mayor, councilmembers. Appreciate your time. Jason Isaac, state representative for house district 45 which serves Blanco and Hays county and before you today is a resolution again that was here last week for emergency services district number 9.

[5:10:57 PM]

It failed to pass last week about I'd ask for the same support this week in not letting it pass. This is an area of eastern Hays county that encompasses -- I believe you have that map in front of you. Eastern

hays county, San marcos, to create the ninth emergency services district in hays county and statutorily they're allowed a 10 cents cap per \$100 of property valuations. Recently in esd number 1, emergency services district number 1 in north hays county the district proposed 133 proposed tax rate increase from 3 cents to 7 cents and over 63% of the voters that voted booed that cap increase. Our valuations in hays county have gone up 10% just recently received our notices in the mail a little after the deadline so we've been provided an extension as to when we can contest our property taxes in hays county but you do have concerns about the methods for these emergency services districts in hays county and have worked with our county commissioners and written multiple deltas editorials and are discussing the possibility of creating a county-wide esd. I believe that's a better resolution so the taxpayers pay the same rate to their county taxes rather than having six and a quarter cent in Wimberley, 3-cent in dripping springs, so on and offend storage. We have as I said 758 emergency services districts right now, we have many in hays county, we have the county, we have our school districts and so the taxes are just becoming a big, big burden in hays county with the growth that we're seeing in our property valuations, and I will tell you that we're in legislative session.

[5:12:59 PM]

My wife asks me every single day, I kid you not, every day when I get home, the first question is "What are you doing to reduce the burden of property taxes on the people that you work for?" And so my number 1 constituent hounds me every day to reduce the burdens of property taxes so I'm before you today, knowing that we live in a representative republic, where we get to make some of the decisions for the people that we serve to not support of the creation of hays couy emergency services district number 9. This is probably the lowest income area of hays county and adding additional property tax burden on the people that live in this area will increase their cost of living and put homeownership further and further out of reach and push these burdens down to the least among us mover than anyone else. So I ask for you today not to support esd number 9. Thank you.

>> Mayor Adler: Thank you for being with us. Are there any questions of the representative? Mr. Zimmerman.

>> Zimmerman: Thank you. First question, whenever your wife and you retire, could you move to district 6 in northwest Austin?

>> Depends on the property tax burden.

>> Zimmerman: There were people that came before and advocated in favor, you know, of creating the district, and, I mean, what would you say specifically to them? Because I know you've heard their argument before.

>> The argument is to create this district to provide ems service to this particular area of ha and I can assure you today services are being provided by a 501(c)(3) San marcos hays county ems which is

financed from the county and from the city of San marcos so they are currently receiving funds. So when you look at my tax rolls I pay county taxes and I pay ems taxes to esd number 1 so I personally pay for ems taxes twice. Once to the county, who then subsidizes this uncovered area, if you will, to provide ems services to the constituents that I serve there. So there are ems services being provided there.

[5:15:02 PM]

The creation or not creation of esd9 will have zero impact on the city of Austin. The only difference is that they will be paying more in property taxes.

>> Zimmerman: Quick follow-up for you in this regards the extraterritorial jurisdiction. I know you're in the legislature, in the last session we had some conversations about requiring a vote of property owners before an annexation could take place. Could you see anyway the legislature might say there are people in the extra T territorial jurisdictions knew really don't want anything to do with the city. Would thereby a way for them in the next legislature to maybe file a petition or vote to get out of the etj? That might solve our problem. I don't think it's any of my business what goes on in that etj down in hays county but there doesn't seem to be a way for them to proactively --

>> I live in the largest etj in the state, dripping springs, 7 miles from the city center.

>> Mayor Adler:.

>> Zimmerman: 7 miles, would you.

>> Largest etj in the state and there have been requests from people I serve they'd like to be out of that particular he just. It's not an issue I'm entirely focused on number 1. My number 1 discount every day talks to me about property taxes. When you create an esd you have five appointed members that with levy a tax, raise that rate if a cap has to be increased they have to go to the voters but we're here as a representative republic and we get to make those decisions for some people and I'd like to let's make a decision today not to create esd number 9.

>> Mayor Adler: Mr. Renteria.

>> Renteria: If this resolution passes just giving the people permission to vote or are we just saying no you're not going to -- we're not going to give you the right to vote?

>> That's not my understanding. I've read through the documents that you have. I don't see that anywhere in there. I see that because of the etj -- Austin's etj mistake this proposed area that the city of Austin representing those people that live in that etj get a say to whether or not this is created, not whether or not those people get to vote.

[5:17:17 PM]

I don't see that in there. There could be a future proposal that comes back that says we couldn't carry that esd, let's try a smaller esd but from the documents I have read that's not what it indicates.

>> Renteria: So what do they do, these people who want --

>> My understanding is if you don't support the creation of this esd number 9, the proposal that's before us today, before you today, it would not be created.

>> Renteria: Okay.

>> The county of Hays would have to come back with another resolution.

>> Mayor Adler: I think that's the question and, Ann, I don't know if you can give us an opinion on that. Clearly we could shut it down at this point and say it can't happen, but I'm -- I don't -- I'm now confused as to whether what we're saying is it has to happen, therefore, the tax is levied, we're making that decision for these phones. Or if we're -- for these folks or if we're giving those folks the opportunity to decide themselves whether they want the P.I.D. Or not.

>> My understanding if the council passes the resolution support tonight then the county will move forward with an election to put it up to the voters, thus requiring 50% plus one to support the creation of this esd number 9 which then five board members would be appointed unelected and they would request -- they would levy a tax on the people that live in that district.

>> Mayor Adler: Would the people that live in that district get to vote insist.

>> They would get to vote on the creation of esd 9.

>> Mayor Adler: They could vote no.

>> They could or you could stop it here.

>> Mayor Adler: Got you. Further discussion. Also Houston.

>> Houston: Mayor, while somebody is looking at that, representative Issac, can you tell me how much people are in the proposed Hays county esd none nine?

>> I cannot tell you with specificity.

>> Houston: It's my understanding there are about 60 in the extra P territorial jurisdiction but we never asked the question about how many other people are in this area, did we?

[5:19:18 PM]

>> Pool: I remember that 60 people from conversation.

>> Houston: I remember 60 but I don't remember --

>> 60 individuals.

>> Houston: 60 individuals in that --

>> That sounds about right, if I had to guess there's probably close to 100,000 that live in proposed esd number 9, that's knowing the population of Hays County being about 175,000 people, I'd say probably 100,000 would be in this proposed esd number 9, not just in the etj.

>> Houston: Thank you.

>> Thank you, councilmember.

>> Mayor Adler: Ms. Pool. Then Ms. Troxclair.

>> Pool: If we stop this right here, who provides emergency services to the 60 families in the 5-mile etj.

>> Hays County will continue, as they are today. Service will continue just as it is.

>> Pool: You mentioned you had conversations with your wife when you come home from work every day and she asks you what are you doing to lower property taxes for your constituents. Well, wouldn't lowering the property tax rate be more helpful to the residents in Hays County for instance like on will the school taxes, for example, how that has shaped up, or just property taxes? That's the biggest burden that everybody carries, and we struggle with that issue from this day weekly. So wouldn't the bigger, bolder move at the state legislature be to reduce the amount of property taxes that are levied on residential homeowners, for example? As opposed to this rather small tax.

>> Sure.

>> Pool: -- That frankly what I think we're doing here is allowing the 60 people to have a say in whether they want to take on that additional burden. Wouldn't it really be more helpful to everyone in the state if you were to work on reducing the overall property tax burden on homeowners?

>> Yeah. That's been my mission since I've been in legislature in 2011.

[5:21:18 PM]

Schools is the largest tax so I've been working with schools to find out what cost drivers are forcing them to have to spend money and it's a lot of unfunded mandates from the state and federal government.

I've been working to reduce those burdens and pleading with schools to reduce our taxes. I asked our board members our values are going up, you're bringing in more money, are you going to cut my rate. They tell me no, they're going to leave the tax rate the same. My taxes are going up so I'm concentrating on the dollars, the dollars from the schools, M. And O, 50, 40 cents in dripping springs, those are the big items. But the dimes from the esds add up especially when you put one esd on top of another esd and you have a municipal utility tax and then your city tax if they live in the city of Buda, Kyle, San marcos. So the nickels and dimes do add up and I think the transparency is probably one of my biggest concerns with unelected board members being able to increase taxes and the Texas department of agriculture has oversight over emergency services district. Why I have no idea. I imagine it's a sunset recommendation from years ago and they just got swept into there.

>> Pool: I'm sure that's something the state legislature can change because you have jurisdiction over the state department of agriculture. I guess what I would say on the property tax issue that's really hundreds of dollars a month as opposed to mag maybe nickels and dimes here and

[indiscernible] Here at lowering overall property taxes for the residents of the city of Austin and certainly Travis county, would you join with us at the legislature in the next session to work on lowering our property tax bills?

>> I would love to.

>> Pool: That would be terrific.

>> I left a meeting with county commissioners and jungles from all over the state and talking to them that property tax reform and reducing the burdens of property taxes is going to be one of the top issues that we work on in the next legislative session and I would love to work with the city of Austin to do that, reduce the overall cost of living so people can afford to buy homes and live in them and own them and not rent them from the governments.

[5:23:37 PM]

>> Pool: It's a real issue.

>> Speaker2: It is, absolutely.

>> Pool: It's not just rhetoric. I appreciate your coming to request that we deny this item but I am not comfortable approving it when it means that folks aren't going to be allowed to vote on something that they otherwise could. I think they should be in charge of their own fates, that that is a decision that they should be allowed to make. I don't feel like that weekender take that vote for them. There may be in fact -- and I understand from your previous staffer who is now my colleague here on the dais, she said there are some issues with this situation in hays county and what I would say is from my perspective,

good public policy would be for the city of Austin to step away from that and not try to manage it and that we would allow hays county and you to work through those issues as they may be tangled. I am not comfortable at all in stopping it right here. I don't -- from a public policy and good government and transparency position, which I try to take regularly.

>> Mayor Adler: Thank you.

>> Pool: -- I would have to say no. And I would like to see these 60 families offer 60 individuals or however many they are have the opportunity to take this vote themselves.

>> Sure. Thank you for your comments, councilmember. I appreciate it. Sorry we disagree on this, but if you want to release those 60 from the etj that would get rid of this problem although.

>> Pool: That is not the issue in front of us.

>> Separate subject.

>> Pool: I appreciate that but the question in front of us is whether this dais would vote to withhold the ability for those folks in the etj to vote on this item that affects them directly and I am not comfortable saying that they cannot take that vote.

>> Sure.

>> Mayor Adler: Thank you.

[5:25:38 PM]

Ms. Troxclair.

>> Troxclair: Well, I'm so pleased to hear councilmember pool's dissuasion to lower property taxes.

[Laughter] I just wanted to clarify something that you said earlier. I mean, the reason we're voting on this is the proposal comes into the city of Austin etj. This doesn't pass today and the county still wanted to move forward with an emergency service district which doesn't sound -- it sounds like the best plan would be to move forward with the countywide ems, esd, which is what you said you've been working on.

>> Yes.

>> Troxclair: If they wanted to continue to move forward with number 9 they can do that and not include the city of Austin's etj in that plan?

>> That's correct. They would have to submit another resolution, redraw the boundaries and so what's before you today is supporting esd number 9 creation. I don't believe it's about letting 60 people vote or

not vote. If it doesn't pass here today then I believe the proposal on the table is done and the county would have to get back together if they decided they want to try to take another stab at it and create esd nine and redraw the boundaries and you could potentially exclude the 60 homes perfect that emergency services district so what that would mean is those 60 homes would not only not get to vote they wouldn't be in that district and wouldn't be taxed on it but hays county is going to continue to provide ems services to those 60 residences just like they are today. I want do make sure we're clear. They are providing ems service to this entire geographic area in hays county today through the San marcos hays county ems, 501c3 nonprofit.

>> Troxclair: I had the same @question I think as -- well, after the meeting last week, where we were told this was just about whether or not they could vote, that wasn't my understanding by reading the agenda item and I've tried to clarify that in the past week.

[5:27:43 PM]

And I degree with you the item clearly says that the city has to consent to this portion being within the district so --

>> That's correct.

>> Troxclair: If it doesn't pass today they would have to move forward with a different plan.

>> Until August 22 to do that to be on the November ballot so there's plenty of time.

>> Troxclair: Thank you for being here today and offering your perspective. It's difficult sometimes when -- because we do have overlapping, you know, jurisdictions that we're put in a position of making these decisions that affect people without maybe the full background of what has been happening in the county so thank you for your time.

>> Thank you, councilmember troxclair.

>> Mayor Adler: Okay. Any further discussion on this? Thank you, sir.

>> Mayor, councilmembers, thank you for your time. Appreciate it.

>> Mayor Adler: Thank you. I think there was also an you. I think there was also an additional speaker. Tony marfam.

>> Mayor and councilmembers, I'm president of the austin-travis county E.M.S. Association. We represent the 460 providers that provide care for the city of Austin and our Travis county affiliates through an interlocal agreement between the city of Austin and Travis county commissioners' court. I was not aware that representative Isaacs, this is an issue for him. I do agree with his assessment of esds, however, which is we have an elected group of people that are appointed to have say in how to spend

tax revenue and something called emergency services. I'm not an expert in this matter. David Escamilla is, though, and has expressed this is an unfortunate, but legal way of providing services. How this is relevant to city council from a different perspective than representative Isaacs has shared is the same entity that is supporting this esd in hays county which you all are being asked to weigh in on is now also up in esd 1 inside of Lago vista where we have an agreement to provide services which we provide excellent services and have for the last 30 years.

[5:29:59 PM]

Are doing the same thing. Now, this council doesn't have a say in that particular matter, but I do believe if you look at both of those campaigns that are run by the same individuals you will see that those involved in making the decision are not very well informed. So if you have an entity already being provided services, which Travis county E.M.S., austin-travis county E.M.S. Through an interlocal agreement that took place that was formed long ago with commissioners' court was designed to take care of the needs of the rural unincorporated areas of Travis county, which worked very well. What's happened since is the growth of cities which has changed that dynamic. In my view the city of Austin needs to reevaluate the position in this matter which happens to be a city manager issue and look at the different areas where we'll be challenged with this initiative. We have a new medical director that's being challenged now. I've seen that go around. We have a very good medical director in the wings that's willing to look at our -- at providing services in the universal sense, to provide responsible care based on evidence-based outcomes. So I would submit I don't support this initiative of creating this esd in hays county. It's one of the few times city council will ever be able to weigh in on this issue. I'm just sharing that the people that are interested in doing this are very much engaged in our own county under a similar issue. I think if you look at what the -- I wasn't able to find out a lot about this issue. I did find out that the city of Austin does have some guidelines for how to approve etjs and I'm sure you are more well versed in this than I am. But it says the newly created district will not provide any services currently provided by the existing jurisdictions. The question is as representative Isaacs pointed out.

[Buzzer sounds]

[5:32:01 PM]

, There's already E.M.S. Services provided in the area. The other thing, very quickly, when you look at the city of Austin etj advisement policy there's a couple of things that come out. The city of Austin should have no long-term annexation. I don't know if that's an issue. But the release should convey the public interest and have an enhancement or services through an exchange of the etj. If this area that city council is going to decide on is going to potentially be annexed or served about this newly formed esd I

hope you have enough information to move forward to make that the case. According to the eca that's a click and paste it looks like of the original plan to the city of Austin's advisement. So if you called 911 in this area that is the etj of Austin who are getting services and you're getting them from a provider that's been doing it for some time, much like austin-travis county E.M.S., Williamson county E.M.S., hays county E.M.S. Is also providing services and doing a good job. I appreciate your time. Thank you.

>> Mayor Adler: I missed last week as you all know along with a couple other of us. Last week did an attorney show up representing these 60 people of what we're talking about here and ask us to vote?

>> Houston: He was here representing the esd 9, but he just mentioned that there was about 60 people in our little circle.

>> Mayor Adler: Did he represent the 60 -- he didn't represent the 60 people?

>> Houston: He was representing the esd 9.

>> Mayor Adler: Have we heard from the 60 people as to what they want us to do?

>> Casar: Mayor? I also had -- for some reason I thought because the way it was posted in our agenda that this was a staff -- that this was a staff recommended. What's staff's recommendation related to this?

>> So this item -- there's a letter that came to you all back in April.

[5:34:06 PM]

And it is from a lawyer saying that three different people have followed the attached petition to create the hays county emergency district number 9, the district is proposed for the purpose of funding emergency medical services in the area. Hays county has accepted the petition, held a public hearing. And my understanding is he was asking you all to vote on this so that the people who live in the area can vote on it. You have to give your consent under state law. City staff didn't -- it's under here because it came to you all, somebody had to get it on the agenda.

>> Casar: But why would city staff not -- just like all other -- for example, a zoning application is made by a private entity and we get staff recommendations on that. Why is there no recommendation from staff on this?

>> Mayor Adler: Is there -- my other question would be is there any problem with putting this off for a week so staff could make a recommendation?

>> Pool: Yes, there is.

>> There is a timing issue. So it can't be postponed it's my understanding. They have to get it done.

>> Mayor Adler: So what's the recommendation to staff of the 60 people in our etj?

>> Ray Arellano, assistant city manager. With regards to recommendation we bring this forward only because from a process perspective. Staff does not have any specific recommendations in this regard. Austin-travis county E.M.S. Does not make any runs to this area, so there's no impact from a staff perspective.

>> Casar: But doesn't it come to us because it's in our nearby etj and therefore we might have some planning prerogative or reason to be for or against any esd being established nearby the city where we may or may not grow since that's why -- is it just because we're neutral or is it because we don't think that it could have an impact on us?

[5:36:12 PM]

>> I'm just not used to getting staff recommendations, and I vote for it last time because I thought it was recommended by staff.

>> I was going to say from a staff perspective we have no objection for it going forward, but we're neutral on whether the council approves or disapproves this. It's council's prerogative in this case.

>> Pool: Mayor?

>> Mayor Adler: As I -- as I read the letter when it came in, the attorney I think did not represent that he was representing anyone living within our etj. He was representing that he represented the people who had filed the petition, we have three names, but we don't know if those three people live within the etj or somewhere else within health care. It's silent as to that. It just says these three people have petitioned for this esd to be created.

>> Pool: So last week the only question I think that we were presented with is will we allow those people to have a vote on whether they want to join or create the esd. These other issues that came up today were not presented. At this point I have to go back to just am I going to allow or prevent citizens from taking a vote on something that affects them directly? This may be a lot of other issues around it, but for me it's just the simple allowing them to take a vote on something.

>> Mayor Adler: My only concern is it's a whole group of people doing it --

>> Pool: They would be the only ones who could not vote on it.

>> Mayor Adler: So if all 60 people in our etj voted no, it still might be imposed on them because they're a small portion of the overall vote.

>> Pool: That's entirely possible. That's how that works, but at least they have to vote.

>> Mayor Adler: I'm really confused.

>> Troxclair: I just want to clarify that that statement was made last week, but if you read the agenda item, and I've reached out to as many people as possible to try to understand whether or not that statement was accurate, and it's not accurate.

[5:38:26 PM]

If we don't pass this today the esd would not be created. That's not a matter of the vote would happen and they would be included in the esd and they wouldn't have been able to vote on it. The city must consent to the inclusion of this portion within the district. It doesn't have anything to do with the election. The election if we passed it, yes, there would be an election called and yes, they would be able to vote, but not passing it doesn't mean that there's going to be an esd created and that they're included and that they didn't get to vote on it. I understand why you're confused because it was confusing to me as well when that statement was made last week because again, nowhere in any of the backup or were in the item. So --

>> Pool: So they would be excluded from the esd entirely, right? If we said no here today, they not only wouldn't have a vote, but they would not be part of the esd?

>> Troxclair: Well, from what I understand from the statements that representative Isaacs made is that the county would then have to go back and create a new -- if they still wanted to create it, they would create an application that would not include the -- that portion of the etj.

>> Mayor Adler: Further discussion on the dais? Ms. Garza and then Mr. Casar.

>> Garza: First, the letter states that the hays county commissioners accepted the petition, held a public hearing on whether to grant the petition. So I would be curious to know what exactly did hays county do. It doesn't really -- it's not very clear in here. The other part of this letter says that it asked for it to be on the agenda as soon as possible before July 31st. We have a council meeting, another council meeting before July 31st. So I'm confused on the timeline issue, if we in fact have to vote on it today or if we can vote on it next week.

[5:40:33 PM]

>> I'm afraid I don't have a lot of information. My understanding is there were 60 days and the 60 days runs out on Saturday so that would be their time frame. I apologize that I don't have any further

information and the lawyer who was here last week was apparently not able to come this week. Mr. Crawford perhaps has something to enlighten us with.

>> Mayor and council, Lee Crawford, city law department. I can expand a little bit on what the city attorney just said. The statute that provides for these emergency districts says that before they can intrude on the extraterritorial jurisdiction, there should be a vote to include that etj territory within the proposed emergency services district. And that the statute says that unless the council acts on this within 60 days of receiving the request, then the territory is not included within the boundaries of the proposed emergency services district. The backup materials in this item include the letter from the law firm that the mayor had referenced that was received on the 19th of April. And if you count forward 60 days from the 19th of April you get to this coming Saturday, the 18th of June. So the district day period for the council to consider and act on this matter actually runs on Saturday, which would mean that today is really your last opportunity to take action on this. I don't know about the language in the letter that says that -- that references the 31st of July. I don't know what that refers to, but your 60 days runs on Saturday.

>> Garza: A suggestion would be that we table this. I would like to know what hays county -- did hays county pass? I -- I'd like to know what hays county considered or granted with regards to this position? Because my initial thought would be if they granted essentially the permission that we're granting now, I don't know how I could not support if hays county supported it, but not knowing that, I don't -- I don't know where I stand so I would -- I understand we waited until this time so representative would be could be here to speak.

[5:42:54 PM]

I'm sorry if he wanted to stay for the entire thing and tabling it affects that. But that would be my suggestion.

>> Troxclair: Well, I guess we obviously have a say in it because it is within Austin's etj. So regardless -- so I don't know what hays county did either or will do, but regardless of that if they want to create an esd that's just in their own county, they are welcome to do that. They have until August 22nd if they want to move forward with an esd. So I don't know, I guess I just -- I think we're still perfectly -- I think we should still feel perfectly willing to make our own judgment about this because of that fact.

>> Garza: This is in their county. This is hays county.

>> Troxclair: It's in the etj, I guess.

>> Garza: But it's in hays county. I would be curious to know what their discussion was on this issue.

>> Mayor Adler: Mr. Casar? Sored.

>> Casar: I was going to ask Mr. Crawford a question, but I think I have two big questions. And if we table this, the two driving questions for me are, one, if we do table it, then I would perhaps like to have some private conversation with our staff to just understand whether or not we want esds close within our etj and whether that's a good thing or bad thing relative to public safety and our financials because I imagine that's why we have some authority on whether or not we want to allow the consent to that esd's creation or not. I can't believe we don't have more clear guidance as to whether this is something we want or don't want in our nearby etj.

[5:44:56 PM]

>> Mayor Adler: And the city manager has asked if we could give him more time --

>> Casar: I think more time on that, that could be helpful to me. And the second question I think might be what the mayor was referencing, which is I hear from the representative that there is some existing E.M.S. Service. I would like to know if the commissioners' court thinks that that really needs enhance meant and that's why they've pushed it. I care about those 60 people, whether or not they're in the city limits or not. So if this is going to provide an enhanced level of service, that would be some significant enhanced level of service that those people want, that would be a consideration that I would take into account, but I don't think I have those two pieces of information right now.

>> Mayor Adler: Ms. Houston.

>> Houston: Mayor, there are two things that concern me. First that three people with get a petition and we've spent a lot of time on a petition by three members. Usually there's a higher bar to get us to get into this much detail. The second thing is that there are 31,760 people in Kyle and 54,076 people in San Marcos, a total of 85,836. And so -- versus 60 people. Even if they know this is going on. And they may not even know this is going on because, you know, if three people can get this on a petition to get it before this body, then what is the public engagement process? Who was involved in that engagement and how much do those 60 people know and do they care?

>> Zimmerman: Mr. Mayor, I wanted to move to table this item, or if councilmember Casar maybe kind of made that motion I'll second, but either way.

>> Mayor Adler: Mr. Casar moves to table, Mr. Zimmerman seconds. We can put it on the table subject to being recalled.

[5:46:56 PM]

Those in favor please raise your hand? This is tabling subject to being recalled. At any point one of us wants to bring it back, they just say I want to take it off the table. Those in favor of tabling it please raise your hand? Those opposed? Those abstaining.

>> Troxclair: I guess I'm abstaining. My concern with tabling it is we have a lot of other lengthy issues we're going to be discussing tonight and the two best resources that we do have here right now, representative Isaacs and Mr. Mark water probably not able to stick around. So I don't know -- I wish we could finish it here where we had those people --

>> Mayor Adler: Let's see how quickly we might be able to get some answers to those questions. And I say that only because we're fumbling around. There's a lack of information here and maybe we can get some more information. So let's put it aside for a second and we'll come back to it if we can. Thank you. The questions that I have -- as best as I can tell we've never heard from these 60 people and we've never heard from these 60 people. So --

>> Renteria: Mayor, and I voted against it the first time because I was so confused about what they wanted. And don voted for it.

[Laughter]. And then when we brought it back I voted for it, he voted against it. So that's how confused we were.

[Laughter].

>> Zimmerman: Mr. Mayor, next time I'm going to abstain. I'll get it right next time and abstain.

>> Mayor Adler: All right. So we've tabled this motion. We'll come back to it. Burt, let us know when you think you may have some answers for us. What's the next thing on our agenda?

>> Kitchen: Mr. Mayor, I think that witchcraft would be fast, which is item number 40, if they're here. Do you agree?

[5:48:57 PM]

>> Tovo: Mayor, while they're coming up, I apologize if I missed this, do we have any kind of planned stop tonight in terms of a dinner break?

>> Mayor Adler: What I'd like to do is at least take the speakers who have been here subject to the 2:00 call on the mobility issue before we break for dinner. We're not going to decide that issue, but they can give their testimony and then they can leave.

>> Tovo: All right, thank you.

>> Mayor Adler: I want to call that up before we take a dinner break. Why don't you lay out then item number 40 and let's see if -- 40 and 41, can we get through those two?

>> I could do 40 real quick. Jerry rusthoven, planning and zoning department. Item 40 is crown 2016-0027, the which craft beer store located at 2110 south Lamar boulevard suite F. The requesting zoning is from cs to cs-1 zoning. The council approved this on first reading, cs-1 on April 14th, 2016. The city is the applicant in this case, just to refresh your memory, the reason being that there was an error on the city's zoning map and we issued a permit for a place called which craft, which is a I can't place that sells exclusively beer, which is liquor sales use. So the city initiated the zoning case to try to direct that. If you remember the hearing last time there was a little bit of frustration because the neighborhood, the owner of the property, the operator of the beer store and the city staff were all in agreement that the store is not causing a problem and in addition the owner has requested to want to sell growlers, which the neighborhood was also okay with, as was the staff, but there seemed to be conflict with the city and state law with regard to that. After the first reading vote I went back and spoke with the landlord, the tenant, the owner of the which craft beer store, the neighborhood, and the representative of the applicant, and spoke with them about what I believe to be a solution to this problem.

[5:51:01 PM]

And I wrote a letter on may 19th outlining that. I sent it to the landlord. Basically the letter has four conditions at the end, five conditions. I'll read those real quick. The whichcraft store owner would place some seating to satisfy requirement that there be seating, which is all it says for the application for license. That the city would not consider the seating to make the place be considered a restaurant because there is no kitchen and not enough parking and there's not a restaurant. The city would allow for the sale of growlers and would consider that to be off site consumption because that's what you do with a growler is you fill it in the store and take it home. And that the property owner would not object to a prohibition of the cocktail lounge use, which would be an addition added that was not included in the first reading. And that the city, specifically myself, would sign off on the tab permit. When you get the permit you first go to the tab and then the city clerk's office and they come to us and we sign a line on there that says that the granting of this license would comply with city zoning regulations. So I believe in this case it would because all they want to do is sell beer for off site consumption and growlers for off site consumption. So I would be willing to sign that agreement. So with that the staff can go ahead and recommend approval on second and third reading and we do not believe there is an issue with the prohibition of the cocktail lounge. You can still do what he's doing today and even a little bit more with the addition of the grass pollenners. My understanding is that the landlord of the property, not the tenant who operates the beer store, but the landlord of the property did have a concern about the prohibition of the cocktail lounge use, and I don't believe that he is still with us here today. So with that I'm available for any questions.

>> Kitchen: I'd like to move passage of this with the letter.

>> Mayor Adler: Passage has been moved. Is there a second to that? Mr. Rental properties seconds that.

>> And that would include the prohibition of cocktail lounges.

>> Kitchen: It includes all of those points that he just raised.

>> Mayor Adler: Okay.

[5:53:03 PM]

Is the -- let's see here. Is applicant here to be able to address that?

>> We did close the public hearing. I believe the representative of the landlord may be here.

>> Mayor Adler: Would you come up and answer some questions.

>> Mr. Mayor, my name is Dave Anderson and I'm representing the owner of the property.

>> Mayor Adler: Do you see this as a path forward to get what you need?

>> The landlord of the property after the -- after we received the letter had some questions for the tab, and I think his concerns, if I could pass them along, and I know I've spoken to some of you about them, is if there was going to be difficulty receiving the appropriate tab permit given the city putting conditions -- the city writing a letter. So we had investigated -- we were in the the process of investigating if there was a way to do that that would make him feel more comfortable with the tab and having more certainty. This is a path forward. My client still feels that the city make a mistake on the property in its entirety. That he is still deserving of cs-1 because that's what the city told him in 2008 via the zoning verification letter. But this goes some way in addressing.

>> Mayor Adler: I have a question for staff and also for Ms. Kitchen as well. You delivered a path that you think enables the use to be able to continue with the growlers.

>> Yes.

>> Mayor Adler: If the fear is realized and tab disagrees and won't let the growler use, I mean, I would be voting in favor of this because I would see it as a way to enable that use to be able to continue.

[5:55:12 PM]

If the tabc said we're not going to take that would this applicant be able to come back to the city and say that didn't work, we need now to figure a different pathway forward?

>> Yes. He could either file his own zoning application or possibly the city could do it ourselves.

>> Kitchen: Mr. Mayor, I'm moving forward with this because I see it as a path forward and my understanding is the way this works is the tab sends over to the city and the city signs off and that's really all the tab is looking for. I'm moving forward with that understanding and that that would allow them to use the growlers. If for some reason it doesn't work the way it usually works, then we can readdress it.

>> Mayor Adler: That works for me. Any further discussion? It's been moved and seconded, this item number 40. Any further discussion? Those in favor of number 40 please raise your hand? Those opposed? Unanimous on the dais. Ms. Troxclair is off.

>> Zimmerman: Did we do 40 and 41?

>> Mayor Adler: There's no one speaking on 40. We have a lot of people waiting to speak on -- I'm going to call up 27 and 34 at the same time. This is the mobility bond issues. So I guess there are several things that need to happen. We had staff that gave us presentations at the mobility committee, but some people didn't have a chance to ask them questions. So we want to be able to do that. I haven't had a chance to lay out mine. You laid out, Ms. Kitchen, your proposal. I would like to lay out mine to be able to jibe it. And then we have some people that want to testify and -- if it's okay with council, I would put the same rule on this that we were putting on the last one, which is we're going to be discussing this next week, not taking a vote today, so people could either speak today or next week, but you can't speak at both.

[5:57:33 PM]

So if you choose to speak today, then today would be the day that you speak. Ms. Kitchen?

>> Kitchen: Yes. I would suggest that in whatever order you want to do this, and just for clarity for folks, that we should lay out the three different options that have been put forward so far. And that would be the one that you are proposed, the one that the mobility committee voted out, and I believe that councilmember Casar and pool had a third. So I think that if we laid all those out that would be helpful for people. Also we have questions for the staff and we have people who want to speak. So whatever order you think is appropriate I think that we can do that.

>> Mayor Adler: Let's lay out the other two that's on the table. Then we'll let the people speak.

>> Kitchen: Do you want to go first and lay yours out first.

>> Mayor Adler: I'll let Greg lay out his. Do you want -- why don't you lay it out first.

>> Houston: Excuse me, mayor, could we get the ac cut down just a little bit? I know it's outside, but I'm freezing. Greg, do you want to go first? Ann will go first? Okay.

>> Kitchen: Okay. This is the approach that we passed out or that -- yes, that we passed out from our mobility committee as a starting point. And I'm passing it out on the dais. I also have a matrix I'm passing out on the dais that compares the three options in front of us today. So what we voted for in the mobility committee, and again we stressed in the mobility committee that this was -- we were bringing this forward as a starting point for discussion.

[5:59:35 PM]

What it does is a proposed approach as a starting point for discussion that tracks the priorities that people express during mobility talks. And that includes corridor improvements and sidewalks. And I would point out that the total amount that we voted out in mobility committee is 300 million, which is well over what has ever been passed for a transportation bond in the past. So 300 million is a significant step forward in terms of transportation funding. This approach also preserves the funding for other needs in 2018 like flood mitigation, parks and libraries. It also preserves -- preserves funding for transformative mobility improvements in 2018 that may be identified by a number of the major planning initiatives that are underway right now and will be completed next year, such as the strategic mobility plan, the connections 2025, bus transit plan, the strategic housing plan, and the regional high capacity transit plan, which is looking at the potential to put rail on the ballot in 2018. The 300 million approach from the mobility committee also avoids raising property taxes, so it can be done within the existing amounts. So just in summary, the 300 million approach suggests 46.5 million in the bucket of regional projects, 91 million in the bucket of local projects, 162.5 million in the bucket of corridors. And further breakdown, there's been a lot of emphasis obviously on active transportation, bikes, sidewalk and trails, and there's approximately 39.7 of the local dollars are in sidewalks. So from a percentage standpoint that's 16 percent for regional, 30% for local, 54% for corridors and a breakdown of the local is 20% for sidewalks.

[6:01:51 PM]

So would anybody else from the mobility committee would like to say anything? Did I reflect that appropriately.

>> Mayor Adler: Mr. Casar?

>> Casar: So the plan by councilmember pool and I isn't necessarily absolutely tied to the 720 number, but the Numbers you have laid out here are reflective of what a 720-million-dollar package would look like. The -- as you well know we had a really strong push from community to fully fund our active transportation program, which would cost about 400 million, but at the same time I think that there is a real importance and real dire need on our corridors. We have to take -- we have some limited dollars, but at the same time we have to take a bold approach to investigating infrastructure. You know, I think that there's a conversation happening at the national level about how badly our infrastructure needs investment. So this plan breaks it up about 40/60. 40% into that local bucket and 60% into corridors. The specific breakdown here is 220 into local investments, and another 80 million to really address our underserved areas. We know that in some parts of the city where often times more moderate or lower income people live you have more state issues, more drainage issues, more challenges with kids just getting to school, and so there's a dedicated bucket to that sort of environmental justice work and infrastructure investment and then the remaining 420 million to the corridors. There is not a section here for those regional highway and transportation projects that are really txdot projects for added -- often times with added lanes. I think that that's certainly something that I'm willing to listen to my colleagues about and consider, but with limited resources I want to focus on what I see as a lot of the future, being active transportation, being able to get to the bus, be able to get to the school and those baseline safety improvements.

[6:04:09 PM]

I want to note that there is a lot of similarity between this plan and what the mayor has proposed. I think, you know, there have been folks that have insinuated that while the mayor's proposal, which I think he will discuss here shortly, has some differences from this proposal, I think that there is a shared focus on the corridors and the mayor's plan as well as councilmember kitchen's plan are not -- should not be cat gored as car-centric or auto-centric plans, but rather as complete streets plans that really focus on multimodal transportation and active transportation, but I think that this plan as laid out by councilmember pool and I have the strongest focus on the most major investment in that sort of transportation. I also think that going big as far as we can go makes sense because we have to start getting used to that if we're going to do rail, if we're going to do flooding, flood issues, housing, we have to start getting used to putting big packages in front of voters. So I appreciate the mayor putting something big in front of us and to think that some of these we can hopefully find some middle ground on some modifications to emphasize the active focus. And I'll leave it to councilmember pool to add whatever she likes.

>> Pool: So in the projects that are in the proposal that councilmember Casar and I presented at the press conference, I was -- I am looking -- I have said publicly and I'll say here again I'm not at the 720 million point. So -- and I have made that distinction. I am looking more in the no tax increase to a small --

I might be able to get to 500 million if we look at the capacity next year, which I think is another 200 million, and 300 million this year.

[6:06:17 PM]

It's a starting point for me, but I wanted to differentiate my position on this so that it's clear that I'm not looking at this time at a tax increase. I'm waiting to hear from the community and I want to hear this conversation and input from folks who are here tonight. To see where we go from there. 300 million is the low end, which assuming that we have a bond election, of course, which hasn't been entirely determined yet. So I'm looking forward to the conversation.

>> Kitchen: Mr. Mayor, I would like to explain two more things that I forgot. And that is that one of the things in the mobility committee recommendation is the connection between corridors and housing. So we included language that emphasizes that when -- if we were to implement any bond measures related to corridor mobility projects that the council at the same time should identify funding to preserve existing affordable housing complexes along the planned corridors and to preserve options for building additional affordable housing units so that corridor mobility projects are planned, designed and implemented in coordination with affordable housing where that's appropriate. It may not be appropriate along all corridors, but the point of that was just to recognize that there's been a lot of discussion about how corridors are helpful for housing, and they won't be if we don't also look at that component. The last thing I wanted to mention is essentially what we're all struggling with is a balance. There's obviously huge needs for transportation across the entire city so I think what we are balancing is how to address those needs.

[6:08:21 PM]

And again, I want to emphasize across the entire city. It's important that whatever package we come up with recognize that there are needs in the south, east, north and west as well as the central. And we have to balance the needs on property taxes because that's a huge need for individuals. We have to balance the kind of modes we're talking about because transportation is a network. It's a system, whether you drive or ride a bike or walk or take transit. And then we also have to bear in mind the other needs that we have, which I think I mentioned like flood mitigation, parks and libraries, which are huge needs, as well as major transformative transportation needs that we'll be looking at in 2018 that relate to our strategic mobility plan as well as the potential for rail. So Mr. Mayor, that's all the comments I had at this point.

>> Mayor Adler: Okay. Colleagues, I'm going to proposed, and with what I handed out today and has been posted on the bulletin board, there's additional definition and specificity. I think that we are at an absolutely critical time in this city with respect to traffic and mobility. And I think that our citizens are telling us that over and over and over again. And they're not telling us that in a little way. They're telling us that in a really -- in a really big way. The Numbers in the most recent poll we saw from the monitor were over half the people choosing between six things ranked that first. But it's not just that. It's the campaign that I -- that we all just went through a year ago. All over the city.

[6:10:22 PM]

That issue is the issue that keeps coming up that the city's citizen survey that we saw identify that as the key issue in this city. And I -- and it is a crisis. And I think that our citizens expect us to act and to act in a meaningful and substantial way to deal with what is, I think, the ranging issue.

-- The ranking issue. I think it is tied to affordability. I think you don't solve one without solving the other, and I'll talk about that in a second. But I think that it is critical. And also to put into perspective as bad as our crisis is as the challenge we face, we're also more aligned in this community and regionally, more aligned fundamentally to change this than we have ever been before. When you look at the activity on mopac north and putting in the managed lane that can run transit, the possibility of doing that on south mopac, we have 183, we have one project, highway 183, that has over \$700 million being spent on it that's going to bring activity in that area regionally. We have senator Watson who has aligned campo and the region with respect to actually doing something on I-35 and putting in a managed lane again for transit and doing it in a way that does not require us to use bonding to be able to get that done. We finally have that happening regionally, and it is time I think for the city of Austin to step up and do the remaining work with our local streets. I think Austin has to lead this in the region and we have to step up and do something about what is our most significant issue.

[6:12:27 PM]

And when you're trying to decide what to do about traffic and mobility in the city, I think that there is clear indication, repeated indication over a long period of time of exactly what it is that we need to do. Imagine Austin, as you read imagine Austin it talks about developing out the corridors and it is all over imagine Austin in lots of different sections in imagine Austin. The scheme of imagine Austin is to be able to put that development and those liveable communities, those complete communities along the corridors and not put that density in the neighborhoods that are adjacent to that, but yet when we have plans that come to us that have density on the corridors, the objection is that we can't do that even though it's called for in imagine Austin because there's too much traffic on the streets. We need to do

something about that so that we can actually realize the vision of imagine Austin, but it goes past that. Mobility talks goes out, the community comes back and says that their priority are the corridors. Jeffrey Tumlin is the expert that gets hired in by the city came in and talked to us last year and then does a year long analysis and comes back with a report that was just issued and just given to us, and his number one priority is to do the -- is to do the corridors. And he has endorsed doing the corridors in a big way for all of the things that that can be. Capital metro has their frequent service network focused on these corridors. And if we're really going to actually make transit work in this city we have to get to the place where we have choice ridership on those transit corridors, which means they have to be able to move more quickly and be able to move around traffic. So that we can have frequency of that service. But it goes past that. The 20/40 campo plan talks about and prioritizes the need for corridors, but it goes past that.

[6:14:29 PM]

The food access report, we just saw yesterday talks about the need to work on these corridors that we have. And later I hope that the manager and our staff weighs in on these issues because I would want to hear relative to the choices we have what kind of recommendations or priorities would come. Where I'm coming from is I believe that only if we go big do we see transformative change. Only if we go big do we actually do something about traffic and congestion and mobility in this city. The corridor studies tell us that if we don't do work on those corridors -- and these are the corridors that -- these are the roads that everybody is-- that everybody drives on that if we don't do the work then the delays on these roads will go up from 70% to over 200%. They're already horrible. If we do the corridor work we decrease those delays in that same time period by 25 to 50%. And that's a huge swing. These corridor reports is not something that's coming from the top-down. This is what the community has asked us to do. Thousands of citizens in this city have participated in these corridor studies. Thousands of hours spent on these corridor studies. The communities around Riverside, the communities around mlk and 969, the communities around airport and burnet road and north Lamar and south Lamar. The communities have told us what they want to do. These plans were designed by the community and by the impacted neighborhoods.

[6:16:31 PM]

Executing the corridor plans is something that is citizen driven, it's grassroots driven. Some communities have been working on these corridor plans for years, and in classic Austin fashion the plans get done, they get literally put up on the shelf and it is time to take them off the shelf and do the work that the people have asked us to do. These roads that I just mentioned, these corridors, one-third of the people

living in the city of Austin live within a half mile of these corridors. Our staff tells us that over half of the citizens in the city of Austin live within a mile and a half of these corridors. These are the roads that lead to all the other roads, and all the other roads lead to these roads. There are three goals with respect to the corridor plans. The first is the one I've talked about a second ago, which increases the through-put of cars. And it does it in smart ways. It does it primarily without -- it doesn't increase the right-of-way that's to be selected. It doesn't take away lanes that exist except in some sections on Riverside and that's because the plan calls for onstreet parking, but that can be looked at in the design phase and I'll talk about that in a second. But generally it stays within the existing right-of-way. It doesn't take away any lanes. These corridor plans give us additional through-put by putting in left and turn lanes at intersections, by putting down medians so that cars aren't making turns in the middle of intersections, by doing bus pullouts at intersections and queue jumps by making the smart -- the lights respond to the conditions that are happening in realtime around it.

[6:18:31 PM]

This is smart work to increase through-put and deal, as I said earlier, with this huge swing in what would be happening with congestion. The second thing it does is necessary if we're really serious about modes in transit, if we're serious about increasing choice rider ship, if we're really serious about making our transit system work, then we have to get the density that we need along these roads and the communities along these roads so that people choose to have transit, they choose to have transit because it gets them to where they want to get to in a better and faster way, and finally these plans actually deliver for the city the complete communities that we have all talked about. The walkable spaces, the mixed use environments that we can have in our city. It has benefits that go beyond those three. It helps with admissions. The staff was pointing out to us that we get just under a 10% reduction in greenhouse gas emissions if we implement these corridor plans on some of these corridors. It helps with safety in the city because it helps emergency vehicles to get around traffic in ways that are currently unavailable to emergency vehicles in our city. Again on the roads that we are all riding on. It helps with health because these corridor plans include within them increased sidewalks for walking and increased bicycle dedicated pathways that are outside of traffic that make biking and pedestrian access more viable. But it goes beyond that. It is the kind of thing that is actually necessary to help us deliver housing supply in this city where we want housing supply in this city, which is going to impact how we do and the ability to actually do codenext in a way that will work in this community and being consistent with imagine Austin. I think it drives equity in our city.

[6:20:32 PM]

And I'll talk about that in a second in terms of the programs that we need to do associated with a corridor plan. And frankly when we do I-35 construction in 2020, we're going to wish that we had this road work done because that's going to be a lot of traffic that's not going to be able to travel on I-35. Through a lot of arguments that we've heard about this and some people have said that a plan that is -- that is this big is too big a lift. I don't think we're moving too fast with this. I think the public thinks we have not been moving fast enough to address mobility and I think they are ready for us to finally act and to act in a big way. Whatever plan we put together is a plan that ultimately needs to have consensus because it has to win an election. This is not something that we get to decide up here on the dais by yourselves. This is something that actually has to be able to win an -- able to win an election so our package has to be able to do that. We have to see -- because we have a limited amount of time here, we haven't gone through the citizens bond committee work over the last year. In lieu of that we've had five years' worth, six years' worth of citizen involvement in what is the bulk of this plan. But we have to see if we can reach consensus. I believe that if you look at what everybody's done and you would draw a circle, it would be all the things that the transit people want and all the things that the bike people want. There would be a different circle and it wouldn't be exactly the same. And if you drew a circle of the people that were just interested in roads, it wouldn't be the same. And the rail people you draw a circle and it wouldn't be the same. And you could put all those circles down and in the middle where all the circles intersect, where they all cover, open to the same area, that is what is the corridors in our city. And that's what these corridors in our city and that's where we need to move forward and do.

[6:22:37 PM]

Now, it's true when you do a consensus plan that can win an election, everybody doesn't get everything that they want. I think the plan that we've proposed here is a balanced plan. It doesn't have as much bicycle and pedestrian as I would want and as some would want. But it is the largest investment in pedestrian and cycle that the city has ever seen and it includes not only independent expenditures in that area, but it's also part of the corridor plans that we have. You know, there's not as much on regional highway congestion as some would want. And I would like there to be more money to be able to deal with that, but we have tried to address some of the most -- some of the most significant pain points in areas that have the largest amount of traffic in areas that are not most directly adjacent to the corridors. It doesn't have rail. But major improvements on these transit corridors are going to ultimately be necessary for us to have a rail system in this city that works. And I'll tell you that frankly I can't imagine Austin for me as we get to four million people in the msa without a rail system because I just think we're going to need it, but I don't think that it's part of trying to get a consensus during the month of June because I don't think the consensus is there yet for us to be able to do it in this way, and at this point in time I think we need to focus on where the consensus is going to be found and I think that consensus is going to be found on these corridors. The corridors I think are the sweet spot. They impact transit and bike and pedestrian and safety and congestion and growth and the way that we want this

city to be able to develop, but have never seen on our streets and need to start seeing so that people can buy into it, invest in it and it can grow.

[6:24:45 PM]

I've heard arguments about this, I talked about one a second ago that we're moving too fast. I've heard people hesitant about doing something that would raise taxes and what we're proposing does. And to be clear, what we have is \$500 million of money that we can spend without raising taxes. This proposal takes almost half of that two million dollars and puts it into a citizens advisory commission that can be convened now and look at that time what the priorities should be in a year or two that are not this. The parks in the city, the affordable housing in this city. The public works, the maintenance and operations on the systems that we have. I don't want -- when we're sitting down and deciding how to spend that money, I want this part to already have been taken care of. I want us to be able to focus on those additional items so that we're not compromising those things because we're also trying to deal with this and these arguments at that time. I think we can clear the deck and that's what I think the people want us to do. And that committee then can meet and they can be seated and secured with that \$200 million and then they can decide what is the appropriate next thing for them to be doing or not doing with respect to -- with respect to that. I've heard it suggested that we wait until we get the next round of strategic plans, the city of Austin's mobility strategic plan and capital metro's 2020 rider ship plan. I think those strategic plans are important to have. Good cities are constantly planning. We are never done planning. But if we wait for all of the plans to be completed before we do something, then we're never going to do anything in this city. The projects we're talking about here are based on plans. They're based on studies. They're based on the community involvement. That's what these things are. I think it's time to take those plans off the shelf and work on them.

[6:26:46 PM]

The one thing we know -- you know, the strategic mobility plan is going to help us decide how it is and where it is that we deal with the 10 billion dollars' worth of needs that our staff has told us we have in this city. I don't know what the order of that is going to be. I don't know how it will be prioritized over time. But I am very sure that that strategic plan will begin with the corridors because every expert has said we need to begin with the corridors. The plan from capital metro is going to talk about how you build out that system and lots of questions, but the one thing that is going to be true about that plan is it's going to speak to -- it's going to speak to the corridors first because that's where capital metro is based. That's the heart of what it is that is in that choice network system. People suggested this is too big and we should wait until 2018. But as I said before the time for us to act on this is now and that's

even more emphasized by the memo we've gotten today that tells us if we had done these corridor plans several years ago we could have gotten it done for \$820 million and the cost is now over a billion dollars. And if we want to wait yet another two years to do it for other strategic plans to come in, heck, we could wait another four years for this. And I don't know what the cost is going to be at that point in time. There's not a reason for us -- there's not a reason for us to wait. I know that it does increase taxes. It increases taxes on the median family home by less than five dollars a month. It increases taxes on a two-million-dollar home by \$400 a year. The average austinite spends over \$1,100 a year sitting in traffic. Gasoline and costs associated with sitting in the incremental delay.

[6:28:51 PM]

That is what the cost is in our city. We know that the two most expensive things that people pay for in our city are transportation and housing. If we really want to try to make this city more affordable for people who live here, we need to address the transportation costs. I'm going to go ahead and just generally describe what plan is that we have laid out. I've handed out to people. It's on the bulletin board. It has about \$480 million being spent on the corridor plans. Those are existing corridor plans. I think that we go to our staff and we ask our staff to tell us what the plan would be to spend that in the most transformative way possible and we ask them to come up with a strategy. Part of that is looking to describe where we need to tear up to do capital improvement structures for power lines and sewer lines, but it is also strategic in terms of how we lay that out, where we can put in the dedicated transit lane to have it run. Where can we put the run of medians, all that kind of stuff. But \$480 million and maybe a lot of that work or some of that work or indication can be done between now and August before we actually vote to put it on the budget, but we should go big on a 720-million-dollar plan. And that's -- the 720 million is what you get if you take the 300 of bonding capacity we have once we've sent the 200 to the committee and the less than five dollars a month which raises another \$420 million. That's how you get to \$720 million. It also includes about \$100 million just under for the big pain points in this city on the roads that are most trafficked. So those areas that are not close to Lamar and burnet road and Riverside and airport and mlk and 969 and south Lamar and Guadalupe street, those pain points are loop 360. Doing something at the Westlake drive intersection or the spicewood drinks road intersection.

[6:30:56 PM]

Way up in the north, northwest. Anderson mill road, doing something at 620 and 2222 would be good choices perhaps. Down in the southwest at oak hill parkway where the old bee caves road bridge is. And we can talk about these kind of details or trade these out or debate among ourselves what are the

appropriate ones to do, but I think it's that kind of thing. And then the corridors that we have. And then we also have to plan for the future smart corridors so that we put into the pipeline those projects that will be the next round of what we do, where the next corridors are going to be that we're going to want to have dealing with congestion and being walkable and being transit ready. And I have on the list the preliminary design for north Lamar and I have for the middle segment, also Rundberg and MLC and William Cannon and south congress and slaughter and south pleasant valley. It also includes about a hundred million dollars for safety and active transportation. It's taking about \$15 million of that and putting it to the vision zero action plan, which is the next five or seven most dangerous intersections we have in the city. That leaves about a hundred million dollars left over and putting more than half of that towards sidewalks, safe sidewalks, so that kids traveling in the city have safe ways to get to schools and shopping. We've just lost several kids in the last two months in this city and we need to spend money on safety and sidewalks. But it also has money for urban trails and for the bicycle master plan. All together, those things -- those elements totaling about a hundred million dollars. But then it also has us spending money on roadways and are projects in the city. Here we've talked about potential projects, William Cannon overpass bridge, Mid Oh Lake Boulevard, which are streets and facilities which are in critical shape right now.

[6:33:06 PM]

But also substandard streets like Cooper Lane and Ross Road and Circle S and Jain Lane, if we don't -- I'm fine handling that alternatively, but if we don't, obviously that's a priority in the city. Rutledge Spur, Davis Lane, Johnny Morris, Brodie Lane. But other roads could be considered for this section two, like 1626, 1826, McNeil and Grove Boulevard. That package totals \$720 million. My belief is, is that we should go big because this is a big problem. This is our most significant threat in our -- in our city. We have a congestion traffic and mobility crisis because we have chosen not to fix it. We need to fix it now. We need to fix it in a big way. We need to fix it in a transformative way. We can't nibble around the edges. We actually have to go big and we have to do it right. Austin has a leadership role here, and the time is now. This is the biggest threat to our city and to our region. We cannot afford typical timelines. We need to accept the repeated direction of our citizens and our experts and our staff. The proposal that we have in the memorandum itself has several whereas clauses. The first whereas clause urgency us, asks the manager to work with the senator Watson on the several different ways that he was talking about dealing with I-35 without bonding capacity. That's the first resolve clause. The second resolve clause talks about \$720 million. I think we need to go big, but I also think we need to have consensus, and if don't have consensus going big, then I don't think -- then I don't think we should do that. I think we should then spend the year trying to build the consensus so that we can actually do things in a meaningful way in this city because I think that's what the -- I think that's what the people want.

[6:35:24 PM]

The next resolve clause talks about us looking at the designs as they've been set up because some of the designs are three or four years old, and some of the best practices have changed so that our staff has a chance to look at those and be able to combine them with additional strategies like community land trusts, tax increment finance sorry, homestead preservation tools, revisions to the smart street housing, targeted investment in the corridors utilizing the affordable housing bonds. All the tools we can have to leverage down on real work being done on these corridors so that they can truly be the corridors that we have always thought of them to be, and then the design work, not only looking at how you do those designs and the most transformative way to deal with maximizing level of service and minimizing delay, but also in terms of looking at those plans to make them most livable and walkable and save and transit-supportive, adhering to the principles and metrics in imagine Austin, to really be able to make our future what it is that we have intended it to be. My recommendation for our council will be that we go big and we actually do something. My sense from talking to people in the community is that they're willing to pay -- they're willing to invest that small amount of taxes, if they really think that we're going to do something and go big and actually -- actually do something about this challenge in our city.

>> Pool: Mr. Mayor?

>> Mayor Adler: Yes.

>> Pool: I'd like to say two things and I'm not going to say much because other people would like to talk, as well as people in the community. But I think perhaps -- I appreciate you putting this hotter, but please don't misunderstand, nobody here is saying we don't go big understand a 300 million is big. I mean, the most that we have ever done is 195 million.

[6:37:24 PM]

So nobody here -- everybody appreciates your leadership, everybody appreciates the importance of making a very significant impact, but I would appreciate it if we didn't characterize everything we're talking about here as doing nothing. I mean, 300 million is not doing nothing. It may not be as much as 720 million, and if the community supports that much in taxes, then I'll be the first one there. I'm not hearing that from my district. I'm hearing maybe 500 million. But, regardless, that's the decision that we have to make, and that's what we want to hear from people, how much do they want to invest right now. We're not going to -- we're not going to go out there and vote for 720 million and spend it all the next day. It's going to take us years to do that. So it's a matter of balancing and thinking about how much do we spend now, making sure that we're prudent terms of remembering what else do we need, like flood mitigation and other issues like that. I think the whole council, or I'll just speak for myself, is certainly open to additional amounts and mobility committee, we put out 300 million as a starting point. We didn't say that was the only amount. But we didn't put it out as doing nothing. And we certainly

didn't put it out as not big. So I think that what we need to say to the community is that we're willing to make a very big investment in the community is, and that's what we're talking about, is making a big investment. It's a question of all those details about how we do it, when we do it, how much we do in 2016, how much we do in 2018, and how much we do with all the other things that we're looking at. And so I appreciate your leadership and your passion on this. I'm very appreciative. It is one of the things that admire about you, but I think we'll have a better discussion if we don't characterize the various levels as not doing anything or not being big.

[6:39:25 PM]

So I'm not going to say anything else because lots of other people would like to talk.

>> Mayor Adler: And I appreciate that. And I didn't mean it pejoratively, I meant it to say the short-term and medium term on these projects can be funded for \$150 million. The longer-term projects were 200, \$250 million, and then the cost to do them all is \$800 million. What I'm in search for is what level of funding will actually be transformative. What level of funding will actually do something meaningfully in a large part of these corridors with respect to through-put, in large parts of these corridors with respect to transit, and in large parts of these corridors to enable those kinds of communities. So to me, it's a question of -- of -- of being enough to be transformative. And when we talk to the transit person yesterday from capital metro who testified and we said what would you need to do to be transformative about transit in the city, looking at the different -- I said 100, 300, 500, and the transit people stood at the podium yesterday and told us to go big. That's what I'm talking about.

>> Kitchen: I understand, but I think we need to be tarrant with we need Tobe transparent with people so people can understand we're going to continue to spend money on corridors. I'm willing to spend sufficient dollars on build out all these corridors. It's not a question of whether we build these corridors, it's a question of when do we authorize them, how much do we pay, when, understanding that they don't get built overnight, and we balance them against the other needs that we have. So we could authorize 720 now, and I'd like to understand from staff when that means that had be finished, as opposed to authorizing, you know, 300 million of them now and when that's finished, and when we'd need to authorize more. So that's all I'm talking about. I think there's a lot of agreement across the community that corridors are very important.

[6:41:31 PM]

I don't think that's -- that's where our -- what we're trying to figure out. It's not that they're important, it's trying to figure out how and when do we fund them and get them done as expeditiously as possible

in light of the other needs that we have and in light of all the problems across the entire city, and in light of taxes.

>> Mayor Adler: And I agree with that, too. So here we're already finding points of agreement.

[Laughter]

>> Mayor Adler: Because I would like for us to find out what is our -- what is it that, if we're really trying to go big, what can we actually accomplish in six- to eight-year horizon, if that was our goal. I'd want to know that answer, too. And this is a conversation we're having today. We're not going to be voting on this today. We're going to be discussing it today. We can be discussing it over the weekend. It's going to come up at our work session, Tuesday of next week. We can discuss it then, and then it'll be coming up then a week from today where council will consider taking a vote to ask the manager to come back to us in August with a specific proposal. But let's see. Let's have that conversation, let's see if there's a consensus place for us to reach here in June, or not. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I think I only need about two minutes here to say a few things that I hope is helpful to the conversation that's going to follow. First, let me talk about urgency and ask for an overhead to be put up here. I want to go back to our last big bond in 2012, of about 14 million, and kind of see where we are. If you click on that gray/brown bar, kind of above the bars, it'll -- yeah, click on that, it'll blow it up into a bigger screen. The big rectangular bar at the top. There's a link up there where it says 2012 program spending summary. And I'll say, well, at any rate, the point here --

[6:43:34 PM]

>> [Off mic]

>> Zimmerman: Here it comes? Is it coming? That's a bigger view. There we go. Now, take a look at the bar on the prop 12 there, transportation mobility. I believe that was 143 million. I want you to notice here that 40% of that money has been either spent or encumbered. That means that, as of now, four years, nearly four years after that 143 million bond was passed, \$85 million has yet to be encumbered or spent. Now, that doesn't mean that staff has plans to spend it. They have plans to spend every dollar of it, but still, the money has not been spent or encumbered. And that was only \$143 million, and here we are four years later. So I'm concerned, based on this, that if we put a huge number like 720 million out there, we'll be long retired and term limited out before our successors are deciding or talking to staff about where the money goes. I believe councilmember -- mayor pro tem tovo was the only one on the dais who was here in 2012 when that was passed. So I think there's an issue with a large amount of money, because we just can't get through it quickly, to councilmember kitchen's point. Okay. Diversity of needs. The more I look at this, it's a very, very different city downtown compared to out in district 6. You know, downtown where we have more density, the mass transit can make more sense for buses, bike lanes, we have more places, closer together. But when you go out to district 8, district 10, district 6,

maybe even district 2, things are really spread out. We have sparse population and we can't make use of mass transit and bicycles like we can in a dense area. So we have different needs. Now, here's what's transformative in my view. Imagine if we did go really, really, really big, with 720 million, what if we did a quarter-cent fund exercise like we did with capmetro, starting last summer, and we said, all right, Mr. Mayor, you're responsible for the entire city.

[6:45:42 PM]

You get 220 million. The rest of the council districts get 50 million. And we start contract as elected officials on prioritizing that money. Because we heard -- we had presentations that show we have billions of dollars of needs in this city. Billions of dollars. The sidewalk plan by itself could take up a billion dollars. We have billions of dollars of needs. So 720 million is the biggest thing we've ever done, but still, it barely scratches the surface of, you know, 30 years of underbuilding compared to the growth we've had. So how about that for a travel -- for a transformative idea that our city council representatives get to help prioritize this next bond? Those are my ideas.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I just want to thank both of you for the plans that have come out. I think that do-nothing is not an option for me, and I think the 300 million is a good basis to start from because I think it's pretty equitable in how it disburses the spending. But I'm happy to go higher as long as it addresses the needs of our entire community. We -- we looked at the results of the mobility talk surveys, and 90% of the respondents from district 10 use a vehicle, a car, or a motorcycle for their transportation. And, yes, it would be nice if they could be provided with other options, such as transit, to be able to move around from their neighborhoods to their jobs or to their schools, but the reality is, we heard from capital metro, is that the ability to get viable options out to our less dense neighborhoods in our suburban areas of this town is not going to happen anytime soon. And we, as a city, far too long, we've directed our attention and our funding to our urban core, and we've neglected those less dense subdivisions and neighborhoods that are further out.

[6:47:46 PM]

You know, we have to -- we have to realize that low density, and that is -- that is such a mentality in this community right now -- low density means dependence on vehicles. So I'll be looking for a plan that balances our spending on our mobility improvements, which address the traffic congestion everywhere throughout our city, because we need to pay attention to the areas that have been neglected for so many years. But I do appreciate -- I think there's some great ideas. There's going to be some really good

conversation that happens, and I think we'll end up with something that addresses the traffic congestion, the mobility issues that we're facing, because we, for decades and decades, have neglected to spend adequately on our infrastructure and during our budget cycle we don't spend adequately with making sure our transportation department has the money to spend on vehicle capacity and roadway gridlock.

>> Mayor Adler: Thank you. All right we're going to go ahead and then ask the speakers if they want to address, now that these have all been laid out. We're going to call up and have speakers speak on both 27 and 34. We're going to call those at one time, you get to speak once. Then, if you speak tonight, you won't speak next Thursday when we'll also open it up for discussion. So let me go through this list. David King. Mr. King is going to wait. Mike Burnett.

>> Thank you for not waiting till 9 o'clock. Appreciate that. 35 years ago, I got married and came through this town on my way down to the coast right after my honeymoon. North-south was about two and a half hours. We got stuck downtown for a week differently then we got on our way.

[6:49:51 PM]

You better wake up. It's done. You've got four, really three and a half years, before they shut I-35 down and dump another 20% traffic on city streets. You have 12 years of deferred road maintenance, and that's the 500 million I believe we're discussing at this point. Those are revenues collected from taxation that were not spent for any real or serious levels of road maintenance. Here we are, three years away, three and a half years away from a major problem with gridlock in this town. And I'm sorry, I don't care what you do, I don't know what you do, I don't really understand how you're going to roll asphalt up north Lamar or up Lamar from Ben White on up to 183 in a couple of afternoons. Appreciate Mr. Zimmerman's input there. It's pretty clear that putting some of these projects down is very difficult. All the plans are great. It's wonderful. But I'd like to see some metrics. I'd like to see a critical path that outlines which streets you're going to attack and what that order is going to be, how that succession is going to take place. I'd like to see the traffic levels, current -- you know, you've got to -- it's called lanes, you have a currency, it's called trips. I don't care what you put on them, but you have lanes and trips, and I'd like to see how you spend that currency. And as the dollars roll in, I'd like to see what the improvements are because you're going to need a minimum 20% improvement on your corridor base to handle the mess off I-35. I don't know if any of you have been through a major highway reconstruction, but those guys are going to come and use any and every avenue humanly possible to get around because regardless of whether you've got a toll road out there, regardless of what you do with 183, they're going to come right up to the middle of town. That's just the way it is. So you've got a major -- you're sitting at a crossroads where you don't have time to play around and do great plans and stuff.

[6:51:55 PM]

You have the plans. We know what the infrastructure looks like. You know where the lanes are. And so combination of expenditure on actually -- you know, it's not really new revenue when we start talking about deferred road maintenance. These are revenues that have been collected and have gone unspent, and potentially were scheduled for other applications. You know, get that money out, let's get it going. You don't have time to sit and play around, waiting, because if you do, this city is going to shut down. I apologize for my directness. And, Ms. Kitchen, again, as always, you're so much closer to, you know, where we need to be looking than everybody else. I guess that's all I have to say for this evening, and Mr. Mayor, thank you again. The original agenda item only listed your name, so at least I'm glad to see there were a few others that joined in and decided that, regardless of whether it's 30 years of deferred sidewalk maintenance, or the 12 years of deferred road maintenance, we're able to take some of those funds and roll them back in to try to dissolve the monster before it gets here. Because I've got news for you, godzilla is up on north Lamar. Thank you.

>> Mayor Adler: Good evening. Anthony Marquardt.

>> Thank you, mayor and councilmembers. My name is Tony Marquardt. I'm with the Austin Travis county -- I'm here to discuss infrastructure on roadways from an emergency services perspective. As our population continues to exponential growth, there's an ongoing problem, from EMS in particular, gaining access to critical calls is a growing challenge.

[6:54:00 PM]

As our delivery model of health care continues to evolve, patient management will continue to have a greater mobile component. With the addition of stand-alone emergency rooms and increasing opportunities to meet the medical needs of our community in their homes, or with local family practice clinics, EMS will play an expanding role in the -- in the safety net for when alternatives are being provided. The most dangerous part of emergency response is driving code 3 with lights and sirens through intersections. Nearly a decade ago, council had approved an opticon system, which is a system for change lights when emergency vehicles like police cars, ambulances, and fire engines are responding. That is -- the technology has expired, and many of them have fallen beyond repair. The new versions of that, I think, are very reasonable to look at, and they do, you know, create the opportunity to safe -- make safer one of the most avenues of emergency response which is dangerous intersection. Another frustration is access to 183 and major arteries during rush hour. We also find with higher frequency, ambulances are being diverted to other priority calls. This happens when, for example, we're going on a seizure and a cardiac arrest happens, and with regulator, we find ourselves needing to turn around the emergency vehicle in some cases, in sections of Austin, and every single district, it's difficult to find that

access where we have very long corridors without emergency vehicle access, or we have four lanes that don't allow for that repositioning to get to the emergency call. Another aspect is access to f1, it's problematic at best. The solution is to staff a minor care clinic during these events and utilize the helicopter services to get people the emergency services they need.

[6:56:04 PM]

If the worst would happen, medics and clinicians on scene would be overwhelmed and rely on ground ems services. Even with the recent road enhancements in the area, there remains infrastructure problems with narrow bridges and structural limitations for emergency access. And on a personal note, we had a child fatality a couple weeks ago near canyon vista school in north Austin. That's where my kids go to school. For this incident, we were fortunate to have a rapid ambulance response. We had a good scene time. Unfortunately the injuries were catastrophic and the child passed way.

[Buzzer sounding] We made it so the trauma center, if school were in or if a rush hour were happening at that time, which both are typical when children are struck with cars, we would not have been afforded the opportunity to give the surgeons the chance to try to save that life. It's very difficult to access in and out in every single district for emergency vehicles especially around school Zones. Another scenario we don't like to think about is mass casualties on school grounds or other mass gatherings when a massive emergency response is required. We are fortunate that the south by southwest incident had controlled access and egress. We were fortunate when the plane struck the building, few people were in part of the building.

>> Mayor Adler: Mr. -- You want to go ahead and conclude?

>> Yes, sir. Logistics in that half, the closest hospital is not always most appropriate. In that incident, if that had been a catastrophe, we would have had to transport people down 35, which is relevant. In conclusion, the mobility challenges continue to be an obstacle for managing our emergency response. We appreciate what council can do for this and to invest in our infrastructure is greatly appreciated. Thank you for your time.

>> Mayor Adler: Thank you. Sheryl Cole and Aaron farmer is going to be up next.

>> Good afternoon, mayor Adler, mayor pro tem tovo, and the rest of the council. I won't call you all individually by name, but know that I know who you are, and also know that I know that that former council caused this," and y'all are here to fix it.

[6:58:15 PM]

[Laughter]

>> Mayor Adler: Welcome, welcome back to chambers.

>> I am here to tell you that I worked on the bonds in 2006. I sat in your seat in 2010, 2012, 2013, and 2014. And I'm here to share with you a few lessons learned. We, like you, sometimes had different ideas about what should happen in this city. And we vigorously advocated for our position. You might even say that the tensions that I've seen tonight are very, very minor compared to what we did. But at the end of the day, every single one of those votes was unanimous. At the end of the day, we all went out and stood behind what we decided to do because the idea and the firm belief was that we all represented the entire city and every single part of it, and that this would be a good investment for the city. Now, a lot of times, I sat in that seat and said, city manager, assistant city manager, we need more information, and always wanted to have a hundred percent security that I was doing the right thing. And I never got there. Because if you wait to be a hundred percent sure, you will never act. There has been a great deal of public process put into the corridor plans, and I'm happy to see that each of you are giving respect to that because the process of doing something about transportation is not just a four-year process. It takes 10 or 15 years, as Mr. Zimmerman has pointed out, and we never expected the plans to sit on the shelf. And I don't believe this community expect that of you.

[7:00:19 PM]

I appreciate that each of you are considering a large and complex plan that involves interstate 35, and I want to recognize senator Watson for putting that on the table and combining the consideration of that. But to wrap up, I'm not necessarily at that point endorsing any plan. I am simply saying that I respect this process, and I'm excited about what improved mobility could mean, safe routes to schools, and reminding you that the imagine Austin plan contemplated both housing and transportation, together. I've seen a lot done about housing, and I think it's a good thing that you guys are stepping up to the plate and doing something about transportation.

[Buzzer sounding] Thank you for your time.

>> Mayor Adler: Thank you, mayor pro tem. Is Mr. Farmer here to speak? The next speaker would be Katy hall. Is Katy hall here wishing to speak? Jacob Youngblood? Ruben -- robin stallings? Robin?

>> Good evening, Mr. Mayor, councilmembers, thank you very much for a chance to speak on this very important issue, and it's tough to follow former councilmember Cole. She did a great service to this city and I think something we can all listen to, how we can get something and all get behind it and vary our differences, but now is the time to make our point of view clear. And I wanted to start my colleague from bike Austin -- I'm robin stallings, executive director of bike Texas. We've been doing bike advocacy for 25 years. And my colleague, Miller nuddle at bike Austin, had to leave earlier, but he requested that I

remind you all that bike Austin and the old Austin neighborhood association Ara, walk Austin, and Austin up, support councilmember Casar's plan as proposed.

[7:02:32 PM]

And bike Texas also supports the active transportation part of that plan. We think it's very well thought out, and we appreciate that it's built on the great plan that the mayor started with and is moving in the right direction towards more active transportation; that the -- we think that a balanced plan in the \$500 million range, speaking for bike Texas, that that is an appropriate level with no tax increase, that the most cost effective parts of these plans are the bicycle and pedestrian features that can move more people for the dollar, and also as we've been talking about, you know, plans on shelves that were well thought out, the bike and pedestrian plans are excellent, had tremendous amount of community input, and have been, you know, thought about, like saving 20,000 trips a day into downtown is one metric; or the amount of sidewalks that could be built -- for example, a 205 miles in district 1, in the combined sidewalk plans. In be district 2, 64 miles. In district 3, 106 -- 136 miles. District 9, 202 miles, just to give a few examples, that these will reach everybody in the city. And when we do have to worry about I-35, you know, shutting down, or whenever there's been a major crisis in New York City, people walk and they bike, they still can get there. We need these networks to expand the value of our existing transit assets, so I encourage you, according to the Casar and pool plan, that when you do invest in those corridors, that you concentrate on how you can get more out of our transit assets, but the bike plan can expand reach to those transit assets, two miles by bicycle, half a mile by walking, and with the new electric bike technology, four miles from key transit stops.

[7:04:33 PM]

So we can expand and increase the value of those existing assets. We do need more work on our corridors. We can't do it all in one bond election.

[Buzzer sounding] But we are -- about time to catch up on our bicycle facilities and our sidewalks. Thank you very much.

>> Mayor Adler: Thank you. Isabel Lopez. Joe Ramirez is on deck.

>> Mayor and city council, my name is Isabel Lopez. I'm a resident and mom in district 2, dove springs. I'm here to support the mayor's plan. I think we've been waiting too long to actually implement a transportation and housing plan that addresses the many needs of our community. May I use myself as

an example in I'm a single mother of four kids. I cannot afford to sit more than three and a half hours in traffic.

[Inaudible] It's summertime. I have to get to work, but before that I have to make two different stops throughout the city of Austin to drop off my kids. Next month, it will be different. I think I might spend close to four hours on the road, before -- you know, back and forth to my house. We need to invest money in those corridors. I usually come and, you know, try to speak for usually my district, but I can tell you that many people in my district do not only commute within our district. We austinites move everywhere in the city, so we need to address the corridors and we need to address affordability, affordable housing to make a comprehensive transportation change in the city. Because whatever is happening or has happened in the past isn't working. Now, investing on mobility, you know, like streets, sidewalks, bike lanes, that's excellent for some people in some regions.

[7:06:38 PM]

I can tell you that in my district, many of us cannot get a bike. We wish we could have a bike, right, and just transport ourselves from plan a to plan B -- point a to point B, but we can't. There's a lot of construction workers that need those big trailers and trucks to move themselves, you know, from point a to point B in my neighborhood. Bike lanes are not a priority. So I think you need to look at different regions. I know I work a lot in the rundberg area, and there is a high need for sidewalks, but also we need more mobility for buses. There's a ton of people who do not own a car in those areas, and I'm talking about the immigrant and the refugee community. They need more bus lanes. So if we genuinely seek to increase economical opportunity for residents, the proposed corridor and mobility bond program for current and future residents, offers an opportunity to knowledge strategically allocate resources that can encourage equitable growth but preserving affordability and assets to other residents. In a typical household budget, transportation is the second highest expense, with a family median income of \$40,000? Districts 1-4. Reducing transportation costs is really necessary. I will be willing to give up two loafs of bread a month to pay for this because I cannot afford to be sitting for hours in traffic.

[Buzzer sounding] Thank you.

[Applause]

>> Mayor Adler: Alva -- I'm sorry -- Alva so Rena. Lorenzo seek? On deck is Carmen Llanes Val on yourdo.

>> Mayor, before we continue, I know there are a lot of people here who showed up for a 7 o'clock item. Can you just give them an idea of how many more people are signed up -- there's a lot of small kids here, so I just want to be aware of their time.

[7:08:40 PM]

>> Mayor Adler: There are one, two, three, four, five, six, seven people that have yet to speak, maybe eight, depending on whether or not these people are here.

>> And then we'll be taking up did the.

>> Are you looking under both items?

>> Mayor Adler: They've been combined into one list. I called everybody at once.

>> I'm not seeing that here, so -- then we'll be taking up the --

>> Mayor Adler: Then we can take up -- it depends on what the council's will is. We have a lot of kids here so my understanding is that each side on that school issue have agreed to limit to 30 minutes a side. I was told that. I think that might be true?

>> Yes.

>> Mayor Adler: Yes? So it's -- it would be an hour. I would be fine with letting people grab their food and come back rather than -- so that the kids can go, but that's -- that would be the will of the council.

>> Casar: Mayor, I'd be fine -- will I would just note that I would like to have some -- this is also -- I know both are really important, but even after the speaker and testifying, I would like some time to have a conversation on the dais because we were short on that at mobility committee, so --

>> Mayor Adler: I think that would be helpful as well, too.

>> Kitchen: Yeah, we have more questions, too.

>> Mayor Adler: Of staff.

>> Casar: So I would just indicate to the people here patiently waiting for the next item, apologies, but after the first speaker is done, I would be a person age others might ask questions back and forth on the dais, so some conversation.

>> Mayor Adler: I think that would be helpful as well. We could also break for ten minutes and go back there and everybody eat really fast, as well. Or people can eat and come back out here?

[7:10:41 PM]

Okay? We're going to continue then, but that's what we're looking at. Please.

>> Greetings again, council and mayor. Again, my name is Ava Soreno. I speak to you now as the community director for the Go Austin VAMOS coalition in 78745, as well as my hat for a task force member for Vision Zero, representing the Hispanic community citywide on that, and as a family award member of Vision Zero ATX. I come to give you the pulse of what is resonating with folks in 78745. The most populous zip code in the city and projected to continue to be the most populous zip code for the next ten years by the city demographer, and comprise of districts 5, 2, and 3. From our hundreds and hundreds of ongoing conversations through our efforts to increase physical activity and healthy food access in 78744 and 78745, we know that in 78745, there is an appetite for multimodal transportation. The number one thing that we hear from residents in our conversations is a need for improved bus amenities in the form not only of safety as bus stops and connectivity to bus stops through sidewalks, but also through improved bus routes and frequency on those bus routes, and most of what we hear is that we need improved access through multiple modes, including bus, pedestrian amenities, and then also bike lanes, north to be able to reach community assets. The quintessential story is there there is one part of our zip code where the library is only a couple of streets away, and that library is functioning also as a co-locality with a green space, but people can't get there, they have to take two buses to get a couple streets away.

[7:12:43 PM]

We hear stories about this as well in regard to food access in our neighborhood. And so we know that, and people's spending, and their household spending, it is housing, transportation, and possibly food that is a third issue that is very important to people, in regard to their spending. We also hear much concern that, although this is the most populous part of the city, and projected to continue to be so, that corridors are not receiving enough prime air space in the south of the city. And so I come to inform you that the corridors of consideration may want to include South First, South Menchaca, which is a continuation of South Lamar, as well as South Congress, and then some consideration for East/West is important, so mistakes any and also William Cannon is of importance. West Gate is also a major thoroughfare where people live and also part of the continuation of this northwest. Thank you.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Good evening. My name is Lorenzo Seek, and actually I'm here because I went to one of the residents' meetings, first time ever, and what I realized there, that on District 5, this is regarding the big issue as to transportation, and what I have noticed in 17 years I've lived in Austin, I haven't found an area who's actually -- it feels like it's been abandoned from the city for the way Austin has grown. I mean, a lot of parents, they don't have access to buy a car or to get one, but they also don't have a sidewalk to get to schools or take their kids to schools, so it's something that's big for them.

[7:14:49 PM]

And what I would like to say, I'm part of the leadership, a neighbor from the group [inaudible] And Jose in Westgate specifically, my priority are the bus amenities, improved routes and frequency, and we also see the needs for sidewalks and bike lanes for safe traffic. 78745 is the most populous zip code in the city of Austin, and the need to be considered on any bond plan as we're moving forward, and thank you very much.

>> Mayor Adler: Thank you.

>> Hello again, mayor and council. Thank you for the opportunity to speak again. I'm Carmen Polido. I'm with Austin, [inaudible] And Dove Springs, 78744, in district 2, and the second most populous zip code in the city of Austin, adjacent to 78745. As my counterpart mentioned and Mr. Lorenzo also mentioned, these areas are projected to continue to grow at a very high rate. And so first I want to say that I'm happy to hear you all speaking in a comprehensive manner about all the multiple issues we need to think about as we project for transportation needs. Again, we want to express what we are hearing in the community because this comes up a lot in our conversations around access to healthy food, access to recreational spaces, physical activity, as we talk about transportation or the lack of mobility can be a barrier to both of those things and to much more in terms of services and programs. So we are happy to hear a comprehensive approach and want to express that we are hearing lots from -- from the neighbors that we work with about concerns for pedestrian safety.

[7:16:55 PM]

So both sidewalk completion, but also traffic calming. That's an extremely important issue, and something that we've been able to address in small ways, working with the transportation department when restriping comes around, et cetera. But it's really an important issue when we talk about multimodality, is the ability to safely walk to get to bus stops, to get to access points, and to get to school. We also -- so it's good to hear that the corridor discussion is an expansive one, and also that some new corridors were mentioned that we didn't see before in the mayor's plan and the mobility committee has been talking about the need to really look comprehensively. So in addition to William Cannon and South Pleasant Valley, which are very important corridors for district 2 and 78744, we also want to think about east/west corridors so Terry Road being a very important one in 78744, and also Knuckles Crossing which feeds into South Pleasant Valley. One issue that we hear a lot about bus routes is the difficulty to get within the zip code to programs and services and other amenities locally. So the 7 bus takes people from Dove Springs to Duval, and the ridership is high, frequency is great, but when we look at getting within the zip code to the rec center to the library, we see a lot more difficulty with that.

So we need to think about what enables people to move around in a small area, and also consider those very important corridors getting people all over the city, as Ms. Lopez Aguilar mentioned earlier, I just want to call attention to the fact that people go all over the city, not only for programs and services and activities --

[buzzer sounding]

-- But to get to work because so much of the service industry and construction industry lives in 78744 and 78745. So please consider that. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Leslie Luciano.

[7:18:59 PM]

>> She left.

>> Mayor Adler: She left? John Woodley. And on deck is Miller Nevil. Mr. Woodley wants to wait, Mr. Nevil has left. Emily -- day of the king is waiting, so those are all the speakers that we have set. We're back up to the dais.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Mayor Adler: Thank you. It was good to hear the comments from the speakers. I was at the smart cities event last week -- or was it this week? The days are just running together. Tuesday of this week. And AT&T has a spotlight city and it's Atlanta. And I was really intrigued by how they're gathering data about where they -- what they do with their corridors and using technology. And it's not just about how many deaths there are, or accidents, they're looking at people count, they're looking at bike count, crime statistics. They're looking at temperature, which I think we always forget when we talk about options for people, and there are signal lights in 19 different intersections, so they're getting a baseline with about 4.2 miles of corridor, which I think would be helpful for us to do, to be able to have some of these metrics to help us make some of the decisions. But I know we're past that. And some of the -- and some of the options that are floating out there, I was disappointed to see that 969 was removed from -- from the conversation because when I asked txdot for the number of trips per day we had going on 969, it was 29,000 trips a day.

[7:21:17 PM]

And so that's one of our major north -- I mean east/west corridors, and I'm just amazed that that's not a priority for some, but it is for the people who live in district 1. We talk about the suburbanization of poverty. That's where the poverty is going, and yet we're still not talking about real transit opportunities in that area during the food access conversation we had yesterday now, the greatest population growth is projected in the following areas, and they're all to the north and the east. That's where people are moving. And so those kinds of things just concern me when, again, it's disrespectful to me to have people not be able to self-determine what their goals are, what their mobility issues are. And so I'm going to be trying to do some things different with the budget to see if I can come to something that gets somebody all of that, but the main thing I want to mention is that there's nothing in the budget until we get to \$720 million for bridges, culverts, and structures, critical infrastructure improvements. I don't know about anybody else's district, but we need infrastructure improvements in district 1. They have been -- they have not happened in many, many years, and this may be the only opportunity that we have, and I couldn't believe that when I saw there's zero in the budget, in any of these scenarios until we get to 720 million. Now, I have not polled everybody in my district, but I know what I heard when I was campaigning is that people are bond-fatigued. And so I'm just saying, for my district, we need to really be careful about what the cost is to the taxpayer and how much we're going to be -- this big bond thing that we're going for, because everybody's not at that place.

[7:23:21 PM]

Everybody is not at that place. And I think if we don't put some money in the lower budgets for these infrastructure improvements, then our system is going to start cracking. It already is in some parts. We saw a big sinkhole out south -- was it last week or this week? Where Austin resource recovery truck just -- you know, we have real serious problems, and not to see that as a priority to me is a sin. So I'll be trying to figure out what else we can do, where we can take some money from. Also, I'm sure you all received that, asked for previous bond elections from 1998 to 2012, and as you can see, in street reconstruction in 2012, there was zero spent, and no signalization spent. We've got to do that kind of reconstruction or our streets are going to older. We've got more traffic on it, we've got to do that kind of infrastructure repair. And if we're talking about signalization, and we put no money into that in the 2012 budget -- bond, nothing was brought out of that. So we've got to look at this very carefully because there's some things that we're not even addressing on this issue. And they've been left out, and again, to my colleagues, I am just kind of offended that people would decide what to do from my district and just take out a whole corridor that is the only north/south corridor in the district to get 29,000 people a day from webberville into Austin to work, play, and because we have no amenities, so that's -- 969 is the way they get into town.

>> Mayor Adler: Thank you, Ms. Houston.

[Applause]

>> Mayor Adler: And by the way, the proposal that I had had both 969 in it, as well as the -- some substandard road in capital renewal.

>> Houston: I said some proposals. I didn't say yours. I said some proposals.

>> Mayor Adler: I want to ask staff to decrease two of the questions that have come up.

[7:25:28 PM]

You know with is timing, that's something that has been raised. It would be good if you could speak to that. Then if you and the manager have a recommendation or thoughts with respect to corridors and what size.

>> Certainly. The timing issue or the capacity issue is a very good question. This would be, depending on what you all choose, this would be a four-fold increase in what we've had to face and put out in the past. So what we've -- the manager was very clear with staff to ask us what it would take to do a six- to eight-year program, even if it was at \$720 million. And we have some ideas. We would certainly need some more staff to do that. Now, that staff is included in the bond Numbers, generally, and so that's not funding for that, that's included in the bond Numbers, but it's fte approval that council would need to support in that way. We'd also have to look at the processes, which we should do anyway, but with that level of expenditures that you all would expect us -- the community would expect us to get done, six, eight, ten years, things would have to be done differently because we've never been faced with this level of a bond program, if you choose the high number. So it would be a challenge, but the manager has challenged staff to start looking at that. We don't know what the answer is yet because we've been -- we've been working pretty feverishly to provide y'all with information as we can. And if I can just take a step back and tell you, the adjourn that staff has been on, and the manager, the manager has asked me to share some of his thoughts on this process. In response to your resolution that you all adopted and directed us to come back with you with financing options and some recommendations, the manager at that point, as he always does, says, Robert, you get your team together and you do everything you can to provide council with alternatives and data and as much information, although councilmember mayor pro tem Cole said you're always looking for a hundred percent and we're never quite there, but we try to give you as much information as we can.

[7:27:40 PM]

He was very clear on that, we'll give the council a lot alternatives and see what they need in support. He talked with me and staff frequently about what we were putting together. It was clear to him, quickly, as

you all have talked about tonight with the nine billion dollars worth of needs that we put together, that there are just needs everywhere in the community. Just everywhere. You all have experienced that -- when you went through your quarter-cent exercise, you heard from your community members, and there is just such a need for mobility, the community has told us that, they tell us that every year, and that's why you all gave this resolution to begin with. You all heard that and you directed us to come back with alternatives. As he has watched this process, he has clearly told me to relay to you that the most money you can give us is what we'll put -- what we need to put that to use. So I don't want to use the word "Big," because I agree with you, councilmember kitchen, 300 million is big from what we've had in the past, but putting my transportation hat on and speaking for the manager, it's time to do everything we can for the community. So he really supports what you all are doing and understands the effort you're putting into this, and the discussions you'll have as a body to balance this out, but he encourages you, as councilmember Gallo said earlier, doing nothing is probably not an option he would recommend. Angled recommend the most we can get to, including the 720 million so we can go out with changes and with your support, because we're going to need some changes to get that done in six or eight years. But the needs are so great, he encourages you to look at as much as you think we can -- you can give us and the community would support to make some changes in this mobility system.

>> Mayor Adler: Thank you.

[7:29:40 PM]

Mr. Zimmerman, and then Ms. Garza, then Ms. Kitchen.

>> Zimmerman: I think councilmember kitchen wanted to something first. I'll go after you if I could.

>> Kitchen: I just had a question. It was follow-up to what you said. So -- okay. So y'all are in the process of figuring out what kind of resources, I guess, if that's the right question, it would take to spend 720 million in, I guess it's eight years, is that the Normal --

>> Six to eight years.

>> Kitchen: In six to eight years. Can you also -- it seems to me that it would be -- and this is a question. We have, what, 195 million? What's the amount that's still -- not that much, I'm sorry. What is the amount that's remaining from the last bond that we haven't spent yet?

>> I'll ask Mr. Krimble to give us that information.

>> Zimmerman: If I could interject, the website said it was about 80 million so if you tell us where that came from.

>> I need to update that information. The information you're looking at was the end of fy15. So we have information available through Q 2 of fy16. So with those Numbers from the 2012 Numbers that you

were looking at, we have -- we've spent now about \$80 million. We have about \$60 million available, but programmed for existing projects and programs. So that \$80 million is spent or contracted to be spent in the pipeline.

>> Kitchen: But it's not completed yet. What I'm asking is, what's left to be done? What's the dollar amount left to be done on transportation?

>> So out of that, we have about \$70 million.

>> Kitchen: About 70 million? Okay.

>> I'm sorry for interrupting. That gets back to the capacity issue. You're reading exactly what our memo said, it's 7 \$20 million, that's a 12-year program, with existing staff, and existing processes. So if you're challenging us to do that quicker, there's going to be some pretty significant changes that we will ask for. Some, as Mike and rob and -- Robert Hinojosa in public works has started to think that through, it's somewhere between 20 and 25 staff to help this new program go forward.

[7:31:49 PM]

So there are changes that would be required to do anything different.

>> Kitchen: My question is simply, it's not just whatever we do right now, it's that existing amount, too.

>> That's true.

>> Kitchen: It's the existing 80 million, plus whatever we do now, we need to understand -- and I'm sure you're on the time frame to do that, if you can tell us next week when we vote, if we're going to be looking at additional -- I mean, maybe it's all baked into the bond amount, and if it is, that's fine, but if there's anything over and above the bond amount, we need to understand what those resources are because that's part of our decision-making. And the other thing about that, if -- we'll have a much longer conversation about that because there's also timing issues because if I'm understanding correctly -- well, anyway. Address the timing issues for issuing the bond, when the money would come in, when you would need resources. That level of detail is something that we need to understand because it could -- particularly if it impacts our budget. So --

>> And we'll do our best.

>> Kitchen: Okay.

>> This has been --

>> Kitchen: Oh, I understand.

>> Running with our hair on fire to get what we've done. We will do our best to provide anything -- we gave you a lot of information today, and anything you ask tonight, we'll do our best to give you some estimates.

>> Kitchen: Okay. Mr. Zimmerma N?

>> Zimmerman: Thank you. I want to speak to councilmember Houston's point because I can feel that pain all the way over here, of just the frustration of not being able to have the influence to go to your constituents and say, hey, for district \$1, we're going to prioritize, you know, our own expenditures, and with that, would you support the bond if we, here in district 1, would have an allocation that we set our priorities according to the many, many needs that staff has already identified. You know, we all agree, we have a lot more needs than we have money. And so I want to make this again around urge to say for councilmember Houston and for our other members, let's allow our councilmembers that answer directly to our voters, who are supposed to vote on these bonds, and they have to pay for the bonds, I think they need some more accountability out of us as individuals, and the mayor as well.

[7:33:59 PM]

The mayor answers to all the voters in the city. So he needs an allocation for system wide considerations. I think that's the way we get consensus on this is by having the councilmembers have direct input, like we did with the quarter-cent funds.

>> Mayor Adler: I called on Ms. Garza. Did you want to speak at this point or ...

>> Garza: I guess I had a question about -- it's, you said, a 12-year plan for 720 million?

>> We take a look at the \$720 million plan with existing staff and existing processes, and we're estimating it would be 12 years.

>> Garza: Okay. So I guess the argument has been made that we -- there hasn't been enough done, so what would have cost us less five years ago is now costing us more. But in reality, even though reallocate that amount of money, we're not going to spend this much money until ten years later when construction costs will go up. Is it the same with this money that's left over with this 2012 bond, that money left over would have bought more the day after we passed it, but it's -- you know, we don't have the capacity to spend \$720 million in two years.

>> Not in two years. But the manager has challenged us to come up with a way to get that done in a Normal bond program, which is six to eight years. So we think we can put that together. It will be a challenge and we'll need support, obviously, from this body. And we're trying to figure out what that means. I'm not sure we'll have it exactly nailed down in the next week but we're trying to figure out what that means. The answer, with existing processes -- that's why you'll see in existing Numbers in

previous bond Numbers, it takes six years when we get 150 million. Well, something would have to change, obviously, if we get \$720 million to be that still -- that amount of work in six years. There's staff, there's resources -- we'd have to look at doing more efficient processes. There's a contracting community that would be involved in that. There's -- it would be exciting.

>> Garza: So the need to add additional staff would cost the city more money.

[7:36:01 PM]

>> Well, but those are baked into -- most of it is baked into the bond program Numbers.

>> Garza: Okay.

>> Yeah, so those are -- we've already put that in the bond program Numbers, in our updates. Some of those are, for example, sponsor departments for transportation, those would be funded for transportation -- some are funded to the bond programs, some are funded to the operation site.

>> Garza: Okay. I'm not sure where I am on this issue just yet. We have a lot, a lot of options. You know, some of my biggest concerns are a package this big that does not include anything about affordable housing, I understand the idea that this helps down the line, can help, you know, our affordable housing and how people get to that affordable housing and how they get from home to their jobs, but doesn't it -- it's such a large package that's -- I'm concerned about, in 2018 when our Normal bond process is, asking our voters again to approve likely another large bond, which then would include affordable housing priorities, possibly parks, libraries. Currently we need five additional -- we're five fire stations behind right now. I'm just concerned, as councilmember Houston spoke to the bond fatigue, this original plan, it's been -- there's been several changes, but this original plan, this is the corridor studies that this -- that the original 720 was based on. And I'll just point out, there's no corridor studies done in southeast -- south/southeast Austin. Capmetro is doing a new corridor study, and they have recognized that things have changed a lot down here. There's -- more people have moved down here. The land is cheaper. That's why most of the development is going on down here. And I get the -- you know, we can't just put plans on shelves and then ignore them, but if those plans are no longer relevant, we should ignore them.

[7:38:14 PM]

We should recognize that our growth has changed and things have changed, and look to see, are we doing the exact right thing? And to ask our citizens to invest so much, it's -- it's going to be a very hard decision for me to ask them to pay more for a large project that's very mobility-centered, in addition to -

- there seems to be this -- this idea that this giant package is going to fix our traffic problem. I heard a couple of speakers speak and say, you know, we're tired of sitting in traffic. This doesn't -- I think we have to be realistic. This is not going to change traffic that much, or congestion. It's investing more money in the roads we already built to sustain those roads. And that is why you have to take that multimodal approach. So just my thoughts.

>> Mayor Adler: [Inaudible] Then Mr. Renteria.

>> Casar: So I want to speak -- I was going to speak to something else, but now I really want to speak to some of the points that councilmember Garza just made because I think I've gone through thinking through a lot of those similar challenges. Obviously, from some different perspectives and places, given that our districts that we're elected from are different, even though we're still all trying to think of the whole city. And I think that, in my thinking through, why go big this year considering that it might take six or eight years, or hopefully we can -- I'm hopeful and happy to hear that we're able to compress that timeline with real effort. Is the mayor's point about getting this part off the table so that we can do the next round of big stuff. And for me, while the bond fatigue is real, the needs in the community that I see are -- are -- I weigh more heavily, when I try to balance it out, I'm glad to hear we're going to try to go for a bigger number on mobility now because we need to be able to start building the coalitions and start getting used to the idea of passing, like Seattle has proposed, a \$300 million housing bond, then hundreds of million dollars if we want, a rail problem that works city wide, and a big program on drainage, if we want to make sure we keep people straight, we have to start some way of getting used to thinking that not only is councilmember kitchen right, that 300 million is big, and the mayor is right that 720 is big, actually those things are not big enough for really where we need to start heading towards.

[7:40:58 PM]

One thing of thinking about it, maybe we pass something small so people can start getting used to it. But somewhere we have to take that risk. Voters can tell us know, but I don't want to be the one holding us back. That's why I've gotten to the place where I can think of going big on corridors and safety and pedestrian -- and pedestrian safety and multimodality on this bond so in two years we can come around and do something else and not hold back on that. So that's where I'm coming from. That's what I've thought about. What I don't want to spend as much on, if possible, is adding lanes, is lane widening. It's not about an urban centric versus suburban centric view, it's just that in the research that I've done, that we are going to just continue to induce more and more suburban traffic with lane widening. Having grown up in Houston nearby what is now the widest highway on planet Earth, it is so much worse now than it was even before the Katy freeway was expanded, at least in my personal experience. If you go and look at the traffic Numbers, maybe it's a little bit better. But it is terrible, no matter how wide it goes. And so the plan that we pitched to the mobility committee includes money for all of the corridors, from airport to south Lamar to 969, across the city, without investing in that roadway expansion, but still

in making those roadways more livable, still improving through-put, and improving transit on those -- on those corridors. So that's -- that's where I would like to start. But of course as the mayor pro tem -- former mayor pro tem indicated, getting some consensus up and down the dais is very important, and I'm very willing to have a conversation with y'all as my colleagues to try to figure out how it is that we get something done, because it does seem to me that we do need to get something done.

[7:43:02 PM]

And then the last point on southeast Austin, I think that if you look at the plan as councilmember pool and I laid out, some of the money that we cannot spend on lane expansion, if we put that on that sort of pedestrian safety and safe routes to schools and routes to daily necessities in underserved areas, that's a metric that our city staff can use, and I think you would get a lot more investment in areas near Colleen park, dove springs, 78744, generally, where right now in our existing plans, we aren't investing enough. You know, it's a bigger question about the comprehensive plan and the growth concept map that we aren't directing a lot of -- aren't intending to direct a lot of our dense urban corridor development to southeast Austin. It would be a conversation I'm interested and willing to have. I just also know that, given that long-planning process, there's just not as much of that -- that's being sent that direction, and there's pros and cons to that. So I'm committed to try to make the parts of the growth concept map we have right now work, and I think corridor plans are a part of it. So it's certainly not -- for me, supporting corridor plans is certainly not that I don't support mobility solutions for those parts of town, it's just that we don't have plans for that -- for as much growth on those -- on those corridors in lots of other parts of the city, but I'm willing to talk about that from a big picture level, too. So thank y'all for indulging that little bit of a brain spill, but now you'll know exactly where I'm at, if people were willing to do 720, I'd be willing to make some adjustments and you know me, if people wanted to put the rail on it, too, this year, I'd be there, too, but I don't think the dais is there on that, either. But, now, for me, 720 is not quite big enough.

>> Mayor Adler: Ms. Pool?

>> Garza: He responded to some of my comments. I just want to add -- I appreciate that.

[7:45:03 PM]

I'd still like to hear, as part of this discussion, how maxing out our bond capacity, and how that affects affordable housing bonds and parks bonds and bonds for our needed fire stations. I want to hear the argument why maxing out our bond capacity, in a year we don't normally propose bonds, is a good idea.

>> Mayor Adler: Ms. Pool.

>> Pool: Oh, I'm sorry. After you.

>> Mayor Adler: Then Mr. Renteria. Ms. Pool?

>> Pool: I think there's a lot of common ground among the three proposals. My starting place was my experience with district 7 constituents on the quarter-cent funds, and my focus on safe routes to schools, protected bikeways, and a urban trails. Ada compliant sidewalks, and the fact that we have a really fragmented system of sidewalks was real -- is really, really important to the various neighborhoods in my north central part of the city, and I also know that it's -- that's the case elsewhere. A lot of this is along the corridors, and so within the mayor's corridor discussion and councilmember kitchen's plan, the corridors have elements of the active transportation in them as well, and then it looks at whether there are some infrastructure improvements that need to be made. Those costs are in here. I asked yesterday, I think it was -- I'm having problems with timeline, too, councilmember Houston. Yesterday, I think at the end of our conversation, I asked about the deferred maintenance dollars. They were at one time part of the convection, but, Mr. Good aree, I don't know if we have the deferred maintenance.

[7:47:10 PM]

That has been touched on here, I think primarily by councilmember Houston. No doubt, we have a lot of needs in the community, and I'm willing to -- and I'm willing to work with everybody to find the sweet spot among all of these plans. I think there is a lot of common ground. We have the corridors that are important, and they are the primary access to the neighborhoods, and they definitely need to be looked at. The ones where we've already done the studies -- one of my elements -- one of the priorities for me is to put -- to prioritize shovel-ready projects at the top of the list, because I think we build trust in -- with our residents, if they vote on something in November, then a year later, they actually see some improvements having hit the ground, maybe not complete, but they're underway. So I think that that is an article of faith that we need to build upon, and that -- that also goes to why I want to reserve some capacity for the things that councilmember Garza is talking about, the fire stations and the parks and the other things that are out there in the community that have been -- not been completely addressed, and we can never address them all at the same time, but we still need to have some forward motion on. So I'm looking for a middle ground in here, with a priority on our safe routes to schools, as far as the active mobility -- the active transportation projects are concerned, those that are ready to go sooner, rather than later, saving some capacity for other projects that we know that we need, addressing deferred maintenance, which is a huge issue. I understand what Mr. Goode is saying about the staffing up. If we go with the top dollar lineup of projects, no matter what that top dollar might be -- it sounds like my colleague, councilmember Casar is going even bigger than 720 --

[7:49:21 PM]

>> Casar: It's been a long night.

>> Pool: There's a certain amount of staging --

>> Mayor Adler: I'm with you, Greg.

>> Pool: And Mr. Goode touched on this. If we're going to have the larger dollar figure -- it takes a while to staff it up, as we know, but if you have this long-range list of projects that you're going to do, then you've got the staff there, and then you get started and you keep moving. On the other hand, if you go smaller, you do the projects and then you staff down. And maybe you don't staff up, you just do it with the existing staff. So that is also something we need to think about because there are economies of scale, I think, built into the idea of having -- if we're going to do things bigger or do them faster, either way, if there is a component of additional staffing, then there's something to be said for keeping them on to do more. I don't know where I stand yet on any of this, but I'm -- right now, I'm trying to line up in my mind and articulate the various elements that I'm hearing. And there's a lot in here. I think there's a lot more conversation that we need to have with the community, certainly out in our districts. I know we want to make some kind of a decision by next week. So I know we will get a lot of input, and I'm going to continue to think about this. But for me, the priorities are active transportation and corridors, particularly the ones where we have already done the studies and we have that information, the ones that are prioritized, the ones that are shovel-ready, have a bond committee for sure. We've talked about that I think that's really important. They do a lot of the vetting that we are trying to do ourselves. And that needs to be a separate group. I think that's in council -- that's one of the resolutions that councilmember kitchen is going to bring forward. And then saving some capacity for 2018, for the things that are not mobility-related, that we are not taking up in this package, if, indeed, this is solely going to be mobility.

[7:51:36 PM]

So I -- I'm learning a lot from listening to everybody, and I know that we will get to that place that we need to be. I know I'm not there yet, but I'm working on it.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Thank you. Yes, you know, I grew up here in Austin. I'm an Austin native, and in my career with IBM, I worked 34 years with them, I think I put over a hundred,000 miles here in driving Austin, just Austin, the city limits of Austin. I have drove every street here in -- major street, that's including burnet, Lamar, south congress, north congress, south Lamar, south first, you know, I've been down webberville.

It's just -- and these are the same streets that I was driving, in the same conditions that I was driving 35 years ago. And we have never done anything for them except just synchronize the lights. That's all. We haven't done anything. We've done piecemeals. That's all we do here in Austin. We piecemeal everything. You know, we're even facing the fact that we're not going to be able to build density in Austin, and we're going to create urban sprawl where you're going to have to move way out there, out there in the country, and building all the new houses where you're going to have to struggle to come in, you know. It's going to be so backed up that it's going to get worse, you know. And the people that work downtown or work -- they drive these streets. People know that they can't get nowhere on 35. Forget it. Until they fix 183, you know, we -- we -- if you look across -- if you ever across Montopolis bridge on 183, you'll see these big concrete pillars out there that were -- one day were going to be built, a new bridge, and it never got around to it because we told them that -- the state that we didn't want the money.

[7:53:45 PM]

So we're facing this -- it's a crisis, let me tell you. And we need to take care of these major streets. Riverside is a mess. You know, anybody that commutes into Austin, and there's going to be more and more, because people of low income and middle class are not going to be able to afford here in downtown. So you're going to have to move out. There's no -- you know. And we can't build the density because we -- the streets are crowded. So, you know, and we turned rail down. So if we don't -- if we don't do something with this and do it big, we're going to be faced with a lot of serious problems, and there's going to be a lot of disgruntled people in this town.

>> Mayor Adler: Thank you.

>> Houston: I'm quick, quicker than some people, so let me go -- if that's all right, I'll go quick. First of all, I think we need to manage expectations. I think that people are hearing a lot of information, and I'm not sure we're doing a good job of managing expectations. My constituents do live in affordable housing because they're so far out east of 183, and in Webberville, and in Austin colony, but they don't have the transit to be able to get in, so they have to drive their cars in, and they -- that highway 969 is so old and needs so much repairs that, yes, they do need additional lane capacity, because that's the only way people get in, other than highway 290. So that's -- so my priorities are ADA compliant sidewalks. I hear that all over this district. That's the number one priority. Transit is number two, even in the information we get from Capital Metro, it says strengthen east/west corridors to better support community and regional mobility. That's one of my things. Deferred maintenance is another big thing. And then one of the things that is completely zeroed out is transit enhancement and partnering.

[7:55:47 PM]

I might be able to help capital metro do something about the green line if everybody would leave their cars outside of the city, catch the green line and come in, but I don't have that option because of -- there's no money put in that particular bucket. So those are my priorities. I'd like to be able to start doing something about the green line to start some urban rail from the east to downtown.

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

>> Kitchen: I have another question, or just a request. So when you're thinking about -- when staff is looking at what it would take to build faster, I would ask you to think about that regardless of what package, because if we decide on a 300 million package, a 500 million package, or whatever, I think what we -- I think we have agreement, we want to move quickly. So I'd like to understand what that takes, regardless of what the level of the bond is.

>> Look like.

>> Kitchen: And I'd also like to ask, and we don't have to get into this right now, but one of the things you had started to talk to us about before was another way to approach safe routes to schools. So maybe you can -- maybe you have already sent us that, that we can look at, and information, because I think that's another thing that's a priority. So I have a few other comments, but I'll let someone else go first if -- Ms. Troxclair.

>> Thanks. I mean, I'm -- I am not going to repeat a lot of the same things that have been said, but I, too, don't -- I don't have my -- I don't know where I am yet on this issue. But I wanted to put up some information to follow up on what councilmember kitchen said earlier, just to put it in perspective for us. This is all of the transportation bond programs that have passed since 1998 to 2014. In all of those years, the entirety of the transportation and mobility bond packages were \$638 million.

[7:57:53 PM]

And I'm not saying that we shouldn't. Clearly I think a lot of us would have supported additional investment in transportation over that time. But -- can you put up the other one? But to sit here and look at the amount of money that has been put on the ballot, in 1998, 152 million, 103 million in 2006, 90 million in 2010, and 143 million in 2012, the biggest transportation bond package this city has ever passed was \$152 million. So the three -- the lowest bond package that we're discussing today is double what we have ever done. So I just want to underscore that, really, this discussion should be between a huge investment in mobility and a ginormous investment, or whatever other word can be used to describe something that would be, you know, six -- five times what we have -- we have ever spent on transportation. So all that to say I just don't know if \$720 million is even in the realm of feasibility, if it's practical to be implemented, and any kind of reasonable -- reasonable timeline. But timeline. But I'm open to continuing the discussion. And I guess to follow up on that, my district voted overwhelmingly

against the last transportation bond that we had in part because of the price tag that came with it. So the other part of go big is go home.

[7:59:53 PM]

And I am worried that if we push this envelope -- I think that we're pushing it at 300 million. I think it will be a struggle for us to implement a 300-million-dollar bond package. I don't know if it's even possible to implement 720, but I'm worried if we put the voters in that position, there are a lot of people that have already said to me, transportation is my most important priority. I want to support a bond. I will happily vote for 300 million. I will vote against 720 million bond package. It's not responsible. Because it eats up all of the city's bonding capacity. All of the other things that were on that previous slide. The parks, housing, all of the infrastructure that the city will need, might be left in the dust. So I don't want to put -- I don't want to be put in that position as a voter. And I worry that it's going to be a strategic mistake to try to go for 720. But -- and again, I'm still keeping an open mind, but I did want to say since everybody is chiming in on kind of what their general approach to the bonds are, you know, I hope -- I want to make sure there is an emphasis on investing in road infrastructure. I think that sidewalks and bike lanes are important, but it concerns me when we're put in a position in this city or putting communities in a position in the city where we're removing car lanes in order to put in a bike lane. I think clearly the best solution is to have both options for people who only have the ability to bike or only have the ability to drive a car, but I just went through a contentious neighborhood discussion in my district where the city was proposing to remove two car lanes out of one of our main arterial roads in order to put in a bike lane.

[8:01:59 PM]

And the reality is that they -- these people can't afford to live downtown. They would probably love to be able to bike to work or walk to work or be able to walk their kid to day care and then get to their job that's less than a mile away, but that's not the reality. And it's not their fault. They can't afford it. And we have a city that has put an emphasis on low density. So I just hope that we don't ignore what I think is a glaring need in our city, which is investment in the road infrastructure. So that's kind of where I am right now. Thanks.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Very quickly, I would say that I just want us to remember that the decision we make now is also a decision about 2018 and it's also a decision about flooding. I mean, we've got a huge price tag from the flood mitigation task force in terms of the recognition that our infrastructure for water and wastewater is in dire need. So I'm a person that supports rail also. I want to be able to have the option of putting dollars into that into 2018. And there's parks and libraries, and housing is huge. We have talked so much about affordability. Affordability means we've got to have some more options for housing. So all I'm saying is that right now we're looking at 200 million. That is nothing for all those needs in 2018. So we're raising taxes now, we're going to have to raise taxes again in 2018, so we're not looking at two cents if we go with 720. If we want to do any kind of justice to these other things in 2018, we're probably looking at another one cent or two cent or whatever. So the point being that I put forward 300 million.

[8:04:02 PM]

I can go with more than 300 million. I'm thinking about that. I want to represent my district so I've asked my district to let me know what they think, and I'm hearing from some people that are saying yes, we can afford some more in terms of taxes, and some people that are saying no, that they won't pay for more. So I'm in the process of talking with my district to see what they want, but I want us to be real and transparent here that we are making decisions about a whole range of things right now and we're making decisions about 2018 in terms of what we have available to us then and we're making decisions about rail, about flooding, about parks, about housing, about all those things. So we just need to -- we just need to be thinking about that. And I think everybody is. I think everybody is and I think everybody is doing a good job of thinking through these things. But -- where I'm coming from is what's important to me is -- I'll distill it down to three things. Looking at the whole city, including the south, far south, which is often not thought of. Looking at active transportation, sidewalks in particular and bikes, and making sure that the decisions that we make now don't foreclose our options in 2018.

>> Casar: Mayor? I just want to ask councilmember kitchen a question. Others of course can chime in because I do really care obviously about all those other things, as we all do. So under what the mayor has posted at the 720 and other than what mobility committee passed at 300, both of those leave bonding capacity of 200 million for 2018 actually, right?

>> Kitchen: No, they don't in my mind.

>> Casar: That's what I would like for you to -- I understand that obviously the -- we'll take on more debt so we'll have higher debt service if we take on more, but I'm just wondering what the -- just walk me through how you calculate.

[8:06:09 PM]

Because I'm thinking also this year is a presidential year so we'll have more people participating than two years from now, naturally. So I think that there's some benefit having bond elections when most people in the most representative way across the city turn out, like people who traditionally aren't heard often turn out in presidential elections because they're there to vote for president and they can also make their voice heard. So I see some benefit about talking about things this year, but then at the same time I understand that our regular bond programs in two years. So talk through both those two things. More people voting this year and then also the question of the difference between leaving 200 in bonding capacity versus 100, versus 300 and why you -- how -- you seem to have some serious weights on your decision about foreclosing on opportunities two years from now.

>> Kitchen: That's because I do think it's important to think about the voting year. And this is a good year for people to vote, and I think that's a plus in the column and why I'm supporting going -- one of the reasons I'm supporting going forward with a bond package in 2016. But I'm looking at a couple of things. So yes, we can say that regardless of how much we decide upon right now, we still have 200 for 2018, but what we have to factor into that decision is how much we're raising taxes because there is a limit on how much people can pay, and I don't know where that limit is. So if we were to go with 720 now, for example, then we're asking them for the two cents. And then so what that effectively means is we probably have less than options for us in 2018. Unless we think -- the factor for that is how much more do we think people will pay? So if two cents seems like a lot to me, maybe it's not, you know, but - - so I guess we have to look at how much we're spending now and how much we're asking people to invest now in terms of their taxes.

[8:08:18 PM]

What's available to us in 2018 is not only how much we're -- how much the bond package is, but how much the bond -- the tax fatigue is because we have to consider what our options are going to be in 2018 also. And then the other factor is just balancing. Transportation is huge. Of course it is huge. We need it. There's a lot, you know, but if I had to line up all of my priorities, transportation, housing, flood mitigation and all of those things, I have to balance those. If I can get around town, but I can't live anywhere because I don't have any affordable housing or if I can drive around town in the middle part of town and I'm in far south and I haven't gotten anything to really help me, or it's flooded, so what have I done? So that's why I'm saying it's a balance.

>> Casar: I understand. And I think the question would be would folks support five dollars a month on the median home for transportation now and then if we did 600 for all those other things would they then turn around and support five dollars a month so they could afford to live here and not get flooded out?

>> Kitchen: I don't know.

>> Casar: It's a hard question, so that's why we have to just -- don is dying laughing right now. Don wouldn't vote for it.

>> Kitchen: The other thing is equity. People traditionally have voted a lot for transportation. We've gotten the Numbers. And they haven't voted for housing. And we've only recently started putting housing on a bond package. And I would argue that that's a really critical need.

>> Casar: I'm glad we just voted today and back to December to put a lot of it just straight in budget.

>> Kitchen: Yeah.

>> Mayor Adler:

[Inaudible]. I think it's a good discussion to have. You know, when we first started talking about this a month ago I spoke about it in terms of whether -- because there was a short period of time whether we could -- testing whether we could reach consensus by the end of June.

[8:10:28 PM]

And I still think that's the standard for us, because if we can't then I don't think that we try to force an election. And I think that the discussion is good. Will the manager be back next week? I think it will be good to have the manager back next week. I would like to ask him those kinds of questions directly. Because it is 700 -- \$700 million is a gargantuan number. It's a ginormous number. Highway 183 on the east side of town, \$750 million. It's a ginormous project. \$750 million on that one project. Mr. Renteria talks about how he's driving on the same roads he's always driven on. Of course, he sits through several cycles of lights now, in part because this city has only spent, if you can believe it, \$680 million over the last, what is that, 20, almost 30 years? 20 years. In a 20-year period of time. It's only spent \$680 million. You want to know why we have traffic the way we have traffic? It's because we have chosen not to fix it. And I think that that's the question that we have. And when we talk to people, when I talk to people, I get the sense that this is a community that wants us to fix it. I wouldn't be surprised if there's more support for 720-million-dollar bond package than there is for a 300-million-dollar package. That there would be more support for the higher bond package because it would represent to people that we're actually going to -- actually going to do something. And it fits with what the -- we have the imagine Austin plan, the strategic plan, that says that we're going to build these kinds of densities and our housing supply and our walkable communities on these corridors.

[8:12:49 PM]

This is what -- this is what everything we have done has said to do, and we're at this moment in time when we have a plan that actually has more bike-ped money that has ever been put to bed before. And it's a plan that the transit people stood at the podium and said go big and do it because it's going to help us most make it transformative. We hear the manager talk, and the manager saying go as big as you can go. We have the people that are normally the road warriors in town endorsing a corridor plan that adds no lanes except on 969, adds no lanes and removes -- we have a plan that removes no lanes for bikes. We have a moment in time when we have a plan and a vision and a need that aligns. I believe that this city will act responsibly in two years to what it is that we need to do in two years. I just -- I just want us to act responsibly today to what is our most immediate challenge. Any further debate or discussion before we go to the next item? Okay. Then we'll move on.

>> Kitchen: I just have a question. Have we decided we're not breaking for dinner?

>> Mayor Adler: That's what we decided, we won't break for dinner. I think people can leave the dais and go grab food and I don't think it's impolite, with apologies to everyone here, it's not impolite if you want to bring back your food and eat since we haven't left this dais today. It feels like weeks.

[Laughter]. We haven't left the dais. But let's move forward with the charter school issue. We have kids here and we're trying to move people through.

[8:14:49 PM]

And I just don't know how long that issue is going to take. Let's key this up. We're now going to call up -- if people have the list of speakers speaking in that 30-minute period of time, would you bring that list forward? I should have done it before. We have Hays County E.M.S. in here. Do we want to take two minutes and hear from them real fast? We have Hays County E.M.S. in the room. Do we want to take two minutes and hear from them real fast? If Hays County E.M.S. could come here, please. And staff will have a recommendation for us as well. Is Hays County E.M.S. here? Coming in now? John-Michael? My phone is dead, would you ask Barbara to bring down a charging cable or something? Or my black bag would have one. Thank you. Yes, sir.

>> Are you ready?

>> Mayor Adler: If Hays County E.M.S. could come to the -- can you give us the backed that you think we -- broadcast you think we should know about this matter and your recommendation on how we should vote and why?

[8:16:55 PM]

And then you want to give your recommendation first? What would be the appropriate way?

>> We can give you --

>> Mayor and city council, I know that staff, particularly through Lee Crawford and our law department and I know ray Aryan know, we spent some time talking to the attorneys and I think we've been able to vet enough of the issue. At first we were reluctant to give you a recommendation because it is not a service area, but I think it does have service implications for the city of Austin. And I think council needs to be aware of that. And because of that I think we do have a recommendation. So if you don't mind I'd like to have Lee Crawford come up and give you the context and the backed of the information we found and then ray will come up and talk about the service issues and then give you our recommendation on it it. And certainly welcome to ask questions of the folks, but I think we can give you enough of a context that will help you with this issue.

>> Pool: Mayor, really quick. Really quick. I'm noticing that a number of folks are -- I'm hoping that they're listening in the back because we've had trouble making a decision on this issue repeatedly, and I just don't want to miss the opportunity for everyone to hear what staff has been able to accumulate and gather together for us.

>> Mayor Adler: I understand that. Give us the recommendation at a really high level because we're really trying to get to the kids in the back of the room. Mr. Crawford?

>> I can add some context, mayor and council, to the comments and the discussion that we had earlier on this topic. As we talked about the process for creating an emergency services district is a mightily regulated statutory process that takes place under state law. That process is in place now in hays county. A valid petition have been filed. The hays county commissioners' court has had a couple of hearings on the petition and the petition is still open pending the con cents of the jurisdiction of the territory of the area affected by the petition and that includes the city of Austin, a little piece of our etj falls within the proposed service area for the emergency services district.

[8:19:14 PM]

So the status is right now that the petition is open. All of the other jurisdictions I'm understanding from the representatives of hays county here have already voted on giving their consent. Just about all of them consented to have their territory participate in the esd vote. Kyle, niederwald, San marcos, consented for their etj, not for their city limits. Mountain city approved and consented to have their folks in. Creedmoor turned down the request for the consent and the city of Austin is the last municipality to have a vote on the consent. So a couple of points on this that I think are relevant for the council's consideration. One was a point that was discussed a little bit in the earlier conversation that we

had on this issue today. If the council gives its consent for the people in the city's etj to be part of the vote for the new emergency services district, and the esd votes to approve or create the emergency services district, but the people in our etj section, our small etj section vote down the proposal, then our -- then the people in the etj drop out of the emergency services district. So in other words it's not a situation where the large number of people voting in the esd would sort of impose their will upon the folks in our etj. The folks -- the votes in our etj are counted separately and if the people in the etj vote no on inclusion in the said then they drop out of the definition of the esd afterward. So that's a little bit of a clarification on something that we talked about earlier today. Second point that I wanted to clarify has to do with the effect if the council declines tonight to give its consent.

[8:21:17 PM]

The way the state statute works is that if the council declines to give its consent for the folks in our etj to participate in the vote for the emergency services district, then the people in the etj have the right under state law to petition the city for the city to provide E.M.S. Services to that etj district, which we do not currently do. And in that event the city does not really have an option. We would actually have to provide those services. So that's a consequence of declining the consent that you're being asked to approve tonight, which is it would give the people in the etj the right -- doesn't happen automatically, but the right to petition the city to provide E.M.S. Services to that etj district.

>> Mayor Adler: Help me if I get it right. If we vote to let -- if we vote yes, then the people in the etj can vote however they want to and if they vote no, but everybody else votes yes, our etj people would not be included.

>> That's correct, mayor.

>> Mayor Adler: And if they are getting included they can petition to get out. Is that what the petition was?

>> Say that again, sir?

>> Mayor Adler: What was the petition right?

>> If the council declines to give its consent tonight, then at that point the people in our etj would have the right to petition the city for the city to provide E.M.S. Services, which we currently do not do. And the city would have to provide those services. And the theory there is that we have denied or declined to give them the opportunity to vote.

>> Mayor Adler: Got you. You are going to give us the recommendation?

>> Yes, sir. Assistant term ray Arellano. Given these facts it would be staff recommendation to support and approve the resolution. For one thing conferring with Greg gun ginormous, the planning,

development and review director, we do not have any plans to annex into that area for the next 15 to 20 years, so it would be essentially a significant impact if we were to try to annex into that area to provide E.M.S. Services.

[8:23:32 PM]

Certainly you're aware that in order to do an annexation we would have to look at the full service -- full scope of services that a city might provide in an annexed area, including fire, police, E.M.S. As well as water, wastewater. So based on those facts it would be the staff's recommendation to support and approve the resolution before you.

>> Mayor Adler: Thank you very much. And we have -- Mr. Zimmerman.

>> Zimmerman: Thank you, quick question here. There's one option that I think was left out which makes to me the most sense of all. You see there's a lot of questions, a lot of confusion. These people were not allowed to have a choice to leave the etj. The way the etj works is the people affected don't have a vote. How do they get out of the etj? They had no choice to get in. If we gave them a choice to get out of the etj, we remove this whole question from the city council. I don't think it's any of our business. They should be asked do you really want to be in the Austin etj? And if not, we release them from the etj and we let them go their own way.

>> Mayor Adler: Let's go ahead and hold that policy conversation when that policy matter would be in front of us. I want to hear from the Hays County people while they're here too because they've come here and I want to make sure that -- Ms. Pool.

>> Pool: When they come up to talk, hi, welcome back. Your tie is not as green as it was last week.

>> Sorry, I was in Hillsboro all day and they require red ties.

>> Pool: There was a question that came up before you got here and that was to describe the petition. The way it sounded was there was three petitioners who came to the council with this request, but my understanding is that they were just the named people on the petition, but there may be maybe more -- if you could just describe what that instrument was so we have a better appreciation for what exactly that was.

>> Certainly, councilmember Pool. My name is John Carlton on behalf of the San Marcos, Hays County E.M.S.

[8:25:34 PM]

Is that better? John Carlton on behalf of San Marcos, Hays County E.M.S. Who is helping to create this new district. The three named petitioners are required to sign on the petition to pay a minimal cost to the county to cover the cost of the petition. There are as a requirement for signatures of a number of individuals, and I'm -- I think we had somewhere between two hundred and three hundred signatures on the petition.

>> Pool: Thank you. That was actually a question for councilmember Houston so we'll make sure she knows the answer when she gets back.

>> Mayor Adler: Ms. Garza?

>> Garza: I just wanted to add because for me I felt it was relevant to know what Hays County had done on this issue. So I called one of the commissioners on the break and he said that they unanimously passed this. And that it's just -- this is just a technicality because portions of this area is city of Austin. But their local government supported it and so I don't see why we shouldn't allow them to do what they want to do in their county.

>> Mayor Adler: Okay. Anything else? I'm going to wait until the other councilmembers are back until we vote on this question. Thank you very much.

>> Thank you.

>> Troxclair: Can I ask a question in the meantime to our legal staff really quickly? I had the same question of whether or not the county had supported this in some way. Can you explain the process of how it's before us, what the legal proceeding is or if they have taken an official staff.

>> Yes, councilmember, it's a highly regimented statutory process. It begins with the filing after petition, as Mr. Carlton had described. At that point the county commissioners' court holds a hearing and they first determine if the petition is a valid petition, does it have enough signatures, does it have the right recite Ales in it and so forth.

[8:27:49 PM]

They've made the determination that it does and they determine what consents are needed from other jurisdictions or municipalities that may have territory that are included within the boundaries of the proposed esd, and that's the process that the petitioners are going through now. And that's the issue that they have asked the council to consider tonight. Once they'll is kind of gathered together then the county commissioners' court looks at everybody who has consented to be part of the esd and determines based on the -- sort of the economics as well as the service delivery, does it make sense to approve the petition and send it on to a vote of all the residents in that area. So at this point it's basically

kind of a mechanical statutory process that's gotten us to where we are right now. And as I say, the city, our city is the last city to make a determination on the consent part of it.

>> Troxclair: But I guess the point that I was trying to get to is it's not necessarily a discretionary decision on their part as far as whether they support it. It didn't get to us today because they supported it. It got to us because there was a statutory requirement that this is the process that they have to go through once they receive the petition.

>> Yes. We're part of that statutory process and then at the end of the day when they determine based upon the consents received and the consents declined, what the boundaries of the service district would be, what the tax base is, what the service delivery requirements would be, et cetera. At that point I think they do have some discretion, but my understanding is at this point they're still kind of figuring out where the boundaries would be.

>> Mayor Adler: For what it's worth, I would confirm the indication that councilmember Garza got specifically from commissioner Connally, will Connally, who let me know that he understands this is on our agenda and that -- it's an issue that the district and hays county have been trying to clean up their boundaries so that services are consistent and transparent.

[8:30:03 PM]

He's also indicated to me that he sees this as a technicality. He wants me to know they unanimously support us signing off on this. And that he would very much like us to pass the item on our agenda. Tonight. So I relate that information to you as well. Ms. Houston?

>> Houston: I'd like to know from someone what our risks are if we sign off on it, they set the rate, the tax rate, and the 60 people who live in our extraterritorial jurisdiction say we didn't want to pay this. Why didn't somebody tell us about this?

>> While you were getting dinner our staff spoke and recommended that we approve this for two reasons as I understood it, and correct me if I'm wrong. The first reason is if we were to vote yes and there was an election and our 60 people voted no and everybody else voted yes, they would not be included. So their vote would control for them over the vote of the whole area. So they really do get to decide themselves. And second, if we deny them the vote by saying you cannot participate in that election, then they have the right to petition the city to be included in our annex area, our emergency service area and our staff has indicated to us that we need to assume that and for that responsibility. For those two reasons our staff recommendation is that we approve this. Is that correct, Mr. Arellano?

>> Houston: Is any of that in writing so that if that's not the way it happens we have some kind of recourse? That's a whole lot -- that's different from what we heard when you weren't here last week. We heard something different today and now we're hearing a third different thing?

>> Mayor Adler: Are you comfortable with the opinions that have been expressed?

>> We're very comfortable with that.

[8:32:05 PM]

We can certainly transcribe, but I think we have a lot of witnesses here with what we said.

>> Houston: I've been around this block a long time.

[Laughter] That doesn't mean anything. Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Obviously this thing has been set up now to easily pass the council. I'm going to reiterate one more time, I don't think that the Austin city council should be deciding this and the most important option that would probably thrill the people in the etj is the option to leave the Austin etj so that we wouldn't even have this conversation. I think that would be have the best choice. And they still should be offered that freedom to leave the etj. I can tell you they never had a vote where they affirmatively joined Austin's extraterritorial jurisdiction and they have no option today to have a vote to get out of the Austin's etj. So what they're offered is some lousy choices that have something to do with our vote. We shouldn't be voting on them. We should allow them to determine their own destiny by leaving the Austin etj.

>> Mayor Adler: Okay. I think we're all back in the room. Ms. Troxclair.

>> Troxclair: I don't want to prolong this any longer because I can see how the vote is going to turn out. Do you know why creedmoor decided not to give their consent to the formation of the esd? Do you know why?

>> I don't have any information on that, councilmember. It may be that our friends from hays county may have a perspective on that, but we haven't been given that information.

>> Zimmerman: Mr. Mayor, I've looked up -- Mr. Carlton I believe is the lobbyist for the esd and you should have -- I looked at your linkedin page. You're very good at what you do.

>> Mayor Adler: Do you know why Caldwell said no? Creedmoor said no?

>> I believe I do. And I'm glad to know that my linkedin page has information.

[8:34:05 PM]

I am a state lobbyist for emergency service districts in addition to my practice. Creedmoor, it's our understanding, opted out, declined consent because the area that was proposed within the district was a large ranch property owned by a single owner who came to the city and said I don't want my property in there and they said no.

>> Mayor Adler: Okay, thank you. What item was this on our -- item 10. Has that been moved and seconded?

>> Pool: I'll move.

>> Mayor Adler: Ms. Pool moves passage of -- Mr. Renteria moves, Ms. Pool seconds. Any further discussion on this item? Those in favor of approving this item, please raise your hand? Those opposed? Those abstaining? Troxclair abstains and Houston abstains -- no, troxclair votes no. Zimmerman and Houston abstain. The rest voted aye with Gallo off of the dais. Vote is 7 in favor, and the rest not in favor.

>> Pool: So that means it passes.

>> Mayor Adler: It passes.

>> Pool: It passes.

>> Mayor Adler: So thank you.

>> Pool: Mr. Carlton, thanks for coming back.

>> Mayor Adler: And staff, thank you for tracking that down for us. Thank you. We're now going to turn to item number 73. We have identified testimony, folks in favor of the resident matter and folks not. I usually go back and forth, but in this case the parties have both requested that I take them as two groups, which we'll do. It begins with Susan Moffett speaking for three minutes.

[8:36:18 PM]

>> Not to look a gift horse in the mouth, but wondered if you wanted staff to lay out this item first before we speak?

>> Mayor Adler: Is there a quick layout that you can give to us? Go ahead and do that. Susan, that's a good idea. Thank you.

>> Thank you, mayor and council. Andy lindsay. We're here with item 73 to conduct a public hearing and consider an ordinance amending land development code, title 25, provisions related to standards

for public, primary and secondary educational facilities. Since we were last here before you to request a postponement of this item staff has spent a lot of time and effort along with our stakeholders, worked very diligently, and I'm happy to report we are back very close to terms of an agreement that would allow this ordinance to be supported. An example of that collaboration is the agreement by both sides to limit their testimony to 30 minute each. Obviously you see all the children here in support. And I'd like to real briefly in the backup there is an exhibit, it says educational facilities ordinance staff proposed compromise highlights. That is the agreements that we reached through our meetings with the stakeholders on both sides of this issue. The ordinance has been updated to reflect this. I'm not going to read through all of it. We have -- the only item we were not able to reach agreement upon was the issue of impervious cover in the desired development zone in suburban watersheds. And I think many of the speakers you will hear come before you will probably speak to that issue very specifically. We have proposed to stay? Alignment with the school district agreements and try to match those and mirror those as best we can, which would provide 50% impervious cover in those areas. The charter school alliance has asked us to consider allowing them to go 50% or the maximum allowed by zoning. Staff feels that is a policy question for council.

[8:38:20 PM]

I think Mr. Linzeak is here if you wish to speak to him. Since we have established agreements with other school districts relating to public schools, staff was saying let's keep that, try to match it, which was what our intent was with this ordinance, so we're leaving that issue as a discussion for you. We're happy to provide our input and thoughts along that issue. And again, many of the speakers will I believe come forward and say we're in general agreement with what staff has laid out and the revised ordinance with the exception of that issue. The one other item they will speak to that lacked a little clarification is a neighborhood traffic analysis. An independent school district does not require traffic analysis through our Ila process. They go through a very public process when they establish a campus. They have an elected board and body who if a neighbor is unhappy with their school can pursue that. Charter schools are very nimble, very quick. They establish in a lot of places. So what we have proposed to help staff work with them to make sure when they come into a neighborhood or anyplace for that matter that we are able to look at their traffic patterns, their circulations and make sure that we get adequate improvements to protect public safety of the children, alleviate some of the concerns with the high volume peak trips associated with the school. We asked for neighborhood traffic analysis, not a complete traffic analysis. And in that scenario, the school district provides counts or the school would provide a count to us. We would then take that analysis along with their plans and look at it and determine if we need improvements. That could lead to some additional expense for a charter school. We might ask them, for instance, that there's a missing sidewalk. We need a crosswalk. Maybe we need some school zone signs. We would ask them to incorporate into the site development permits. We're not asking them for a full traffic analysis, but some information so that we can work with them to try to

identify improvements to mitigate some of the challenges we've seen with charter schools. Those were really the two items that we were left with.

[8:40:24 PM]

Anc and the charter schools. We really came together and worked hard and we were really far apart a month ago and here before you almost there. It was really a very collaborative effort and I really want to thank everyone for their help. And that's what I'll leave with. If you have questions, feel free. On the impervious cover issue I have Mr. Lesniak here and a few other staff here if you would like to discuss it.

>> Mayor Adler: Thank you. Does anyone want to hear from the other staff member?

>> Casar: I want.

>> Mayor Adler: Mr. Lesniak.

>> Casar: Not you, chuck.

[Laughter]

>> Mayor Adler: Sorry.

>> Good evening, chuck Lesniak, city environmental officer. You know, I -- there's been a lot of discussion about allowing the charter schools to have a higher impervious cover in the suburban watersheds, and I agree with the other staff that I think mirroring our recommendation is to mirror the school district policy, the agreement that we've got in place with them. I think that's equitable. There are advantages that the charter schools have in terms of their ability to be more nimble and move more quickly than the school districts have. There are advantages that the school district has in terms of they get facility funding and such as that. There's also with that nimbleness, when the school districts establish a campus that's generally going to be a campus for a long time. And the charter schools could come in, establish a campus using the zoning impervious cover potentially exceeding the watershed impervious cover and maybe they very quickly out grow that campus and they move to another campus or move somewhere else and then you've got development that exceeds the watershed regulations in that place that maybe goes into private hands at that time.

[8:42:34 PM]

And I just felt like our goal, to stay consistent with our goal from the beginning was to put them -- give them similar terms as the school districts have. And I think that's where we're at and I think that's reasonable.

>> Mayor Adler: I have a quick question. I understand the goal to equalize and make sure that it's the same standard and I support that. Is it more appropriate for the same standard to be where the existing agreements are or is it better for the same rule to be applied at the standard that equates to the suburban watershed limit? In other words, assuming we made them all equal, where's the better place to be?

>> So I guess you're saying that maybe give the zoning impervious cover limit for the charter schools and then revisit the school district agreements and give them that same entitlement?

>> Mayor Adler: That's my question. In other words, rather than -- I want to know where's the better place to be separate and -- assuming it's got to be equalized.

>> I haven't really looked at that. We'd have to look at kind of what the long-term plans are for the school districts. I'd want to visit with the school districts about that, particularly aid, and see what their plans are. Generally from an environmental standpoint, lower impervious cover is really an important environmental protection. And that, you know, I would have to look at that for awhile before I could really -- and think that through what the implications of that would be.

>> Mayor Adler: Okay. Any further questions for Mr. Lesniak?

>> Casar: Mayor, I would like to commend Mr. Lindsie, I had a joke at his expense, but I appreciate the work you've done with both sides to get us to this point.

>> Mayor Adler: Thank you.

[8:44:34 PM]

Ms. Moffett. You have three minutes.

>> Thank you. I'm Susan Moffett. And first, this is about ensuring parity and zoning as required by state law. It's not a referendum on charters or the school finance system. It's also not about a single case. Staff estimates 20 to 50 charter applications already filed under the current loophole. And while charters have generally in the past targeted low income neighborhoods,? Are now moving into higher income suburban areas so what happened to the residents on Sweeney as you will hear can happen in any of your districts. Staff's amendments ensure equal treatment in city zoning for schools as mandated by state law. The amendments including the neighborhood traffic analysis provide basic safety and predictability for students and residents. The charter's request for more impervious cover would greatly exceed the development rights of Austin's traditional school districts because the interlocal agreements

still control where there is conflict with the code. State law does not support that request, nor does city staff. Some charters claim that good works and financial hardship should entitle them to more, but that's not a sound basis for extra development rights, especially for schools that while publicly funded are privately operated and are not accountable to Austin voters. Any fiscally city council charter should be able to meet basic standards, including impervious cover. Finally, some have used this case to perpetuate the myth of failing public schools. As the parent of an aid graduate and long time school volunteer I must respectfully push back. T.e.a. Data clearly shows Texas traditional public schools regularly out perform charters both fiscally and academically. Aisd cares for over 83,000 students daily, nearly 50,000 economically disadvantaged, 30,000 English language learners, over 90 languages spoken. Many schools have poverty rates well above 90% and unlike charters, aid can't set admission criteria or dismiss students who don't meet standards.

[8:46:40 PM]

They also can't bus kids here or ask parents to email you. Last year, aid earned 220 distinctions for outstanding performance across 73 campuses. Blackshear elementary on over 80 percent low income, is a U.S. Department of ed blue ribbon school. Webb middle, 95% low income, 55% English language learners, is nationally recognized, performing comparably with suburban campuses. Austin should be proud of our schools and our students. We all want kids to have great schools. We all want kids to grow up in great neighborhoods. If one's hurting the other, we need to find the balance and we need to comply with state law when we do that. So please support these amendments, they ensure a level playing field for all. And thank you for your time.

>> Tovo: Thank you, Ms. Moffett. Our next speaker is Beth castalow. You will have five minutes so if we could set the clock for five minutes. You will be followed by Amy Davis. You're welcome to take either podium.

>> Hi. Thank you for the opportunity to speak with you this evening. My name is Beth castalow, my husband and I moved into our Windsor park home in 2008 and soon after our triplets were born. Soon after Austin achieve built their school intended for 1,000 students on less than four acres across the street from our house. And I don't know how this works. If you could pull it up for me. Okay. The construction of this school was a nightmare for everyone in the immediate area. Construction began without notice and lasted for close to nine months, seven days a week. The school had no regard for the city ordinance prohibiting construction outside of scheduled times and most days construction would begin at six A.M. And continue until 10 or 11 at night. Many days we woke to the sounds of cement trucks, bulldozers and the rumbling of incessant beeping of construction vehicles.

[8:48:46 PM]

On the worst day construction began at 3:45 A.M. And continued that day until 11:30 at night. One of the most frustrating things about the entire process was the lack of accountability by the school and by the city. Neighbors and I attempted repeatedly to call code compliance to report the many and constant violations. Operating outside of construction schedule, waterways, parking in front of driveways, blocking the road, but they would respond during business hours saying there's no violation at that time. For example, reporting to them at nine A.M. Construction started at six was disregarded because now of course it was within business hours. Then when I called outside of business hours to report, I would be forwarded to the police department who instructed me to call code enforcement during business hours. You can imagine my frustration. This left the neighbors on my street voiceless and unprotected and it can absolutely happen again. All of the traffic for Austin achieve is directed from manor road through their property and ultimately let's out on to our narrow residential street of Sweeney lane directly across from my driveway. My understanding is that due to current land use code loopholes the school had the option to conduct their own traffic study and as a result they made decisions in the best interest of their own financial bottom line. Without either the experience needed to predict the resulting problems or the responsibility to its students, the city or residents of the neighborhood in order to responsibly plan a safe and efficient solution. So now cars exit in both directions down Sweeney lane every morning and afternoon while some parents drive against the flow of traffic in order to avoid driving through the long pickup line. This then results in the dangerous outcomes of child pedestrians walking against an immense flow of cars as there are no sidewalks on this street and there are 290-degree blind corners cars must navigate. We have had front row seats to witness the school's continued lack of care and concern for the safety of their own students. Sometime and again I have witnessed my neighbors making ongoing concerted efforts to enact safety measures for the benefit of the students in questions.

[8:50:46 PM]

This has neighbors warning the students and parents of the facility of warning of sex offenders closer than 400-foot of the school. This includes us challenging the school to have traffic directors to make sure students are not run down due to the school's failure to complete an adequate traffic study or voluntarily put any nonsense safety measures in place. This includes a neighbor notifying the school that their school crossing guard was seen working while talking on her cell phone and walking her dog. This includes when the neighbors had repeatedly to beg the school just to put stop signs at their exit while cars and traffic sped out of the driveway regardless of students walking towards the school. And regardless of the traffic coming around the two 90-degree turns. And I would add it was weeks before we respond and the city told us they could do nothing because it was the school's responsibility. The neighbors on my street have been championing for the students' safety at every stage, including in this moment at city hall tonight. When schools are allowed to cut corners to save money, they don't just do

so at the expense of neighborhoods like mine, they do so at the frightening expense of their own students' safety. As an additional note I no longer live at that house. I could not bear to stand there anymore. I moved. My children attend the local public school. I moved within the same neighborhood to another street that I am renting, as I rent my home out because I cannot live there any longer, because of the ongoing frustration. And I want to just also add, I am happy when we are done tonight if you have any additional questions for myself or the other residents of Sweeney lane, I am happy to come back and answer any questions you might have. Thank you very much.

>> Tovo: Thank you, Ms. Castalow. Amy Davis, you will be next. And you have a total of five minutes if you would set the clock, please, for five minutes. You will be followed by Paul Saldana. After Mr. Saldana will be Lauren ice.

[8:52:50 PM]

>> Hi, thank you. Thank you all for listening to our experiences tonight. My name is Amy Davis and I'm a resident of Sweeney lane. I've had the pleasure of raising my two boys on this really special little street for the last three years. Or for three years. I've lived in my home for six and I tell you this because the last three years have been horrific. I want to stress that I come to you tonight not as an opponent of charter schools, as parents we do our best to guide our children on the path we think works best for them. My oldest just graduated Mccallum high school and my little guy just happens to attend a charter school here in Austin, Texas. I'm not against charter schools. What I am against is developers being able to come into a neighborhood, mine or anyone else's, and build a 6.5-million-dollar, 43,500 square foot multi-story structure within 14 feet of my neighbor's property line, which you can see on that survey. I am against that. As if that wasn't enough, all of their traffic enters a major roadway, manor road, and funnels out on to a blind double 90-degree residential street choking up the road and making it impossible to navigate through two times a day. There you will see our little street of Sweeney and the double 90-degree turn. I am against school administrators building a structure filled with children less than 375 feet from Burks assisted living which houses as many as 20 or more high risk sex offenders at a time. As residents, we are aware of this house as I have received as many -- as many as 12 postcards in one day alerting me to the newest members of the facility. We pleaded with Austin achieve administration to alert the parents of this threat. You will not find any warnings on any Austin achieve website or fliers.

[8:54:54 PM]

Educating parents to the location and degree of the crimes these convicted high risk sex offenders have committed, most of their victims being children. I am against a school site plan that is accepted that sits

less than 300 feet from a bar. I am against my life being threatened by a school bus driver all because I asked her to move the bus from the middle of the road rather than blocking traffic while waiting for the children to be dismissed. As Beth explained, we were caught in a nonstop vicious circle and no one would listen to us. Day and night, night and day, once our calm -- our once calm little street where all the neighbors know each other by name became a traffic and construction nightmare. When I reached out to 311, 911, city staff, A.P.D., Austin firefighter, and even the post master general for mail fraud, no one helped us. We were asked to make lemonade out of lemons. I understood that not every -- I understand that not every charter school has wreaked complete and total havoc on the neighborhoods and neighbors there they are around, like Austin achieve has. I do know that this could have been avoided. Rather than claiming that they were coming into an indigent, uneducated neighborhood, they could have involved the community. Rather than funneling all traffic from manor road on to our tiny little street, they could have done a comprehensive traffic study that would have shown what a circus the current plan is. Rather than choosing to construct the facility -- construct the facility's ungodly hours of the morning and night, they could have started and stopped within the hours set by the city. None of these things were done in the case of Austin achieve. Once we were invited to express our concerns, the building was almost complete and the damage was irreversible. We are frustrated as a community at what has been done to the residents and environment around Austin achieve. Contrary to what you think you have seen and what you have heard, we have channeled that frustration not towards children and parents.

[8:56:56 PM]

We've channeled our frustration to come together to create these codes in order to protect all austinities in every neighborhood. This last slide I was told is a site plan that would add another multi-story building to the current property. We have been told that another building would not go up during numerous conversations with John Armbrust. This would bring over a thousand students to this four acre school site. What would convince me and the neighbors that this is true is if Austin achieve would close the exit on Sweeney and use that land to both enter and exit on manor road. I can't imagine this could get any better for us if they choose to implement the current code and maximize the property at 95% impervious cover. Thank you all for being here and listening to my concerns. The charter schools are here to stay. It's too late for our neighborhood, but you have the power to make sure that no other resident ever has to live in this chaos and insanity again. Thank you.

[Buzzer sounds]

>> Tovo: Thank you, Ms. Davis. Paul San Dan I can't, you're next. Welcome, trustee Saldana. And Lauren ice is after Mr. Saldana, to be followed by seam Easterday.

>> Good afternoon. My name is Paul Saldana, proud native austinite out born and raised and I serve as vice-president of the Austin school district board of trustees. As a trustee for district six which includes

20 aid campuses in central, south and southeast Austin from Barton springs road to the north, onion creek to the east and manchaca to the west. So tonight I'm speaking on behalf of myself and trustee Gordon, who could not be here this evening. Aisd firmly adheres and embraces our local community values and expectations. We believe in being good stewards of our publicly owned land paid for by the taxpayers. We believe in being good neighbors. We recognize the strong connection and value between city growth patterns, development and school vitality. And probably most importantly we believe that our communication practices and actions inspire trust that community voices are valued and that input matters.

[8:59:05 PM]

In fact, we value and remain committed to respecting the integrity of adopted neighborhood plans throughout the city of Austin and the expectations associated with complying with land development and compatibility standards. On may 23rd, 2016, our aisd board of trustees unanimously approved a resolution urging the Austin city council to adopt amendments to the city's land development code implementing land development regulations for open enrollment charter schools that are no less restrictive than development activities of the district under the requirements of our land development standards agreement. It's equally important to note that aisd's development decisions are facilitated transparently and with our constituents and taxpayers, given that the nine of the nine of us that serve are actually elected. We're held accountable by our constituents and the taxpayer. I also briefly want to talk about smart growth and development policies. It's my understanding that this conversation came up at one of the recent stakeholder meeting. These were formalized in the 1990s. I'm a native Austin I'd. I was born on river street this abuts the holly power plant site. I served as chief of staff for gust Garcia during city council in the '90s and 2000s. Most important, in the development of policies associated with smart growth, the desired development zone, east Austin studies and east Austin overlay, protecting the Edwards aquifer and water quality, favoring consensus building and neighborhood planning to empower east Austin neighborhoods to plan their own destiny, future development through neighborhood plans, and zoning that conformed to those adopted neighborhood plans. The idea of distinguishing the aquifer from the desired development zone was never to imply that areas east of I-35 would be developed without concern for levels of impervious cover, especially in residential area.

[9:01:13 PM]

In fact, I think we could -- a strong argument could be made that there's a direct correlation between high levels of impervious cover and flooding. Any insertions otherwise are simply just incorrect especially given the long history of east Austin environmental, environmental racism and land use

practices that my community has endured for over 75 years. Dr. Ted Gordon couldn't be here tonight so he asked me to read just a brief could you know ever statement. I asks the council to vote in favor of staff recommendation to create a fair and open process for families while creating a level playing field for charter schools and public schools. As it stands now, families in my district have been negatively affected by construction of a charter school without advanced notice of an opportunity for input into the site plan or construction process. Families should have input on what happens in their neighborhood, and the city should have a transparent, fair, and inclusive process. Other families in Austin will experience these same problems unless changes are made to the code so that everyone should play by the same rules. So Dr. Gordon and I respectfully request that the council vote in support of the ordinance and recommendation in connection with this item, number 73. I'll be happy to answer any questions you might have.

>> Tovo: Okay. Ms. Ice. You will have three minutes, please. And, again, you'll be followed by Sammy Easterday, who I saw coming up a bit earlier, then Mary Engle.

>> Great. Thank you. My name is Lauren ice. I'm a staff attorney with save our springs alliance and I live in district 1. I'd like to thank you all for the opportunity to speak and staff for their hard work in working with the community members and hearing everyone's concerns. I'm here on behalf of sos to urge you to support the ordinance as written. In our opinion, ice a simple issue, a land use issue, and about closing a loophole in the land development code. Speaking specifically to restrictions on impervious cover, we believe the ordinance is fair and it's clearly written.

[9:03:14 PM]

We're especially pleased to see, of course, in the ordinance and impervious cover in the Barton springs zone that has been limited to what is allowed under the sos ordinance. It's my understanding that charter school proponents have agreed to this provision and for that I want to thank them for helping us protect some valuable and iconic resources here in Austin. While the sos ordinance is an important tool we can use in the Barton springs zone, just to be clear, it was never meant to imply that nervous cover limits weren't important in other parts of Austin, known as the desired zoneddevelopment zone. As we've heard, it's important in environmental protections everywhere. Impervious cover limits are one way to protect water quality and habitats from runoff, pollution, and erosion. They're one way to help reduce localized flooding and preserve green space and open space this ordinance helps ensure all neighborhoods have full and fair access to the land use tools and it does so at a time as you heard that we are -- that we all know are already struggling to deal with the issues I have mentioned, such as flooding. And finally, it does so by tracking very closely and fairly with what the aid local agreements require and for those reasons, we urge you to adopt the ordinance as it's written by staff. Thank you.

>> Tovo: Thank you. Ms. Easterday, welcome. You will have one minute. Next is Mary Engle. After Mary Engle will be Robert administration.

>> Thank please support the recommendation of the planning commission making a level playing field and building charter in our public schools. Private charter schools should not have building advantage over traditional public school construction. This is a land use issue. It's nothing to do with the pluses or minuses of charter schools. Impervious cover over east of I-35 is critical. West is mostly rocky, and while flooding is bad where it occurs anywhere, flooding on our part erodes the creek beds and we have butter milk creek running adjacent to a property where a school wishes to build housing 1500 students, and we have erosion problems that the city has been very slow to address.

[9:05:32 PM]

But in addition to that, our properties, some of our properties are at risk, and so last year, since butter milk flows into the -- downstream --

[buzzer sounding]

-- Dotty Jordan park was flooded and damaged, and important, besides -- first of all, for protection of our citizens, but secondary cost to the city to repair and replace flooding is a problem. It's very expensive. Thank you.

>> Tovo: Thank you, Ms. Easterday. Welcome, Ms. Engle. You will have two minutes.

>> Good evening. I'm president of the Austin neighborhoods council. The reason I'm here is because this particular issue could affect every lot in every neighborhood in the city of Austin. In 2015, in August, the Austin neighborhoods council passed a resolution spelling out the types of changes necessary for making a level playing field regarding land use and building standards for all public schools without interlocal agreements. This is about fairness. This is not a debate about the merits of a particular school versus another. This debate is about land use and fair building standards for all schools that are consistent with other public schools. That debate also includes compatibility standards and impervious cover requirements. The need to change land development code is urgent. I did some research and you can see the title of this article, which is from urban turf and it says possible condo conversion from previous charter school buildings. I would hope that this national trend would not become routine in Austin. Just this week, I spoke with a real estate agent and a manager of some west campus multifamily condos -- or not condos, but apartments and units, and he said that he had just been recently approached by a firm in Houston about getting into the charter school condo business.

[9:07:38 PM]

I guess that the conversion of these buildings into condos will be and is big business. There is a national precedent. Please act now to protect our neighborhoods so that no one will have to suffer again as the people on Sweeney lane did and are, with out of scale building and a building that is not in the right place, which might turn to condos soon. Thank you.

>> Tovo: Thank you, Ms. Engle. Mr. Dominguez. You have one minute, sir. And Sheryl Cheatum, you'll be up after.

>> Good evening. My name is Robert Dominguez. I live at 2909 Sweeney lane. Before everything was built, I had six minutes of walking. What are you building? One response is, none of your business. They laugh at me, couple of guys walk behind and ask, what's going on? They said, we're just trying to find a route for the electricity for the new school. Okay. After the -- after the -- after I spoke at the Austin independent school, the next morning, 9 o'clock in the morning, teacher and parent and two students came by the house. The parent said to me, for the love of god, don't go speak because you're going to destroy the efficiency of the school and the students. I asked her, where do you live? And the parent said far. Parmer lane. The other said, do you lived in neighborhood? They said, we don't live in the neighborhood. On behalf of all the hispanics in the neighborhood, we sponsor the amendment. Thank you.

>> Tovo: Thank you, Mr. Dominguez. Sheryl cheatum, you're up next and you will be followed by Seth fowler, the last speaker on that side.

>> Thank you very much. Is that right? Okay. Thank you.

--

>> Tovo: I'm sorry, I should say you have two minutes. Sorry about that.

>> Yeah. That's okay. That's okay. I'm Sheryl Cheatum, and my husband is scooter Cheatum, and I have lived or we have lived on Sweeney lane in Windsor park since 1980.

[9:09:46 PM]

We moved to this racially and professional diverse neighborhood because this is a true community. Our two sons attended pecan springs, Blanton, pierce, Reagan, and lbj. As you have heard, the impact during construction was seven days a week. It was a nightmare, day and night. Our house is ten feet off the fence line of Austin achieved charter school. As neighbors, the school gave us no notification or had the respect to include us in their proposed building schedules. Even in the middle of the night, we endured - endured building cruise yelling, heavy construction machinery roaring and beeping. On one occasion, when I found myself unable to sleep with banging and diesel engines going, I put on my leopard robe and shoes and ventured out to the street. I found two of my fellow lady neighbors in the middle of

Sweeney lane in their white robes and their shoes, and the two speakers that we had tonight before me, the two ladies were there. And they were out there talking to the police officer, trying to find out how we could stop the noise. It was a sight to see three mothers in robes out in the middle of the street. After enduring the construction, we are now dealing on a daily basis with noise and fumes from school buses, traffic jams, on our small street, trash in our yards, buses, cars blocking our driveways, mailboxes and fire hydrants. Our once quiet street has been destroyed, along with our privacy. This is our home.

[Buzzer sounding] And we do not want any community to experience the kind of violations or quality of life that we have undergone. I will end by saying, we are all neighbors here.

[9:11:47 PM]

And if you think, envision a towering, out of scale building next to your home. Without these amendments, it could happen. Please vote to support the community and residents with the proposed agenda item number 73, and I thank all of you. Thank you.

>> Tovo: Thank you, Ms. Cheatum. Mr. Fowler, you are the last speaker on this side and you have a total of three minutes.

>> Thank you. Thank you, council members. I am the chair of the university hills neighborhood contact team. I'm also the vice president of the northeast Austin business and community alliance, commonly known as dubaca, which includes neighborhoods, businesses, school, and the faith community. In a minute here I'm going to give you the information concerning the neighborhood organizations that voted in favor of the amendments. But I first want to say in transparency that my nine-year-old granddaughter attends the charter school. So, therefore, it is not against charter schools. Now, she's not here with me because I did not want to drag her down here to use her presence in an attempt to sway your vote. She's nine years old, so she did what a little nine-year-old girl should do. She went to dance school, her mother has her in dance school, she went to dance school to rehearse her dance routines with the fellow kids in her school. From there, she went home to have dinner. She's probably watching a couple cartoons on TV. She will go to bed at 9 o'clock, get dressed, wake up in the morning so she can go to camp. That's what we did with our nine-year-old girl. Granddaughter. So, the following is information concerning unanimous votes from the following neighborhood organizations, from August 2015 up through may 2016.

[9:13:52 PM]

The Windsor park neighborhood -- these -- all these are neighborhood organizations voted in favor of leveling the playing field so that any entity that wants to build a school have to have the same regulations. Windsor park neighborhood association voted unanimously. Windsor park neighborhood plan contact team voted unanimously. The university hills neighborhood plan contact team voted unanimously. The Austin neighborhoods council passed a resolution August 26, 2015. Windsor park neighborhood association voted unanimously to oppose the proposed Austin achieved covenants supposedly providing protection for the Windsor park neighborhood association from future developments. University hills neighborhood association voted unanimously to approve the ANC charter school resolution. And finally, the Coronado hills neighborhood association board endorsed by vote the ANC resolution proposing that all charter schools must adhere to the same standards as municipal public schools such as aid. I am keenly concerned about this impervious cover deal. Any -- to me, any school, any entity that wants to build a school should have the same impervious cover. Currently, Austin she'd, I believe, it is to build a school at the intersection of 290 and 183 which butts you have to a creek, which as you know, fellows into walnut creek, and it recently flooded --

[buzzer sounding]

-- The Barton creek -- not Barton creek, dotty Jordan, dotty Jordan recreational -- dotty Jordan park. Thank you.

>> Tovo: Thank you, Mr. Fowler. So we will now hear from the charter coalition, and our first -- let me just say I think I need whoever developed the list to check in with one of my staff members because we have a total of, as it's laid out, 32 minutes, and we need to stick within 30 minutes, so I'm happy to adjust the last speaker back to three minutes if that's your will.

[9:16:01 PM]

Otherwise, get -- get one of my staff members' attention and adjust accordingly. Is that fine? Okay. So then Matt Abbott, registered as the last speaker, will not have five minutes, he'll have three, and that will keep you adding up to 30. Tracy berry to be followed by Martha Fernandez. To those of you here, you won't see the whole council on the dais. We decide to accommodate all of the issues that we still have, and the number -- the many of you who are here to provide your testimony, we did not take a dinner break this evening, so you won't see a whole dais of council here, and the mayor is also off the dais right now because my colleagues are behind in our back room watching -- watching the meeting proceed while they're having their dinner. So though you don't see them here, they're watching and hear your testimony. You'll have five minutes, followed by Martha Fernandez.

>> My name is Tracy berry. I'm senior vice president of community engagement with goodwill central Texas and superintendent of the excel center. Thank you to the councilmembers and staff for your time tonight and thank you to all of those here tonight who have committed to innovative and impactful

negotiation. Texas charter code states that public charter schools are, one, to improve student learning; two, to increase choice of learning within public schools; three, to create professional opportunities to attract new teachers; four, to establish a new form of accountability for public schools; and five, to encourage different and innovative learning methods. Take special note of number five. By law, every charter school is different and innovative and cannot be pigeon-holed into the same ray every traditional ISD is built. Goodwill is just one of the embodiments of charter code who are here tonight. We are the only high school program, not G.E.D., for students 17 through 50 in the entire state of Texas.

[9:18:07 PM]

We serve a diverse group of students who have all dropped out of school, mothers, fathers, old and young, they have a unique opportunity to reengage in their education, make their lives better and strengthening their family and the community. As you can imagine, there is quite a wait list. And we must be able to expand in a timely and cost effective manner to meet this growing demand. Again, we're the only school in the entire state that can provide this service. As you can imagine, based upon that model, we do not need the same kind of space, land, or design as a traditional high school, so to put us into the idea of this impervious cover of 50% makes no sense when a commercial building has more opportunities. Not all charter schools are designed the same. I think it's really important to note, it has been brought out here, particularly, about state code. While I want to make it very clear that state code 12-103 is not what is being alleged this evening. We are not out of compliance, and according to the Texas education agency, the idea of us being out of compliance is patently false. That 12-10 is a recognition that charters are public schools and a general definitional statement. Tea officials say that using that code to bolster this ordinance is a significant stretch and outside the intent of the law. So every time it is cited that this is about being Texas code, being in compliance with Texas state code, that is patently false, according to tea. It has been said that public charter schools are held less accountable. State law, including senate bill 2, strictly outlines accountability standards and holds us to the same academic and financial standards as traditional public schools. And we are held accountable by our boards, students, teachers, parents, and the community at large. To honor that accountability to the community, we do follow an outline in vigilant development and building process.

[9:20:09 PM]

Please do not let this be about one charter school. Politics really makes bad policy. And we cannot just react to what has happened within one charter school and throw the whole -- the baby out with the bath water. We -- you cannot assume that we don't all engage in an open and neighborly fashion, and

we do that even though it can be challenging, with our strict opening deadlines, we are set by very strict standards by. The.

-- By tea.our charters opened in five months, one opened in five months, one opened in '13, using significant resources, our own money, and no public funding whatsoever. Please remember that while you may not want this to be about unequal funding, unequal values, or referendum, our unintended sequences as actions. We need to provide high quality education without regulations or restrictions that delay opening facilities and take money from the classroom. We can do in a neighborly and measured way. In a spirit of being neighborly and measured, I ask that you support the compromise ordinance. Additionally, I ask that you increase the maximum impervious cover allowance above 50%. State law does not require parity but it requires us to be different and innovative. This allows more flexibility in delivering an education that we have been asked to provide per the state. We also request clarity and parameters regarding neighborhood traffic analysis as this can create a significant financial impact on individual charters. The goodwill excel center appreciates you for working with us to increase educational access for all students throughout Austin. That's what truly makes our city great. Thank you.

>> Tovo: Thank you very much councilmember Houston.

>> Houston: Is it appropriate to ask a question.

>> Tovo: Certainly.

[9:22:09 PM]

>> Houston: Thank you so much for coming. I've had the opportunity to tour the excel school. Did the goodwill facility that you're located in, did they have to comply with site development standards?

>> We did have to comply with site development standards but we were under commercial standards so -- and that is what makes the most sense for the school. We don't need playgrounds and this and that and --

>> Houston: No, no, I just wanted to know did you all, when you built that building, have to comply with --

>> We did.

>> Houston: Okay.

>> We absolutely did.

>> Houston: Okay. Thanks.

>> Uh-huh.

>> Tovo: Next speaker is Martha Fernandez. Ms. Fernandez, you will have three minutes, and our speaker after you will be Ann Marie man ley.

>> Good evening, city council members. Therefore your time. I'm director of advocacy for the Texas charter school soaks association. I'm here to share facts with you about charter schools and Austin charter schools. Public charter schools are open enrollment. They're fusion-free and, therefore, provide education for all families to find the best public school for their students, regardless of their socioeconomic status or economic backgrounds. In the Austin area, charter schools serve higher percentages of hispanic and African American students than school districts in Austin. 62% of charter school students are hispanic, where in aisd it's 57%. 15% of students in charter schools are African American, while in the ISDs it is 9%. Charter schools also serve a greater percentage of economically disadvantaged students, at-risk students and ell students. Public charter schools are also accountable to the state in comparable ways as ISDs. Public charter schools have mandatory board trainings and open board meetings similar to ISDs. The schools have to meet the same economic and financial standards. In addition, public charter schools also have to -- have to meet -- public charter schools are also subject to mandatory closure if they do not meet financial and academic standards for three consecutive years or at the end of their contract.

[9:24:24 PM]

The ultimate obligation they have to the public is that parents vote. Earlier today you saw a great showing of parents, diverse backgrounds, here with their students to support their students because this is the biggest and greatest advocates for their students. One last thing, public charter schools face further financial challenges since no facility is provided for public charter schools, they have to get creative with the use of land and their facilities. This funding gap for public charter schools in Austin is 1,400 less per student and capital financing consumes 10 to 12% of the operating income that could otherwise be dedicated to more teaching resources. Thank you so much for your time.

>> Tovo: Thank you very much. Okay. Our next speaker, our next speaker is Ann Marie man ley. You will have a total of three minutes and you'll be followed by -- I think the name is Ada Denham. Thanks very much for being here.

>> Hi. My name is Ann Lee man ley I'm going to be a senior at nicely charter school. One of the special things is the amount of opportunity it manages to provide, despite being such a small place. The Niles community of teachers and staff facilitate this. The magnitude of the educational experience I've received in my time at the school is something I could only have ever dreamed of until I found myself in the midst of it. Niles teachers and support network, a small charter school is able to provide is one of the prominent reasons I go to the school. One of the most important things I've learned or I'm learning in my time at Niles is how to be an effective leader. One very cool thing is that it values student input so much that there's a student position on the school board. I was lectured by my peers to fill that position

this past school year and I was elected again to fill it in the next one. It's a huge honor that not only do my peers trust me so much to accurately represent their issues but the Niles governing body -- body, excuse me, takes into consideration my words and views in this manner.

[9:26:31 PM]

I'm also on the Austin youth council, learning about things like Robert's rules of orders and how leadership works on a municipal level. Niles' staff that's supported me in this so much, and I've taken those skills back to my role on the school board. My installation charter school does so many amazing things and that's really what it comes down to. But we just don't have enough facilities to fully reach the extent of all the amazing things we could be doing. We need more facilities and we have to be very creative with the ones that we have. For example, one of our teachers' offices is in a walk-in closet in the gym and he teaches classes in the cafeteria outside and occasionally the gym. The class moves. There are several teachers who use those three spaces and trade off locations. There's a schedule because there's not enough space on campus for each class to have their own room. Our yearbook class also was a mess this year. We don't have enough funding for more facilities, nor computers, or teachers, so our yearbook teachers had multiple classes of eighth graders using digital media and the students were spread in non-pertinent classes. I was in her planning period. If we had more space, we would have more facilities for computers, teachers, classes even, for all of the great things that we are able to do as a charter school. It would be better, easier, and more educational if funding for facilities was available. One day I overheard an interaction between two of my peers that perfectly exemplifies this. One student asked where is the volleyball team practice in and the second student responded, exactly. Thank you.

>> Tovo: Thank you very much.

[Applause]

>> Houston: Mayor pro tem and for those who don't know, it's not your ordinary school.

>> Tovo: Thank you, councilmember Houston. All right. So this is Ada ebb Denham. You will have too little of two minutes, and you'll be followed by Kathleen Zimmerman. So you have two minutes.

[9:28:31 PM]

Thank you so much.

>> Uh-huh. Good evening. I am a student at the goodwill excel center, and I'm here to, I guess I've done advocating all my life, so no one asked me to be here. I actually volunteered on my own, and I will say that this is the second opportunity for me, that the goodwill excel center that's given me because I am a high school drop out, and I am borderline -- I'll be turning 50 in October and I'll be done with my high school when I turn 50, so I believe that it's all about money. That's just my opinion. And I don't want that you take away our class -- you know, that takes away class resources for our school, and I think that we can compromise with the residents, and I had a different opinion on, you know, public schools, being that my three children graduated and left public schools, and I never really knew what it was to experience it until I was there, and I attended the goodwill excel center. And I love it, and I wish that -- you know, I have no more children that attend aisd, but I would love my tax dollars to go to a charter school. I think that it has -- you know, my experience there has been great. I love it, and I plan to go back and volunteer at that school. And it all comes down to money. And I don't believe that we can be compared to a public school because we have less students. We don't get the same amount of money to our school, and I just want you to really think through -- you know, before making a decision, even if you needed more time to think about how it's going to hurt, we are the only school, and I am so thankful for it in the state of Texas that I'm giving another, a second opportunity, to, you know, go and walk the stage and graduate, and I'm very thankful for that.

[9:30:38 PM]

[Buzzer sounding]

>> Tovo: You can finish your thoughts.

>> I'm done. I just -- I appreciate y'all giving me the opportunity, and, you know, I am honestly here because I have a passion for education and this is, you know, a second opportunity for me. And, you know, it really just comes down to money and I just want to say that please, you know, think about the decision that you make today because that will affect every charter school and everyone, you know, even students, and I sympathize with the residents that -- from the neighborhood, because I grew up here this area as well, and I still live there, I have a home there, and we just have to work things out. That's all you can do.

>> Renteria: May I ask a question?

>> Tovo: Sure.

>> Renteria: Where is your campus out?

>> On norwon't. I drive all the way up north.

>> Renteria: Where on Norwood is it?

>> It's on I-35 and 183.

>> Renteria: So your campus is not near a residence.

>> No, it's not.

>> Renteria: Okay. Thank you.

>> It is not.

>> Tovo: Thank you. I think you have another question from councilmember Zimmerman.

>> Zimmerman: Yeah, thanks, you want to thank you for being here and the fact that you identified that this is about money, you're smarter than a college graduate, so through.

>> Well, through I have some letters that I'd like to give to y'all if that's okay.

>> Tovo: Sure. If you would, present them to the city clerk and then she'll get them to us.

>> Okay. They're from all the charter schools and thank you for the opportunity. I've never met Ms. Kathie tovo, but she does represent my neighborhood.

>> Tovo: Thanks. Glad to meet you. Thanks for being here. Now I'm going to hand this back to the mayor, but Kathleen Zimmerman, you are up next and you'll be followed by Karen pagoni. And Ms. Zimmerman, you're going to have two minutes once the mayor kicks it off.

[9:33:00 PM]

>> Hello. My name is Kathleen Zimmerman and I'm the executive director of Niles charter school. Niles has served Austin families since 1998 with two campuses, and councilmember pool and councilmember Casar's districts. I'd like to thank Andy, donna, Brent, and the other city staff for working to develop a compromise agreement that Niles fully supports. One issue outstanding is the impervious cover restrictions of 50% in suburban watersheds. In residential Zones that might be the right percentage but charter schools often locate in commercial Zones where 50% is just an arbitrary number. In your backup is a Google map of a property in north Austin. It's immediately adjacent to an existing Niles campus in a suburban watershed. This green field site has an approved site plan for office building with at least 70% impervious cover. And as you can see, the site is surrounded by commercial development, is zoned for commercial use, and is accessed by a major road, Lamar boulevard. So why would an office building be approved for 70%, but a school could only use 50%? While I appreciate the desire to restrict impervious cover in residential neighborhoods and I do feel for those neighbors who have been impacted by charter school development, an arbitrary 50% doesn't make sense in commercial areas where city code already defines impervious cover allowances. I'd ask the council to consider a revision for suburban watersheds to something similar that's proposed for urban watersheds, nearer to 65%. Doing so protects residential

neighborhood interests while preserving opportunities for charter schools to find permanent spaces for students. I would remind the council that the state does not mandate that municipalities treat charter schools the same as ISD's. If it did, then we might be able to negotiate land developments on our own. Regarding neighbor traffic analysis, my concern is that the recommendations may come from city staff, I believe existing city staff exist in good faith and I trust they would treat Niles fairly.

[9:35:07 PM]

Once they leave, we're left with a statute that could added thousands of dollars to site preparation. Thank you for your time.

[Applause]

>> Mayor Adler: Thank you.

[Inaudible] Thank you.

>> Good evening, mayor, councilmembers. My name is CARA and I am president of the Windsor park neighborhood association. Though I am speaking on behalf of myself this evening, not the association. As we all know by now, Windsor park is where the movement began that brought us here tonight. And it is true that miss steps with our neighborhood when it began its facility two years ago, mostly in the lack of communication and failure to get feedback from the neighbors and the larger community, which the school has since both acknowledged and apologized for. But I do feel that the issue between Austin achieve and our neighborhood has been misrepresented by a small but very vocal group. And I'm concerned that this exaggerated example is being given too much weight on a citywide stage, especially since, from my vantage point, the process by which the original resolution was presented and passed in the ANC, lacked transparency and was shot through with connieism. Over the past two years, I have seen a remarkable amount of good faith. For example, the school has begun regular neighborhood trash pickups and has overhead pna use of their facility at no cost so we can provide day care at our meetings, it was rejected by the officers so far. Further, in response to a concern about what would happen to the school close, it would become condos or something like this, the school voluntarily offered to enter into restrictive covenant regarding use of the land. This was voted down by the association but what must be said, the Sweeney lane folk and leaders of the people supporting this came to that meeting in mass, and the argument they said was that if we had voted to accept that covenant, it would weaken their case against the charter schools here to date.

[9:37:21 PM]

Just to give you an idea of the environment that I've been kind of dealing with lately. Now, the school's attempts at normalizing relations with the community have been resisted by a few vocal residents that made it clear nothing short of the school's destruction will suffice. The thing I'm --

[buzzer sounding] Reason I'm here, I will end, it is widely known by the media and others that the Austin achieve students have been harassed by neighbors of the school and nothing has been done to stop it. These students are regularly videotaped and photographed on their way to and from school. I have seen video of the students and their parents being accosted and insulted by racist statements. I've seen a neighbor, who spoke today, screaming at a bus driver who was transporting students and trying to do so safely.

>> Mayor Adler: You need to conclude --

>> I'll just end here. Latino at a routine dismissal, he was grabbed by the collar of my shirt and yelled out by a neighbor. I asked of councilmember.

>> Houston: , I ask the planning commission and I'm asking again tonight I would like you guys to collectively, publicly and unequivocally condemn the racial and harassment that these kids have been subject to. It needs to stop before somebody gets hurt because that's going to happen.

[Applause]

>> Mayor Adler: Karen is the next speaker, then John auburst.

>> Good afternoon. My name is Karen kurtsey. I'm a proud mother of a rising ninth grader at Austin achieve. Along with a hundred parents, we picked Austin achieve because it was a safe school environment. I am thankful to have a high qualified public school in my neighborhood. In fact, here today to represent a hundred families in my neighborhood who have made the choice to attend Austin achieve.

[9:39:22 PM]

Remain you, I moved her from an ISD, passed all her reading and math, standard testing that she had from Austin ISD. Made high goals for herself. That was said, as you said earlier, both sides and myself and families with victims and harassed and behavior, from residents to the streets next to the school. One later -- later did I learn that the racial charges, harassment was a part of a conversation regarding the rules for construction of charter schools. On the night of question, one lady was cursing out two principals that was standing close by the schools to ensure safety to get into our cars. I was very worried that if we parked over there, though, that those public streets, our car's going to get damaged. They even tried to come up to one of the families and start fighting with us. These families didn't want any blacks, hispanics, even whites, to go to that school. I'm sorry. While I know Mr. Armbrust has been

reaching out to leaders in the community in an effort to bring protection to our school, while today it seems a day -- to be a day about protecting --

[buzzer sounding] Oh, can I finish it? Thank you. While today seemed to be a day about protecting a neighborhood through new development, regardless, I am testifying today that the residents of our neighborhood also be protected from racism and harassment. Thank you, sir.

>> Mayor Adler: Thank you.

[Applause] John Armbrust, then Katy Keefer will be on deck.

[9:41:23 PM]

>> Good evening. My name is John Armbrust and I'm the executive director of Austin achieve. Our mission is to prepare our students to attend and compete in the nation's top universities. Upon receiving six or seven academic distinctions last year, we were posted in the top 11% of schools in Texas. When we built our current facility, I made the mistake of not reaching out to all neighbors soon enough. I sincerely apologize for this mistake, many times. Mistakes were made, sure, but so were gross exaggerations and false allegations from the other side. First, when it comes to charter school development, there's no loopholed. We built in full compliance with all applicable standards created by the city of Austin for all public education facilities. In fact, aisd, minus a shift of about ten feet, could have built the exact same facility on this site. That is a fact. Our dismissal has been described as a daily traffic nightmare. This is simply false. Hundreds of our students, whom you just saw, or parent, live in the immediate neighborhood and a large number of these kids walk home. This past year, a regular dismissal between 15 and 49 cars along with five buses, is our Normal traffic. This process takes about ten minutes, and unlike most other schools in Austin, a hundred percent occurs on our property, and in other words, no cars are lined up on neighboring streets during dismissal. I realize that some of our neighbors were happier when our site was open space and wish it could have remained so indefinitely, but Austin achieve is located on manor road, next to dairy queen, not pasture. Development was inevitable. Finally there seems to be a misconception that changes are needed in order to protect neighborhoods from charter schools but Austin achieve, like so many public schools, is a positive addition on the neighborhood that we serve as hundreds of our families live nearby. I am in support of the compromise proposal, not necessarily because I think these code changes are needed, but because I sincerely hope this will finally put an end to the hostility and hate directed our students and parents. No parent or child should have to experience this harassment had I urge you to consider an amendment.

[9:43:25 PM]

Infill development is difficult in Austin and without an amendment, will be more difficult for schools such as ours to relocate in neighborhoods where they're needed the most. Thank you.

>> Mayor Adler: Thank you. After Katy Keefer, then Clarissa Talbot.

>> Thank you. I'm Katy Keefer. I'm here to talk to you about the Niles charter school, the proposal that's before you here today. Although there's been a lot of passionate testimony, I'd like to stick to what we wanted to discuss about the impervious coverage specifically. The issue of impervious coverage which would stick to driveways, parkings, and containment to the traffic flow, these elements would be paramount in the safety of children entering and exiting such properties. Impeding traffic control and compromising safety would be impacted, which should be the focus. Most of these decisions are also impacted, the access and use of urban infill sites. Austin has been benefiting the charter school needs and fulfilling the needs for a quality education choices within Austin. Our children in our neighborhoods are our strength, and we want to maintain being able to provide the service and decisions for education needs. A long waiting list forker? City charter schools is a measure of only one of the needs that has come before us in the city of Austin. The preference in affordability to adapt more of our unused commercial spaces to be utilized for development of needs of education choices for youth is already challenging for charter schools. Charter schools have limited resources, as many are aware, and face undue challenges developed successfully and safely for the restrictions that are proposed. I'm imploring the council to focus on rules and application of restrictions by zone and not by project.

[9:45:27 PM]

Most commercial areas available have impervious coverage in place, and modification is needed for safety and parking as I had mentioned. Charter schools should not -- should be encouraged to and not financially penalized from making these modifications as they are needed. Charter schools should be -- not be singled out and restricted from making these changes, and clear signage for children to be able to be on the campus.

[Buzzer sounding] As a member of not your ordinary school, which is affectionately known with the acronym of Niles, I thank you for your time.

[Applause]

>> Good evening. My name is Clarissa tal Bert. This is past her bedtime but we are on summer vacation and I think this is a great learning experience.

[Applause] She will be a third grader at kipp Austin public schools in east Austin. Well before it was time for her to start kindergarten I investigated and researched all of our school options. Now we feel very fortunate that we had a choice for a free public high-performing dual language school program, and I believe that all families in Austin should have that same choice. Already, there are 4,000 children on a

waiting list for kipp Austin. My initial reason for choosing kipp was because of the dual language program whose goal is to nurture bilingual, biliterate individuals. I'm able to speak to a number of benefits out of that dual language program. The culture of the school is positive, very supportive. The leadership in administrators are visible and personable. They have a high expectation for all students to take them to and through college. They focus on the entire kipp family through Saturday school and community events.

[9:47:30 PM]

They choose evidence-based curriculum. They are resourceful and maximize their funding. They're innovative with technology and implement blended learning. So all this to say that while this proposal has already been revised to be a better compromise between all the parties involved, it still contains a number of items that, if left unchanged, will limit the growth and the choices that other parents like our family will have in the future. So in closing, I just want to express and emphasize that having this choice is really appreciated as a parent, and that same right is what all families deserve, and I think charters are definitely a part of the solution and I thank you for your time. Thank you.

>> Mayor Adler: Thank you. I guess there's one speaker left, Matt Abbott. Three minutes.

>> Councilmembers, thank you so much for this opportunity to come speak before you today. I'm Matthew Abbott, a homeowner in district 5, a parent in public charter schools serving south Austin since 1998. I'm here in support of the compromise ordinance, but please know that the ordinance, as written currently, as the compromise, has not leveled the playing field or created true parity with aid as it may have been represented early yes. Why is this? Aisd is not required to conduct traffic analysis. Charters would be. Aisd receives greater exemption for portable buildings. Charters would receive less. Aisd is required to pay fewer fees. Charters would pay more, particularly in the form of providing fiscal surety for our projects. So to be clear, what is currently proposed is still more restrictive for charter schools and not actually achieving parity with aid.

[9:49:37 PM]

It's more restrictive. This being the case, let's talk about achieving balance rather than parity, and I ask you to consider the following revisions to our consensus that we came to this evening. First, you know, we shared our need early to further clarify the traffic study and how it would impact our schools. Again, aid is not required to do this in statute. Second, we ask for flexibility on impervious cover in suburban watersheds. Unlike aid, we fully agree with the impervious cover and sensitive watersheds, where they are allowed some more flexibilities per their Ila. But after slightly more in the desired development

zone. Currently, staff's proposal is 50%. We request 65%, or the zoning district impervious cover limitation, whatever is greater than the suburban watershed. Today, let's continue to work together to ensure that we adopt a reasonable, responsible, and balanced ordinance that is to the benefit of our students and families. And when you put it all together, we're talking about limiting school's ability to construct facilities that are best suited to the needs of our kids, and at the same time, if you were to build a Home Depot, you could have 80% impervious cover. So let's be reasonable and responsible so that we can build the things that best serve our kids and serve our communities. Thank you.

[Applause]

>> Mayor Adler: That does represent all the speakers. We are now back up to the -- back up to the dais here on item 73.

>> Houston: Mayor so that we can have conversation, I move adoption of the staff's recommendation.

>> Mayor Adler: Ms. Houston moves adoption of item 73. Is there a second to that? Ms. Tovo seconds that.

[9:51:37 PM]

Mayor pro tem.

>> Houston: I have a question of staff regarding impervious cover and the Walmart example versus sf-3 in east Austin where the ordinance doesn't -- is not in effect over in our part of the city.

>> I'm with development services. Can you clarify exactly your question?

>> Houston: A speaker said if you build a Walmart, you can have 80% impervious cover, and we're talking about not building a Walmart, we're talking about single-family 3 zoning or -- you know.

>> So that speaker is correct, if you built a Walmart with commercial zoning.

>> Houston: Okay.

>> You could go to a higher level of impervious cover than the ordinance proposed by staff in a suburban watershed.

>> Houston: So what is the height -- I mean the impervious cover if we're in a desired development zone, and single-family neighborhood?

>> It would be 50% in a desired development zone in a single -- in a suburban watershed.

>> Houston: In a suburban watershed. Okay. Thanks.

>> Sure.

>> Mayor Adler: I have a question while you're up there. I'm just trying to learn what it means to equalize. Because that's -- I think the goal here is to -- that's what it was, it was to make sure that in the middle of a neighborhood, a residential neighborhood, we didn't have a development that was inconsistent with being in a residential neighborhood. I mean, that was, I think, the original precipitating issue. So if we adopt a rule that has just a -- why is it we just don't say, for schools, you have to apply -- you have to abide by -- for all schools, you have to abide by whatever the base zoning is?

[9:53:43 PM]

If you're going into a residential area, you have to abide by the residential zoning. If you're going into a commercial site, you have to abide by what the commercial chs site says?

>> I think council certainly could consider that. Our charge was to attempt to mirror the agreements that the school districts negotiated with council in the early '90s. And the school districts, for whatever reason, and I wasn't here at that time, agreed to 50% in a suburban watershed as their cap. I think in a lot of cases they have large expanses of green around the school. They tend to have more because they're programmed differently.

>> Mayor Adler: I'm trying not to do something that puts this on a scale for me, the fact that charter schools don't get -- charter schools don't get funding from the state the same way public schools do is not something that I give weight to because I don't decide that. I'm focused on the planning question that I have. If the state is putting schools at a disadvantage, then that argument seems to me to be -- to go to the state to have, you have to treat us the same. If I have a private school in the Austin and they want to put a private school on a residential property, what do they have to comply with?

>> The watershed or zoning restrictions, whichever is more restrictive. So in a single-family, they would get 45%.

>> Mayor Adler: If a private school was developing on a commercial site, what would they have to do?

>> They would get the commercial zoning, so they would follow the more restrictive of the watershed regulation or the zoning restriction. They're allowed in any zoning, we allow a school in any zoning category, but their development restrictions would be based on the more restrictive of zoning or impervious cover under 25a.

[9:55:48 PM]

>> Mayor Adler: So we have private schools that -- I guess it depends on the track. If we were to grant a charter school or any school the ability to have 65% impervious cover, that means they would have more impervious cover potentially -- if they went into a residential area, they would have more impervious cover than that residential year would allow.

>> Yes, sir. That's correct. They would have more than, say, a private school or, you know, a single-family residence develop on the same lot. They would be limited to 45%, which is zoning.

>> Mayor Adler: There's something about that that doesn't ring right to me. They shouldn't be able to get more. At the same time, I don't know if they should get less if they're developing on the same site that the Walmart, they ought to be able to get whatever Walmart would get. I'm trying to make it without regard to the mission but more as a land planning question. Would it be possible to come up with a rule that was the same for public schools, charter schools, and private schools?

>> Absolutely. Staff could go back and look at that and develop an option. I do believe that we could come back to you with a proposal. I don't believe it would apply to the school districts. Their interlocal agreements specifically say the that their agreement trumps what's in the land development code. And so if we came back with that and you adopted it, we -- it would apply to private schools, charter schools, and then when -- if a school district came back to renegotiate their interlocal with the city, we could either just remove that and have them follow code or amend it to match.

>> Mayor Adler: Well, we could even just say, to opt as part of this, a provision that says that an Ali notwithstanding, a school district would be entitled to get whatever impervious cover that particular type of property was entitled to get, without regard -- the Ali notwithstanding. We could just adopt that and they could then avail themselves of that ability if they wanted.

[9:57:48 PM]

>> I would defer to the law department to tell me if that -- if that could work. But if it can, certainly you could do so. Because I do -- I do know the district agreements specifically say that they follow that. But if that's an option, certainly we could come back with that.

>> My question is, the Ila's are with schools already built, right?

>> No, ma'am, they're actually with school districts.

>> Oh, I see.

>> Some of them talk about specific campuses. Some don't. Aisd has several that mention, you know, specific regulations for specific campuses. We've done amendments with aid to speak to certain schools, but a lot of them are very general, just saying the district shall do the following.

>> Mayor Adler: I asked that question in part in part because I don't want to give an incentive for a school ton built in a residential area. If a school can get more impervious cover by going on a commercial site, then I want them doing to a commercial site if they want the more impervious cover and it gets them out of the neighborhood. I don't know how to do that other than to say you just have to abide by whatever our zoning is. And for a school district, you know, that they have set it lower than that seems ton an anomaly too. But we could say that schools would be entitlemented to get -- were entitled to get -- whatever the tract is, if I'm really doing it well and I'm doing it from a land planning perspective, part of me thinks -- and I don't know -- I'm nervous about drafting rules on the dais. That's not the place for us to be doing ts but if I really want to make it equal from a planning perspective I just make everybody abide by whatever my rule is. I mean, maybe I'm thinking about it way too simplistically.

>> Can I interrupt and see if I can get Brent to come up and talk to give background about the state law that led to these interlocal agreements to begin with.

>> Kitchen: Then when we get back to the right point my question is the same because I want to understand what's wrong with -- I mean, the zoning for a particular area is there for a reason.

[9:59:57 PM]

What's wrong with applying that to the schools? I'd like that -- I'd like to know that too.

>> Zimmerman: Mr. Mayor, point of order. I'll make a motion we extend past 10:00 P.M.

>> Mayor Adler: It's been moved to extend past 10:00 P.M. Is there a second to that motion? Mr. Renteria. Those in favor of extending please raise your hand. Those opposed.

>> Zimmerman: I'm abstaining.

>> Mayor Adler:.

[Laughter]

>> Pool: Mayor if I could taking on --

>> Mayor Adler: Left the record reflect I voted for Mr. Zimmerman's motion.

>> Houston: And Ms. Gallo is off the dais.

>> Mayor Adler:.

>> Pool: Before this gets away to us --

>> Mayor Adler: It was all in favor except Gallo is off the dais.

>> Pool: What councilmember kitchen was just asking sounds great and in theory but the fact is our aid campuses are already established basically everywhere and the difference between them and the private schools and the public charter schools is they are not. So they are moving into areas of town that the school districts are not able to. So to level the playing field is exactly what the staff has been trying to do, and that is to assign the same restrictions or permissions that the public schools have agreed to over decades with the city to the public charter schools. If I'm understanding this correctly. And I just want to reiterate we can't go back and change what aid campuses look like.

>> Kitchen: I'm not -- I guess I'm not completely -- I think I need to understand that argument a little better. Because am I hearing the concern that if we were to allow just the zoning for the particular area that they're going in? That would allow private schools or charter schools to go into areas that public schools can't? Is that what you're saying?

>> Pool: And there is a big reason why there is green space at public schools.

[10:02:02 PM]

You may recall you had recess and there's little enough opportunity for children to be outside exercising. The schools provide that as part of their curriculum or they should. And to say that you don't need a playground, I mean, I have issues with that.

>> Kitchen: That's a different -- that's not what's before us now.

>> Pool: Well, we have been talking about the undeveloped land around the schools and that why is that that way. In the old days, the school district partnered with the city and those were parks. It was an agreement with the school district and the city that the spaces would be allocated as a -- space would be allocated as a public parks and there would be public access in parts of town where there white not be a park so that was one of the first ways that the and I partnered with the school district. So there's legacy issues here that I just urge you to be really careful and critical in your analysis of the applications.

>> Kitchen: Yeah. I know. Those seemed like -- and I'm not -- I'm just asking questions. But it seems like those issues that are maybe not issues related to land development per Se those are issues about the relationship between charter schools and ISDs. Anyway --

>> Mayor Adler: Mayor pro tem and we'll get to Mr. Loyas -- Lloyd's in a moment.

>> Tovo: I look forward to hearing Mr. Lloyd's testimony. I just want to say I think this has been -- I think it was once described to the planning and neighborhoods committee as a pretty complicated issue and it has developed a tremendous amount of stakeholder time and lots of discussion and deliberation and I'm going to really be uncomfortable supporting kind of whole new direction inside adding amendments to the code tonight here on the dais. So these -- this may be an idea worth exploring, mayor, and I

appreciate you raising it, but I just -- without a whole lot more consideration it's just not an amendment I'm going to be able to support if it were to come forward as such.

[10:04:09 PM]

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Point of order here. Is this something that needs three readings or could this be passed all tonight? Where are we on that?

>> Mayor Adler: First, seconds, third reading.

>> Zimmerman: Was the motion on first reading only or was the motion for all three?

>> Houston: My motion was to close public testimony and adopt them, all three readings.

>> Mayor Adler: Okay.

>> Zimmerman: That was the motion, okay.

>> Mayor Adler: That's the motion.

>> Mayor Adler: I wasn't proposing to amend this because I -- what I learned tonight was that a private school is treated differently and I'm having trouble reconciling that with the thought that what we were doing was putting everybody in the same place. I don't know everybody needs to be in the same place, where private schools are, why the charter schools want to be, or where the public disallows are and we're reconciling down in terms of impervious cover, but if I'm trying to put everybody on the same lake, maybe everybody should get to the middle or everybody should get to the top and that then led me to why am I even doing that if we have impervious cover rules in residential areas, we just make everybody abide by them. If we have impervious covers on commercial, we make everybody abide. But I don't know that's the right thing, which is why I was saying I don't think we should do this from the dais and my gut tells me maybe the better thing to do would be to pass it on first reading maybe as it is and then have someone smarter than me think about that for a week and bring it back next week. But I don't know. Mr. Lloyd?

>> Brent allowed, assistant city attorney and I'm just going to give a quick primer on kind of the regulatory fundamentals of this ordinance. We have an unusual framework for regulating schools in Austin, and essentially in -- I think as was mentioned the early '90s, a decision was made for public school districts, we would relating them through interlocal agreements, specifically authorized only for school districts under state law.

[10:06:22 PM]

When that decision was made to regulate them through agreements, the city code was amended to essentially say that schools are not subject to site development regulations under the city code. And as charter schools gained in popularity and sort of took off, I think, in the late '90s and early 2000s, they were able to claim the benefit of those exemptions from city code because under the -- under state law, it provides that charter schools are to be treated the same as public schools for purposes of local zoning regulations. So we had essentially a situation where charter schools were able to take -- claim the benefit of those exemptions that are codified in city code, whereas school districts are regulated separately, entirely outside of the city code by these interlocal agreements. And those interlocal agreements are going to remain in effect, I think, for another couple years or so. And there's a process by which they can be renewed or renegotiated. This ordinance essentially would make the meat of the interlocals, the site development standards and insert them into the city code. So I don't think it does -- it's perfect. I don't think it creates perfect parity, but it creates general parity with respect to the main attributes of develop, impervious cover -- development, impervious cover, compatibility standards, other things along those lines. If the interlocal agreements go squaw -- away and they're not renewed school districts would automatically become subject to these provisions but, again, fundamentally the purpose of this ordinance as initiated by planning commission was to try to create a roughly even playing field and I think staff feels that it does a good job of that.

>> Mayor Adler: Can you explain to me the policy basis, the rationale for saying that a charter school would be entitled to 50% impervious cover on a commercial site and a private school would be entitlemmented to 70% on the commercial site?

[10:08:38 PM]

>> I cannot.

>> Mayor Adler: And that's my problem. That's my issue. I'm not saying do away with this agreement. It sounds as if an agreement has been reached on everything except impervious cover. And maybe we keep everything exactly the way it is, but as regards impervious cover, we just say you have to use the impervious cover, whatever the zoning place that you're in and that way it would be the same for private schools and charter schools and public schools and there would be an incentive for charter schools not to go in residential areas. Because they're not going to be able to get as much impervious cover as they could get if they went into a commercial area, where the private school could go -- and, again, I'm not recommending that we do that. I'm just recommending that we pause long you have no think whether or not that makes sense. And then if we're going to bring it -- then we should bring -- if there's a reason to bring all schools down there, then I don't know why we don't bring private schools

down there too and I don't know that we want to be doing that. So I would -- and I'm not suggesting we amend the las. I'm just saying we pass as part of this a rule that says that if a school otherwise limited by an Ila wants to take advantage of whatever the impervious cover is of the kind of property, the zoning of the property it's in, it's earn titled to do that. We could do that without changing an Ila because it's unilateral. We're giving them that right. They could exercise did or not. We don't have to negotiate.

>> Pool: Mayor, could I ask a point of clarification? You were talking then about private charter schools. The -- this is only for public primary and secondary educational facilities and there are public charters and private charters and I think we're only looking at the public ones.

>> Mayor Adler: That was --

>> Pool: To answer your question it could be rhetorical, you could talk about that but we can't change the private charters today because this only relates to public educational facilities.

[10:10:45 PM]

>> Mayor Adler: But if a private charter entitled to use the impervious cover -- geoi don't know the answer to that because they weren't asked to look at that.

>> Mayor Adler: My understanding is a private charter is entitled to use the impervious cover of whatever the zoning classification that it's in. Is that right?

>> No. Another kind of point of clarification regarding the ordinance. So the ordinance deals with public primary and secondary educational facilities. And those are defined to include open enrollment charter schools. Private schools under our land development code are an entirely separate use and subject to their own site development standards and are not addressed either by the school district interlocals or by the ordinance that's before you tonight.

>> Mayor Adler: That I understand. But a private school is entitled to whatever the impervious cover is for the zoning for the area that it goes into? Is that right?

>> Yes, but they're listed aace specific use of the use matrix so they have their -- I'm not familiar with what the impervious cover is for private schools because they're regulated specifically as a discreet use. Ann may be able to speak to that.

>> One of the things that's -- private schools we would treat them as a commercial site plan. Their use category is a conditional use in most zoning cases so a lot of private schools end up having to go before land use commission for the right to be in the zonings they're in. I think you were specifically looking at single family and I'm looking here in the zoning table, in the code, and in all single family zoning cases a private school is a conditional use, which means there's a public hearing prior to the approval of the site

plan. There's -- we treat private schools very differently than we do a public educational facility. We do not consider those. We certainly can if that's what you would direct us to do.

>> Mayor Adler: The question I have is a broader question. When a private school goes into a neighborhood area, would you expect it to have more or less impervious cover than the neighborhood?

[10:12:51 PM]

I mean, as a rule, do they usually have to abide by -- are they usually controlled by -- is there impervious cover usually in relation to a neighborhood as opposed to a commercial use when they're going into a residential area?

>> So if they were to go into a residential area, they would be -- if a private school went into a residential area they would get less impervious cover than the ordinance we brought to you or the interlocals get.

>> Mayor Adler: Forget the ordinance for a second. If they go into a residential area would you expect their impervious cover to be like a residential area?

>> Yes, sir, they'd be at 45%.

>> Mayor Adler: If a private school went into a commercial area would you expect their impervious cover to be like a commercial property in that area?

>> Absolutely. We would -- that's how -- we would view them as a commercial use for site development regulations and they would get the zoning category of watershed, more restrictive.

>> Mayor Adler: What I'm having trouble with, Ms. Pool, I don't know why we would end up treating a private school differently than a charter school? But I'm trying to equalize things, and -- and the ordinance we have right now is going to provide a lot of incentive for charter schools to go into a residential area because --

>> Pool: What I see the problem is the staff didn't prepare to answer those questions. They prepared to answer the questions about the public educational facilities.

>> Mayor Adler: I know -- and I'm not suggesting we try to get to an answer tonight for exactly that reason. Mr. Zimmerman.

>> Zimmerman: Could I -- I'd like to move that we amend what's on the floor for first reading only and not try to do second and third reading. So I'll make that motion, that we only vote on first reading and not second and third.

>> Mayor Adler: Can we bring it back next week?

>> Zimmerman: Sure.

>> Mayor Adler: Would you say and we bring it back next week?

>> Zimmerman: Yeah.

>> Mayor Adler: There's been a motion to amend that to say first reading only but brought back next week.

>> Zimmerman: Sure.

>> Mayor Adler: Is there a second do -- to that amendment?

[10:14:53 PM]

>> Kitchen: I'll second it, I mean, if it's for the purpose of answering your specific question. I mean, I think that there's been a lot of work done here, and I don't want to undo this agreement.

>> Mayor Adler: I don't want to --

>> Kitchen: But it does concern me that there's still questions about the impervious cover. And so I think that it's worth having some conversation between now and next Thursday as long as we don't draw it out and as long as we don't open up the other things that are here.

>> Mayor Adler: I agree with that too. It's been moved and seconded. Mayor pro tem and then Greg Casar.

>> Tovo: I think another option would be to pass this on third reading and then continue to wrestle with this issue and determine whether additional amendments are necessary. I did get some Numbers from staff this week, but now I've forgotten exactly what they were. Can you get us a sense of how many permits have been filed for charter schools? How many you have pend.

>> Yes, ma'am, I can try. We have 50 charter schools, based on the map we added to backup. We have two or three that have filed a fair notice that they're bringing a plan. I think a question that has been asked of us we have not been able to answer and I can try to provide an estimate, how many schools showed multiple buildings that might allow expansion was a question I think we were asked last time we were here and our research showed we think it's less than five but definitely less than ten of the schools that are out there today that have shown multiple buildings and main haven't built them all. And so of actual permits in review right now it's like five or less. There's not that many. We have a few of that shown notice of intent basically that they plan to file but we haven't received them. So there's not a huge number in review right at the moment and there are a few that showed multiple phases when they did their initial permitting, that they would be able to develop under the rules in place today before the ordinance changes.

>> Tovo: So if there is one school with multiple campuses, do they need to -- what is the process for them? Do they need to file one permit or do they need to file multiple permits?

[10:16:56 PM]

>> It's a permit per campus. If they're not contiguous if they're contiguous they could tie them together but it's one site plan per tract.

>> Tovo: Okay, thank you.

>> Mayor Adler: Would it be possible to pass everything on third reading except for the impervious cover provision? Can you do that kind of thing?

>> I'm going to need Mr. Lloyd to come advise me on that. I'm not -- maybe Ms. [Indiscernible] Can.

>> Mayor Adler: Then have impervious cover come back next week?

>> I think the only issue with that would be what you're left with for that week and what would happen if anybody came in with a permit if you had not the entire ordinance in place. Do you think that would be an issue?

>> I think the impervious cover is a critical component of the ordinance. It's one of the major tenets. I think you certainly -- I think you can do that. I'm not -- as she mentioned I'm not sure how we would enforce that if it went into effect. If we came back next week and per Se didn't reach agreement it actually became an effective ordinance ten days later, how would we enforce it? That would present a challenge for staff.

>> Mayor Adler: Okay. Mr. Casar, then Ms. Garza.

>> Casar: It seems to me like we're really close, especially compared to where this started when it came to our committee. And I appreciate the work that you've done and that lots of folks in the community have done to make this easier. The look on folks faces in the crowd and up and down the dais when we were talking about the particular case where you're far away from a neighborhood on a corridor and commercial zoning, it seems to me that that's the point of rub right now, and isn't -- it really seemed to be the biggest concern, right? It sounds like we're talking a lot more about when it's a lot closer inside of a neighborhood.

[10:19:01 PM]

I think this is something we can get worked out. I appreciate that the mayor is wrestling with it here on the dais but I'd be supportive of us taking that time because it seems like we're close. When we got this started, folks from all different kinds of folks advocating on different sides of this, including operating on different sides of the charters mentioned to me that finding that level of parity would be difficult but something everybody was willing to do and it really seemed aimed at addressing issues like the one on manor road and I think what's being brought up on this impervious cover issue is sort of different than that. And I think that sides should hopefully be able to come to some agreement about it because obviously if a private school -- if we're talking about doing this land development change and not wading into educational politics then private, public -- private schools, public schools, public charter schools it seems to me we would want to allow them to build in the same envelope and under the same rules. So my hope is that we can get that hammered out here in the next week. So I'd be supportive of supporting that amendment. I also noted for myself that because one of my constituents was here, asking about our attitude on the videos, which I have not seen, about any children, you know, being harassed, I don't know anything about the -- well, I haven't watched the videos myself so it's not anything to do with that, but obviously I know from my colleagues up and down the dais that anybody saying anything racist or harassing anybody is not acceptable I think to any of us and I'm trying to say that those sorts of issues are a side, separate issue. The issue we're trying to deal with is land development and regulations and it sounds like we're really close on everything but what sound Luke a fixable one.

[10:21:07 PM]

So I'd be supportive of its waiting until next week.

>> Mayor Adler: Ms. Garza.

>> Garza: You'll trying to understand the difference scenarios in how this plays out practically. Because I feel like we could be closing one loophole but possibly opening another. So some charter schools, though, go into a development that's already -- like, for example, there's wayside is in an old target. If they -- these restrictions wouldn't -- wouldn't impose any -- they could still move into an old target? Is that right?

>> Yes, ma'am. These restrictions only apply to a green field site. If they were to move -- any charter school that moved into an exiting developed site could avail themselves of the redevelopment exception already adopted in the code. We would not ask them to remove impervious cover. A lot of them are just a simple chase of use and they'll use the use and do a remodel on the interior and they're set to go. But these would -- impervious cover issuing would only impact them on a green field development.

>> Garza: So a green field development, could that be a brand-new -- a land -- piece of land that's zoned commercial and -- I'm not saying that they would do this, but could, practically speaking, could you say

I'm going to build a commercial building here, build it at 85% impervious cover, convert it to a charter school?

>> Sure, we would have to actually construct it. We would have no way to monitor that. I mean, if someone wants to build a building and then leave the shell and not finish it and then come back and change a use to a charter school, we have no way to control for that. That's certainly their right under the land development code.

>> Garza: That's where I'm going with -- wedged be closing one -- we could be closing one loophole but possibly opening another.

[10:23:08 PM]

Not intending to do that, but that could happen. I'm not saying anyone is intending to do that. Okay. I too would be supportive of just first reading. You know, it's -- I hate to create a situation where it's more advantageous to build in commercial because you can get more impervious cover in commercial, but we probably shouldn't be putting schools in commercial because they're not -- they don't have the sidewalks and the -- I lived across -- I mean, I worked at the ag across from a charter school and it was waterfront planning advisory board industrial area -- it was an industrial area and a school went in there and it wasn't the place for them but that's where they could get that -- whatever. So I'm supportive of on first reading only and hope that we can get closer to either a compromise or better understanding of -- the same questions the mayor had, if it's purely a question of land use, what's the difference from there being a Wal-Mart there or a school there?

>> Mayor Adler: Ms. Houston.

>> Houston: And I -- first of all I want to apologize to people because we were relitigating some things that happened a long time ago and so I thought we had gotten over that. We worked really hard with both Austin achieve and the neighborhood to try to come to some common ground, and I thought that that happened. So I was very shocked when I heard the relitigation of the racist kind of insulates that happened tonight -- insults that happened tonight about I would be willing to do this on first reading in my second was -- I can't remember now -- if my second and then come back next Thursday and see if we can work out something that -- and I understand what you're saying. I just want to be really sure that we don't delay this any longer. It's been delayed for a long time already.

>> Mayor Adler: I think everybody wants this done and you guys have done an incredible job at getting people that were far apart very close together.

[10:25:09 PM]

If there's no objection --

>> Houston: One other thing. I do want to be sure that the way I understood the conversation was that the impervious cover, they wanted to increase height for east Austin and that to me is not -- is an inequitable statement and so I would not be willing to do that.

>> Mr. Mayor, can I ask a point of clarification? When we're going to come back, it sounds like we're heading to coming back next week. We will look at impervious cover and are we only looking into our development zone? Are we talking all watersheds? Are we looking at public, private, conventional independent school district agreements? Just to make sure we come back with the options you want to see.

>> Mayor Adler: My sense is you reached agreement on lots of things and I don't want to mess the things that you've reached agreement on. Sounds like there's not agreement on impervious cover. So I think what we're asking you to do is take a look at impervious cover and see if there's a place that makes sense. Does it make sense to say impervious cover is going to be set by the land that you're on? I don't want anybody -- I see this as a land planning question too without regard to what use is. So I'm trying to keep it very simple, very narrow. It's on the last issue that hasn't been decided. And suggesting that that might be a better place to go. It's not what the charter schools were coming in and asking for tonight. It's not the uli agreement. It classically sets it to the land that they're on. So that's what I would be asking for.

>> Pool: Could I just double-check? People keep saying the private schools and I want to keep it to the public educational facilities, the primary and secondary, not the private. And I think that really is what the staff is asking.

>> Mayor Adler: Yeah I'm not doing to -- I raise the private school only because it seemed to me to be something that on its face was inequitable.

[10:27:13 PM]

But we can address the question of who we're changing any rules for private schools later on. So I'm not making that part of what I'm requesting happen next week because again I want it to be in limited scope.

>> I think what we can come back with is some sort of matrix that shows you, if you're an independent school district, here's your agreement that you negotiated. Here's what you would have for a charter school and we could show a column that shows if you're a private school here's how you would be regulated and give you different examples and we can do that for whichever watershed you're

interested in. You know, today we came to you with only talking about the desired development zone for suburban, urban, which is where they would be different. I just want to make sure we're clear. I want to come back with exactly what you want to see.

>> Mayor Adler: I'm asking for a rule that's independent of what development zone it's in or what zoning it's in.

>> Okay.

>> Mayor Adler: I'm saying can we adopt a real simple rule that says this is what you get, whatever that is. And then we can also add a clause to the ordinance that says that if you are a school in an agreement with a -- if you have -- if you're a school that's subject to an Ila, we also give you the rite to take advantage of whatever it is we have done here. Unilaterally, you have that right.

>> Okay.

>> Mayor Adler: So and which I think they could exercise even if they had a Ula more restrictive -- Ila. They have a Ila more restrictive, we could pass an ordinance that says you're entitled to take advantage of that too.

>> We'll do our best if that's what you'll end up passing, we'll try to bring something back.

>> Mayor Adler: Ms. Pool.

>> Pool: Last two things. One, our impervious cover limits actually control, not the type of school that's on the impervious cover. So that's why we had a representative, one of the lawyers from sos here don't, was to remind us that improves in their critical water zone areas and where sos ordinance controls will be different, okay?

[10:29:28 PM]

Then the other thing, it has been pointed out to me if we open the door to private schools, in whatever the nexus is, we're going to have to go back and -- publicly have to go back and do another stakeholder process because that was not part of the original charge.

>> Mayor Adler: I'm not asking -- to be clear I agree with councilmember pool that we are not trying to open and close that door in the next seven Daws. Yes?

>> Zimmerman: Platform, what you've been -- Mr. Mayor, what you've been hammering at and I've been following you the whole way is an equity argument. Maybe I can propose what's different between the public school and a charter school, a private school, a Normal commercial business? It's the differences, are you issuing bonnet debt to taxpayers? That's the difference. It's not so much about the school use as it is that the public schools are able to issue huge amounts of detects tens of millions or a

hundred million dollars worth of debt and they're able to subsidize -- able to spend more money on their schools than charter school, private school, regular business that can't issue debt and charge taxpayers for it. That's really the difference. And as one of our speakers testified to, it kind of is a question of money. Because if the charter schools had unlimited money, they could afford to buy huge pieces of land and put a small building on it with lots of open space. It really is an issue of money. The charter school, same as a commercial business. They just don't -- they can't go to the taxpayers to borrow money and I think that's where we draw the line.

>> Mayor Adler: If there's any inequity because of that that's not our making, that's the state legislature. Let them deal with that.

>> Houston: Mayor, I appreciate that comment but I call the question.

>> Mayor Adler: It's been -- in fact I don't think there's any further debate. Those in favor of the motion as I understand it by acquiescence of the dais is that we pass this on first reading only, coming back next week on the limited question of the impervious cover.

[10:31:31 PM]

Help us figure out something that's right. It's been moved and seconded. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with Ms. Gallo gone. Thank you. Thank you for your time. Thanks for coming down.

>> Houston: Makers one thing. On item number 60, may I offer a postponement?

>> Zimmerman: Second.

>> Houston: May I offer a postponement? We've tried to get in touch with the agent and neighborhood. The neighborhood is against it and we have not been able to. Hmm? Is it one speaker signed up? Let's see if there's --

>> I'd suggest 41 could be quick.

>> Mayor Adler: I can't hear. Somebody is talking.

>> Garza: 41 could be quick.

>> Mayor Adler: Okay. So item number 60, you're saying? And then we'll do 41. Item number --

>> Houston: 60.

>> Mayor Adler: 60. What were you saying about 60? This is kaleidoscope village.

>> Houston: Right, if there's no one signed up to speak -- somebody is here to speak. I'm sorry.

>> Mayor Adler: We have one person to speak on kaleidoscope village. Let's handle that real fast then. Whether is staff on kaleidoscope village? In the back in? They might be in the back? Then we're going to do 41, I guess. We did 40, right? Then we'll do 41 next.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: 68 is a briefing only? Is that something to be postponed or do we need to do that?

>> Mayor Adler: Yes, yes, Mr. Guernsey, we'll come back to that.

[10:33:33 PM]

We're looking at item 60. Do you want to lay that out? We have one speaker. And, councilmember Houston, you said something about a postponement? If I could have everybody kind of leave the hall so we can hear each other up here? Thank you very much.

>> I'm sorry.

>> Houston: I'm sorry, we've been trying to get in touch with the owner of the property. The neighborhood is against it. And since it was getting so late in the hour, but he's been here. So let's go ahead and hear it.

>> Mayor Adler: Okay. Let's go ahead -- well, no -- yes -- no. If that's out then let's go in order. Let's do item number -- we have people here for that. Well, we have people here for them all. Let's do 60. You're up here. We're going to do 41 next.

>> Kitchen: Mr. Mayor? I'm sorry.

>> Mayor Adler: That's okay.

>> Kitchen: But 68 is briefing. Are we going to do that at the end of the night or do we need to let someone go home if it's only a briefing?

>> Mayor Adler: How long is the briefing on item 68?

>> Are you asking can we postpone item 68?

>> Mayor Adler: Yes.

>> That would be fine.

>> Mayor Adler: Okay.

>> I'm the neighborhood property owner on 68 and I've been here --

>> Mayor Adler: No, no. If you're here --

>> I would like to hear it.

>> Mayor Adler: We're going to do it. Okay. Let's do item number 60. Then we're going to do 41.

>> [Off mic]

>> Item 60, c14-2016-0031. Otherwise known as kaleidoscope village at 6314fm969 and 6307 parliament drive, zoning change on two tracts, one tract is just about 6 acres and that is to a multi-family two district and tract two is just about little under an acre and that's to Irnp.

[10:35:36 PM]

The property itself, the larger portion that would have the multi-family, which is to the rear of this property, there's about a 3.7-acre portion of that property that could be developed. This could be developed for multi-family uses. The front portion, which is it's smaller, could be developed with commercial or mixed use. The planning commission recommendation did recommend the staff recommendation, which was to approve the zoning on a unanimous vote of 14-0. This property is undeveloped except for a large

[indiscernible] Pond and is traversed by a drainage easement along the rear. I think given the hour I'll pause and we can let speakers come up and we can answer other questions as they may arise.

>> Mayor Adler: We have one speaker signed up to speak on this. It's Clifford may. Mr. May?

>> Mayor, councilmembers, I'm Clifford may, applicant. I also live in heritage village to the north of this tract. No one called me on my phone number, which was in the public notices. I did offer to meet with neighbors through -- at the park neighborhood association over the last three months. I contacted her a couple of times, left a message. She got back to me that no one there wished to meet with me. I also contacted our heritage village homeowner association president, John spay. He had a question or two by email that I responded to. I was offering to meet with people in the neighborhood. But they didn't ask for any meetings. After the planning commission public hearing, I visited with those who came and spoke outside in the lobby for a few minutes, and answered a few more questions, exchanged emails with one neighbor, who was thinking of having a meeting with me, exchanged a few more emails and she never asked for a specific meeting.

[10:37:57 PM]

So I've posted on nextdoor.com and I think you have a one-page handout printed two sides that I brought today that summarizes the main questions and my responses. Traffic is the main issue. This site is on the fm969 traffic corridor. And that upgrade that corridor study is really what it will take to address the neighbors' concerns about traffic on regency. Our application specifically sends no traffic into the neighborhood exclusively onto 969. We have a capital metro bus stop just a few steps away, literally only about 3 feet, and that bus route goes directly into downtown. It's the number 6 east 12th and then going north and west it ends up in Northcross mall. We also are very near the southern walnut creek hike and bike trail. The tollway will provide more bike commuting and so forth. Low priced homes seem most appropriate at this location and this zoning change application is intended to be helpful in attracting a builder for low-cost homes. I hope everyone received this, this handout. I left it with the -- at the desk. And if you have any questions, please.

>> Mayor Adler: Thank you.

>> Houston: Thank you. Mr. Mayor, I am so sorry that -- the neighbors -- you know I have a letter here from Mr. Spay, who is the president of the homeowners association, and he's been calling you all afternoon since you've been here.

[10:39:58 PM]

I think we have -- twice, twice.

>> Oh.

>> Houston: To see if we could -- if we could have a meeting with the neighborhoods. Their concern is the traffic. It's a one way in, one way out, and because the -- you're planning apartments, if I understand correctly? Having that backing right up to single family residences. I mean, I know that area. That's where the church is and it used to be a facility for kids with disabilities and stuff. And so is this time sensitive? Because I would be willing to host a meeting with you and the neighborhood to see if we can come to some kind of agreement. I'm concerned about the traffic because I know how fast people drive on 969 even though there's a light right there by the entrance to craigwood, but --

>> Right. So the site has a frontage on parliament drive at the north end by flat note. There will be no vehicular traffic into the neighborhood whatsoever.

>> Houston: That's what I'm saying, it's all entering and exiting on 969.

>> It is the. The city required a restrictive could have meant to cause that. It's also noted on the plat note as number 25. So the city hats looked at this a lot. The neighborhood traffic goes on regency drive, and does not cut through our site.

>> Houston: Okay. This is the space of the mosaic, so you're all around the back of mosaic and all the houses on these two streets, regency and heritage hill, those are all single family.

>> Those are detached homes. There's one duplex and there's one -- two accessory dwelling units are you going to be doing condos, townhomes?

[10:42:05 PM]

>> Well, I'm marketing the site to a builder.

>> Houston: You're just trying to sell it.

>> I'm hoping to attract a builder that will do something, lower-cost homes in particular.

>> Houston: Okay. So --

>> Yes. The mf2 is low density multi-family and I think the lower cost homes would need to use the apartment, the mf2, to do that, to make the lower cost homes.

>> Houston: Let me ask you another question maybe another

way: Is this time sensitive? Could we do this, have a meeting with the neighborhood so they're clear, because they're concerned about the -- they see this as an upzoning and not sure about how many apartments you're planning to -- you're not adding any, but when they sell, when you sell the development -- the land to someone, they have a concern about what might be built there once you get the zoning.

>> Well, yes. The -- in order to create lower-cost homes and to also fit with the needs of a corridor, which is where we're trying to place more housing density is on the corridors, not other places --

>> Houston: And you could achieve that with this zoning that you have today? That couldn't be achieved today?

>> No. No. I believe that the mf2 zoning is very important for attracting a builder to do lower-cost homes.

>> Houston: To do low-cost homes. I'm so toured.

-- Tired. Those are all the questions I have, mayor.

>> I would hope that we can pass it on all three readings today and then I can go ahead with meeting with builders.

>> Houston: Mayor, I'm willing to pass this on first reading. This is my first opportunity to even see this information, and so I'd be willing to pass it on first reading and have it come back.

[10:44:13 PM]

At the August zoning meeting.

>> Mayor Adler: Okay.

>> Houston: That gives me time to tanning with the -- see -- talk with the -- see if I can get the people together to have this conversation.

>> Mayor Adler: It's been moved that we pass on first reading only. Have it come back in August. Is there a second to that.

>> Zimmerman: I'll second that.

>> Mayor Adler: Mr. Zimmerman.

>> Mayor Adler: We have a general policy in these cases where there's a question for postponement by one side or another in these things we usually have been granting those so it's not directed at a, and I apologize you have been here all day if this is what the council ends up doing. Mr. Guernsey, do you have any advice or suggestions or anything we should be considering on this issue?

>> Only if you're going to move for first real, don't forget to close the public hearing. We can schedule for second and third hearing.

>> Mayor Adler: Okay. Close public hearing? Move to close the public hearing, passed on first reading only. Moved then. Is there a second to that motion? Mr. Zimmerman. Mayor pro tem.

>> Tovo: Mayor, I'd like to ask in particular councilmember Houston about closing the public hearing. We've had an opportunity to hear from the applicant, which I appreciate, and I really do appreciate you being here all day and apologize for that also. But it seems like we probably would want to hear from some other folks at our next meeting if there are other people who want to talk to us. So I don't know. I think we had an issue before where once we closed the public hearing we couldn't change our minds about that because it was moving that way forward with the agenda. I know we can always call on people, but, again, I would just offer it as an option that we might want to leave the public hearing open.

>> Houston: At this time of night I was being hopeful we can come to an agreement and everybody would be okay. Can we just -- I'm so --

>> Mayor Adler: Let's go --

>> Houston: Pass on first reading only and hopefully we can -- hopefully we'll come back with something --

>> Mayor Adler: We're going to leave the hearing open, pass on first reading only, leave the hearing open.

[10:46:15 PM]

Moved and seconded. Those in favor please raise your hand. Those opposed. Unanimous on the dais with troxclair and Gallo gone. It will come back to the zoning meeting August 11. Let's do item 41.

>> Thank you, mayor, council, ca14, sun shades P.U.D. Various addresses on Pearce lane and wolf lane. This is coming back to you for third reading. We talked about this for quite a while at the work session. Mr. Subtle is here, our housing folks are here. I think there's a new proposal, perhaps. He said there's nothing now propose so this is for your consideration on third reading. Right now the agreement is the developer would donate to the Austin housing finance corporation fully platted lots equal to about 3% of a total single family lots within the P.U.D. And if I recall this would be built out in phases two, three, four. Or -- two, three, four. There is a yellow sheet that there's an inquiry asked about the development standards for the existing zoning and the proposed P.U.D. And so there's a short summary, I think, that you have on the dais. There was a question I was asked about the worth of the parkland, and because of acreage and talking to the parks department it's about \$110 an acre. There's only two additional acres at this time. So it's about \$220 in tcad value, which is about the only thing I could get from our parks department and my staff at this time.

[10:48:18 PM]

That's just based on the raw acreage of the land as existed on platted out there right now. An acre.

>> Mayor Adler: Is there a motion?

>> I think housing had some additional questions that they wanted to --

>> Tovo: Mayor? I apologize. It is very late. Ms. Garza, I missed -- Mr. Guernsey, I caught the last part but missed the first part of that sentence, about the value of the land assessed as it is.

>> The difference between the M.U.D. And P.U.D. For parkland is about 2 acres. We looked at the tcad value of an unplatted lot or unplated tract that's out there. And if you divided by the acreage you get about \$110 an acre. So we checked with our parks department. He said it's only worth about -- I'm talking about Travis county appraisal district records for the acreage and they came up with about \$220.

>> Mayor Adler: I'll buy all.

[Laughter]

>> It's probably exempt right now.

>> I'll pay that.

>> Mayor Adler: Ms. Garza.

>> Garza: I wanted to speak to it and we'll see what happens. Because I know a lot of times in these cases we look -- council looks to the councilmembers where this will be sometimes. I generally -- of course I always want to push for more affordable housing. I was hoping we could get closer to 5%. We haven't gotten there. I'm just not comfortable with this development, and it's a bit of a conundrum because if we oppose it, they revert back to the M.U.D., which has less environmental protections and less offerings with regards to affordable housing.

[10:50:20 PM]

If we approve it, you know, it goes forward with these additional benefits. There was a gentleman here that spoke earlier, he was from del valle and this is where this P.U.D. is going to be, in that area, and that part of my district has felt really negligent Ford a really long -- neglected for a really long time and rightfully so because in many ways they have been. So I'm concerned about putting another large development out there and neighbors are concerned because they have been flood. They're not in a floodplain and they've flooded twice I think in the past year, actually. It's hard to explain to them that we can't control -- this is going to happen regardless. This is going to be developed regardless. And voting -- and voting in favor of it actually probably helps them more because it puts those buffers and, you know, things that help with flood mitigation. So that being said, you know, I am going to abstain from this because it's -- I'm just not comfortable with it. But I recognize -- I'm not comfortable with the trade-offs we have to make with regards to affordable housing versus environmental protections and, you know, I get that our housing staff is recommending the 3% or wherever we landed on this, but had the developer agreed to 5%, I'm pretty sure staff would be recommending 5%. So like I said, I'm going to abstain from this because I'm just not comfortable with the development.

>> Mayor Adler: Is there a motion to approve item 41? Mr. Casar moves, seconded, Mr. Renteria. Any further discussion? Those in favor of 41 --

>> Casar: Mayor, not yet.

[10:52:20 PM]

>> Mayor Adler: Okay.

>> Casar: So I thought about this for a while after work session because I agree largely with councilmember Garza about the trade-offs that we have to make but, again, with P.U.D.S it really has to do with essentially how much leverage we have, what the additional amount of incentive is to the developer to provide community benefits and in this case we don't have as much as we would like, and so in the end I don't want to -- while I respect councilmember Garza's abstention I hear her when she says this will be a better development for our neighbors if we vote in favor than if just the M.U.D. is produced. And I wished there was as much work done on the peripheries of our city in regards to zoning and design so that we don't get in these situations as the amount of time that we spent on sometimes very, very small urban infill cases and so I think that this goes to show that hopefully on this new 10-1 council we can work to make sure that even development on the edges of large developments gets lots of attention and we can get ourselves in a better position. When my staff approached the applicant about how much there -- they were willing to go, we got a similar answer that we couldn't get too much more affordable housing. Then I've heard that actually here today we might be able to get a little bit of movement on that. I'm not sure if you're able to speak to that, Mr. Subtle.

>> Mayor, Richard subtle. It's been an odd night. I found tonight that the more people you sign up, the earlier you go. I'm going to ask you to turn this down tonight and maybe I'll get the votes to do it because everything seems to be opposite, but, Greg, in talking to your staff, what we're doing is we're taking the M.U.D. Affordable housing provisions away and replacing them and those included -- and we're replacing them with 10% of the rental, which has never been in discussion, we're taking out about 10% of the home ownership and the bond money promised in the M.U.D.

[10:54:30 PM]

And replacing them with Dow Jones of lots. We're at 3% lots and if I did the math right, that is, let's see - - was 72-75 lots. We had talked about going to 3.5%, which then goes to 84 lots, which is a net of about 12 more lots to the city over time. And with the clear distinction that we are replacing all of that M.U.D. Provision with this, 10% rental and 3.5% lots, my client will do that. In hopes that this passes tonight. But this is one of those situations where this -- this P.U.D. Has been in the process so long and even today was a lengthy process and we're trying to -- this is just a commentary, we're trying to keep affordability and yet we're making it so expensive to get through the process that it does affect affordability. That's a long way of saying 3.5% and we would voluntarily do that because it's very -- I need to get that on the record, we're voluntarily doing that because you can't make us do it. We're voluntarily doing it if all that stuff comes off the table and we pass tonight.

>> Casar: My question to our housing staff -- actually, let me call our housing staff up really quick just to make sure this is okay. So our housing -- so our staff recommended -- let me make sure I'm clear because it's late so I don't want to mess it up, that the 3% permanent donation of the lots is preferable to the way the deal was structured in the past?

>> Rebecca, neighborhood housing and community development office. First I just heard 3.5%. I want to be sure.

>> Casar: I'm saying but you originally said the 3% -- I'm going to ask you about 3.5 here in a second. For the 3% permanent affordability donation of the lots in your judgment was better than the old way to deal with structured -- the way the deal was structured before that.

[10:56:40 PM]

>> That is correct.

>> Casar: So then the 3.5% would be even better than that?

>> Sure.

>> Casar: Okay, good.

>> Mayor Adler: Was Mr. Subtle being released from any other obligations tonight associated with the 3.5% that his client was not being released for associated with the 3%?

>> No, sir.

>> Casar: No change.

>> Mayor Adler: Just an additional --

>> Casar: More houses.

>> Maybe I misunderstood. What was that question?

>> Mayor Adler: I want to know if there were any elements of the understanding that changed other than the move from 3% to 3.5%? Were there any other obligations in the P.U.D. Agreement that are being obviated by the move to 3.5% that were not obviated by the move to 3%?

>> No. We had asked for an extension of the preliminary plan. An interesting thing we're dealing with is there are some people that don't like our preliminary plans, they're old style, don't have the connectivity. There are some of the staff that want those to expire so they can make them more expensive even though they're asking us for more affordable housing. I will have to figure out a way -- I was going to ask y'all do extend those plats tonight. There wasn't an appetite for that. We will have to

find a way to extend those plats other ways but those are the kind of things that we would like to have but we're not doing for them tonight. We're just asking the M.U.D. Be amended to reflect this deal tonight.

>> Mayor Adler: It's been moved to pass on all three readings the deal except 3.5 instead of 3 as presented, all three readings. What?

>> Tovo: This is third reading.

>> Casar: Can I ask legal if we immediate to have an management in order to incorporate that 3.5 or if it's -- if it just stands the way it is.

>> We can -- your motion -- I assume your motion was to adopt it on third reading, to change the 3% to 3.5.

>> Casar: I had just seconded the original motion but I want to make sure --

>> Glad we caught that.

>> Mayor Adler: Any objection to changing the motion to be 3.5%?

[10:58:41 PM]

No objection on the dais. That's done. We have a motion. It's been seconded. Is there a vote is now Ms. Pool.

>> Pool: I have a question. In the list of the things that I -- that my staff had prepared for me on the things that the sun chase P.U.D. Developers were offering was a 10% of the ownership units at 80% mfi at point of sale. Is that still part of this agreement? Okay. When did that -- when or where did that drop off?

>> Rebecca, that agreement is part of the M.U.D. And so as we moved to the negotiations for the P.U.D., that is when it changed.

>> Pool: Okay. And we -- the 10% of the rental units at 60% mfi for for the years, is that part of the -- 40 years, is that part of the M.U.D. Or P.U.D.

>> Both. Remained consistent from M.U.D. To P.U.D.

>> Pool: Great. 2% of hard construction costs costs to be donated, into the city's affordable housing program?

>> That went away.

>> Pool: 3%, now 3.5% of the platted lots 75 to 84 would be 3 1/2%, 75 to 84, would be donated to the Austin housing corporation.

>> Just for the record, the calculation is for the 84. I'm assuming the unit is being based on 2400. We were basing it on 2500 as an estimate which would have reflected 87, so I would like to just go on record saying that it's the 84 to 87.

>> Mayor Adler: Got it. Any further discussion? Those in favor of this item 41, please raise your hand. Those opposed? Those abstaining? Troxclair abstains, Garza abstains. Others voting yay, Gallo off the dais. Passes on all three readings, three and a half percent.

[11:00:45 PM]

All right. Athletes try item number 55.

>> Thank you mayor and council. 55 is case c14-2016-0016 for an 18-acre tract on hidden west bluffed. This is a zoning change from industrial to mobile home residence district zoning, with some added conditions that speaks to sidewalks on both sides of hidden west boulevard, which reverses in accordance with complete streets policy, and also streets, private drives, internal circulation will be stubbed out for the south for future connectivity. The zoning and planning commission forwarded this to you without a recommendation. They did not have enough votes to have it passed. It failed on a vote of 5 to 3. I think there was some negotiations that had been going on with the property owner these are private restricted covenants that dealt with future tenant relocations, and as you know, that ordinance did not have action taken on it by the planning commission and was postponed from your agenda. I think that was some concerns that the planning commission resulted in not having a vote either to deny or approve. The site is partially located within a city area for decommission pipeline. Subsequently, there's a -- 140-foot hazard pipeline overlay that traverses the northwest portion of the site. The rezoning was approximately an 18-acre portion of 250-acre parcel. Right now, the site is undeveloped. To the north is some manufactured housing and industrial park.

[11:02:46 PM]

To the south there's some undeveloped lands and mobile homes. To the west is some more manufactured housing and to the easies county. The applicant's agent Mr. Conway is here. I'm not sure if there's anyone else here to speak to the case at this time. I'll pause if you have any questions for staff, and Mr. Conway can come up and speak.

>> Mayor Adler: That would be good. There are no other citizens signed up to speak on this.

>> Mayor, members of the council, my name is Carl Connelly, I represent the owners of the property. I think the only thing holding up the recommendation from the zoning and platting commission was some discussion about a restrictive covenant that was actually being done in association with another zoning case on a project, Lexington park. Just an update on that, that restrictive covenant is in process. They're very close. They have just a couple small details left to iron out. That restricted covenant has to do with tenant rights on their leases, and so, again, that is progressing along and should be done very soon, so that is -- that restrictive covenant was in conjunction with another zoning case that the restrictions will be applied to this particular piece of property.

>> Mayor Adler: Any questions?

>> I'll answer any questions that you might have.

>> Mayor Adler: Mr. Guernsey?

>> I just want to mention, since we don't have a planning commission recommendation, it's only ready for first reading tonight.

>> Mayor Adler: Okay. Staff recommends this?

>> Staff recommends this.

>> Mayor Adler: Is there any discussion? Is there a motion to approve this on first reading?

>> Houston: Move to approve on first reading.

>> Mayor Adler: And to close the public hearing, and -- propose to move the staff recommendation on first reading, close the public hearing. Second, Mr. Renteria.

[11:04:47 PM]

No debate? Those in favor, please raise your hand. Those opposed? It's unanimous with Ms. Gallo off the dais.

>> Thank you very much.

>> Mayor Adler: That gets us then to item number 68.

>> Mayor and council, item 68 is CD 201-6007, cascades at onion creek, this is a for a planned development at 11601, 1189, 11811 and 11819 south ih-35 service road. It's a 224-acre project, of which 136 acres is in the existing cascades municipal utility district number 1, which was approved by the -- consented to in the previous council. An adjacent 88-acre tract that is already within the city's full jurisdiction. The 113 acres within the mud were annexed for limited purpose at the time of the creation of

the mud and the full purpose annexation is scheduled to occur no sooner than December 31st of the year 2024. The proposed land use plan will identify the west track for mixed use and multifamily uses and east track for accessible open space, commercial mixed use, mixed use, multifamily, as well as single-family development. There's also proposal for three amenity centers within the pud. The applicant's pud proposal consists of up to 2,170 residential units, including detached, attached, and senior housing, an amenity center, parkland, a half million square feet of office, including medical offices and retail uses, two-acre fire station site. Access to the park would be within a proposed cascades parkway, 812 to 15-foot right away extending from I-35 to the property line.

[11:06:48 PM]

The land use plan for the pud appears consistent with the land use plan for the mud. The staff has reviewed this application, not application, the proposal, and the applicant has stated an intention to apply with the tier 1 requirements of the pud, and the consent agreement. Several tier 2 items have been proposed including open space, environmental, drainage, public yard, amenities, transportation, affordable housing, and accessibility. At this time, there's only one code modification that is proposed to the pud having to do to do with cut and fill water quality ponds. The commission did include, not included the 88-acre tract within the city, only included the larger 136-acre tract. The existing zoning on the property within the -- within the -- within the city is rr and csmu, the proposed base district -- I'm sorry -- the proposed bait districts would be grmu and more csmu. The existing zoning within the -- within the newly annexed portion for limited purpose is interim residential zoning and, therefore, under the pud ordinance, the baseline for the purposes of possible mandatory affordable housing under tier 3 are the bonus provision, baseline would be the rr zoning unless the council would like to tell me to do otherwise. So with that, I'm available for any questions. And also, finally, this is a pud that was submitted because when the city agreed to the creation of the mud a couple of years ago by the previous council, there is a requirement in the mud policy that all muds follow up with a pud, which was the last case you did, and this case is similar to that.

>> Mayor Adler: Say it again, why are we being briefed on this?

>> The pud ordinance requires that we do a briefing. They have to do a dry run application, which is what this is.

[11:08:49 PM]

>> Mayor Adler: Okay.

>> And they require a briefing at the council so that y'all can have a preview for it. Before we used to only bring them at the end when they were ready for approval, and the previous council decided it would be a good idea for council to see it both at the beginning, before it comes in, as well as at the end.

>> Mayor Adler: Okay. Does anybody have any further --

>> [Off mic]

>> No, this is just a briefing, unless you want to tell me you feel the baseline should be different than the existing zoning, then no.

>> Mayor Adler: Okay.

>> Tovo: I was just going to say that's kind of one of the critical points that I think people wanted the council to provide feedback about, was the baseline. And I wanted to ask you to just go over that extremely quickly again, with the map, if you could tell us with the map again.

>> Put that map up again.

>> Tovo: What the surrounding tracts are and what's being proposed. I know that we had an opportunity to talk about the baseline before, but it is -- it's the measure by which the community benefits are measured so it's really --

>> So the existing zoning is R rco, most of the floodplain, mf 2 Co, on the 88 acres, it's already within the full purpose jurisdiction, which is pretty much everything -- if you see that vertical line going up and down, it's the old city of Austin limit line, so everything towards I-35 is already -- was already within the city. Everything west or -- I'm sorry -- east, further away from I-35 was annexed with the creation of the mud and currently zoned Irr. So the baseline would be rr, mf 2. The proposed base districts of the pud, what's up here now, would be csmu, R ofr and grmu, is what the applicant has proposed at this time. Staff has not reviewed that for our recommendation, this is just a dry run, what they submitted to us.

[11:10:49 PM]

>> Tovo: Since you're asking us for feedback, it sounds to me like the proposed baseline is an upzoning. Would it be appropriate on those tracts, given existing zoning around there, so I think the baseline should be more consistent with what's on those adjacent tracts.

>> Yeah. The existing, the baseline, unless council decides otherwise, would be mf 2 and mostly rr for the vast majority of it.

>> Tovo: Got it. I thought I heard you say csmu.

>> That's what the proposed --

>> Tovo: Okay. Got you. Thank you.

>> Mayor Adler: Okay. Thank you very much for the briefing. Anything else?

>> Garza: I know Mr. Spelman. We served on a committee together. I feel bad he sat here all day when he could have watched this online, either at home or later, or tomorrow. Could staff -- he's obviously concerned about this can staff get with him and explain the process? It sounds like he's someone that lives nearby and wants to know more about the process. Okay. Thanks.

>> Mayor Adler: Thank you. Gets us up to item number 72, which is the sidewalk plan. One thing after this will be item number 75. The last item will be item number 75. We have some people that still may be here for 75. Let's do 72.

>> Good evening. My name is [inaudible]. It's late. We have comments so I'll give them to you after I speak.

[11:12:52 PM]

We support the sidewalk master plan Ada transition plan. There are several sections of the city. Although we've done a really good job on sidewalks, you know, areas like south Lamar, airport, you know, rundberg need great attention. And for those of you who don't know, and I don't often talk about this, back in October, I was on a sidewalk, you know, not even crossing the sidewalk, just going from one section to another, and a car took a turn at 40 miles an hour, hit me, tipped me over. Luckily, you know, that was a good sidewalk. If it wasn't in good repair, the result could have been even worse than what it was. So, again, we added that to support to sidewalk master plan, that understand thank and thank you. And if you have any comments, I'll be happy to answer them.

>> Mayor Adler: Thank you very much. Any questions? Ms. Houston?

>> Houston: I just really appreciate you staying here all night to share with us. Thank you so much.

>> Thank you.

>> Mayor Adler: Thank you. Is Alva soreno here?

>> I'll get her for you.

>> Mayor Adler: What about Carmen Llanes Pulido? David king? John Woodley? Ewa sullivatz? That was him? Robert Anderson? Robert Anderson? Okay. Sammy Easterday is on deck.

>> Good evening, Mr. Mayor, council. My name is Robert Anderson. I'm a founder of walk Austin, a member of the pedestrian advisory council and vice chair of vision zero atx.

[11:14:57 PM]

I want to mention at the outset both walk Austin and the pedestrian advisory council have both endorsed the sidewalk master plan under consideration tonight. I also want to take a moment to thank staff for their hard work. I have had the privilege of working closely with the sidewalk Pam for a number of years, and I greatly appreciate how open to ideas and how communicative they are with members of the public. They have made revisions to the plan according to our comments and incorporated awful our assets. I think they do incredibly forward thinking work. Perhaps sidewalks don't strike me in this room as the kind of thing that fall into the realm of visionary. Maybe sidewalks aren't sexy. I think they are. Let me promise you there are visionary elements occurring right here in Austin. The city had the vision to assume responsibility of the sidewalk network. Not many cities do this. The sidewalk program maintains a gis mapping system of our current sidewalk network. We have great maps and a great understanding of the work ahead of us. \$1.64 billion to build out the 2600 miles of absent sidewalk network over nearly 200 years. Staff has a sophisticated prioritization matrix for sidewalks, bearing in mind where people live, work, transit systems and other things that signal a great need for sidewalks. Staff performs engineering in a way that is more financially responsible of precious public resources. These are things staff have been doing for years but built within this curtain plan are two additional innovations. First staff work to incorporate shared streets pilot program. These streets are truly superior pedestrian spaces and address our safety needs as a community. They also comply with the Ada and address constrained right-of-way space or neighborhood concerns with sidewalk construction. Second, staff has recommended the creation of a maintenance program. Too often as I walk through the city, vegetation or broken sidewalks impede my ability to get where I'm going. I can only imagine what it's like as a blind individual or a person in a wheelchair. Of course, I know council has spent considerable time on possible bond for this November, and while this isn't that agenda item, I am compelled to point out the instruckable connection between the signed bond program.

[11:17:10 PM]

This hand are almost entirely dependent on bond dollars and almost out of money. Consider as you heard on Tuesday the desire of the community to see a sidewalk network complete before 200 years. While I strongly support this plan and the framework, if there was one weakness, it's that we aren't advancing the program fast enough. I urge council to consider the original six-year time frame for completing this plan. We need to accelerate the completion of vital infrastructure for our most vulnerable populations. Over a five-year period, 40% of pedestrian car crashes where failure to yield was listed as a contributing factor, there were no sidewalks present. So I recommend a change in the current draft to provide for the same funds, but over six years instead of ten.

[Buzzer sounding] Second -- last paragraph. Second as I've mentioned to your staff, we need to be diligent and ensure that we identify the planned recommended maintenance dollars within our current budget process P. Historically, maintenance dollars have come from our bond dollars. This plan recommends shifting that to separate if you think the sources but we need to make sure we set up those sources and mechanisms within this year's funding process.

>> Mayor Adler: Thank you. The next is David Gonzalez and David whittey. Those are all the speakers that we have. Does staff want to lay this out?

>> Mayor and council, John Eastman, I'm with the public works department sidewalks program, and thank you for the late evening and hearing this item. I've got a short presentation, and, you know, then we can go into questions. This is the 2016 sidewalk master plan update. Before I start, I did want to introduce the team. We have an interdepartmental team, Laura from transportation, Justin Norville from public works did he meet and Brian Wells, our consultant, unfortunately Eric Dues from public works couldn't be here as well.

[11:19:17 PM]

Also I'd like to thank all the stakeholders around boards and commissions, there was incredible input throughout the process. The plan itself provides a comprehensive and coordinated set of recommendations to bring -- to guide the city's investments in sidewalk infrastructure. It also provides a plan to transition the existing sidewalks into compliance with the Americans with Disabilities Act, while also addressing significant gaps in the system. It's a fairly extensive plan, so this presentation is going to focus on four key changes. They are really significant changes from the way the city conducts business with regards to sidewalks right now. The goals in the plan are listed up there, and I think there's a section that's highlighted really provides the summary, that the plan is about including sidewalks and other pedestrian facilities as necessary and integral parts of -- components of the transportation system. Because right now, for those who have access to a vehicle, it's possible to travel safely to virtually any location in the city of Austin. Unfortunately, that's not the case for those who, by choice or necessity, are reliant on a combination of transit and sidewalks. Ever. In terms of a little bit of background, this is a background showing the existing sidewalk network. The green is existing sidewalks. Purple are absent, approximately half the frontages in the city of Austin are missing sidewalks. It is encouraging, you can see the concentrations of green around new development, those are urban fringe, Miller, and downtown have pretty good sidewalk infrastructure. It's also important to note that this plan is a little different than a lot of master plans and infrastructure plans -- that council sees, it's the ADA transition plan for sidewalks which means it's a federally required document that has to have certain elements, including an inventory of physical barriers and a schedule for barrier removal.

[11:21:21 PM]

As noted by a speaker earlier, luckily Austin is not like L.A. It has a goal and vision for completing its ADA sidewalk network. This is an update to the 2009 plan. Austin is one of only 13% of cities, major cities in the country, that both accept responsibility and has been doing something about it. Although like many cities, we are struggling with finding the funding to adequately address maintenance. There was a survey done of existing sidewalks to identify those barriers, and unfortunately, 80% of the existing sidewalk network is functionally deficient. Which leads us to one of the first major changes proposed by the plan. This set of recommendations, combination of public outreach, enforcement, and increased maintenance by the city so we can turn sidewalks that look like this into sidewalks that look like that. That's the exact same sidewalk. Didn't require any concrete repair, just required some removal. In fact, that information in that data was so compelling that the city public works and our public information office has already undertaken a public information campaign as a first step of an integrated program that would also include enforcement and hopefully funding for removal programs in front of city properties. Next major set of changes deal with commercial driveway assessments. What you see in terms of the picture in front of you is actually fairly typical throughout the city, where we have good sidewalks connecting to commercial driveways that, through lack of repair or poor construction or overweight trash trucks, become damaged to the point where they're a hazard for anybody, whether you've got mobility impairments or you're just walking down the sidewalk looking at your cell phone. Currently, it's unwritten city policy that those driveways are the responsibility of the property owner.

[11:23:27 PM]

The code -- the plan recommends formalizing that city policy, and that future city projects rather than paying to fix these types of issues would become the responsibility of the landowner. In order to implement that plan in a way that's sensitive to the needs of the landowners, we would model a program that we found in Minneapolis through the peer cities report that was done earlier, where it allowed property owners to pay over time. One of the reasons that that recommendation made it into the plan is that it has an added benefit of incentivizing drive walk reduction. Drive walk is not a formal term but when you look at this property in north Lamar, this is what it used to look like about six months ago, now it looks like that, and so what was 150-foot driveway, so 150 feet of area between pedestrians and cars has now two 25-foot defined driveways, commercial driveway assessments would encourage all property owners to make these types of changes. Another set of recommendations deal with connecting new developments. This is something that the city has already been working on with the rough proportionality work that's being worked on. It's a basic transportation utility. Like any utility, water, sewer, electric, it functions better if it's connected. This is an example from southeast Austin. Looks great. We've got a great sidewalk network. It's working until you look off site and a thousand feet away, there's convenience stores, there's bus stops, and that's what the access looks like. The sidewalk

ends at the end of the subdivision. 500 feet away to the south there's an elementary school, and that's what the access looks like, the sidewalks. And we can do better. We're already moving in this direction, and there's additional code recommendations in the appendix of this plan that would help address this problem.

[11:25:31 PM]

Another example that happens in the central city as well or in north central, this is burnet, just north of Koenig, keep an eye on the tree. That's the exact same tree. Great sidewalk. You can't even see it because there's nice sidewalks and trees. No connection. There were no connections included as part of the requirements for this development, and we can do better. I apologize. The last piece, and this isn't the last major set of issues we're going to talk about where it's significant change, over the last ten years we've repaired approximately 40 miles of sidewalks. The plan envisions repairing over 750 miles of sidewalks in the next ten years. Over half of that would come through addressing vegetation issues, the remainder through concrete repairs. Building new sidewalks over the last ten years, we've built approximately 120 miles. The target is over 390 miles, to give some scale, we want to show what would be left even after those targets would be complete. The budget is the tough part. As you know from your packet, we received recommendations from a number of boards and commissions, and they see the outcomes and they support the outcomes. They don't have to do the heavy lifting. The council does, in figuring out how to pay for this. We understand that challenge, and so the plan does include an appendix which did a review of a variety of funding sources. There were recommendations that include a more diverse set of funding, both for existing and new sidewalks. Existing something to the tune of \$15 million a year, new, somewhere in the ballpark of 25 million a year. I do want to point out that really critical is the existing sidewalk because that's the Ada transition plan, and is something that if we connect to it, we really need to follow through.

[11:27:32 PM]

But really, the outcomes that we're talking about, and that the community desires, are captured in imagine Austin. We're looking for a plan that provides an equitable transportation system and that vibrant, walkable city that was imagined in imagine Austin. With that, I'm happy to take any questions.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Just a quick question for you. I know that some other communities are looking at less costly ways to build sidewalks, and specifically I'm thinking of Seattle. And so as part of your planning for the

sidewalk master plan, is that something that you look at, or is that -- does that come later in a different department?

>> In fact, we -- Seattle was one of the cities in our peer cities report. Austin has, based on that report, the third lowest cost, as Robert mentioned.

>> Kitchen: Okay.

>> Over the last ten years, Austin has developed a very innovative contracting and field engineering model. Seattle was actually looking to us to learn how to reduce their costs. I'd seen the article about, you know, reduced cost, and it sounded like they were proposing to build sidewalks out of asphalt. So when you look at it over a long term, that may not have the same cost savings. It also is something that works potentially in new subdivisions, but not necessarily in retrofit situations. Having said all that, we're absolutely constantly trying to improve and use dollars effectively, and that was one of the points of the peer cities report, was to find out how we can do better. A model city that we did find is Minneapolis, that if we get some maintenance dollars, that we need to go talk to them because they've got the lowest unit cost when it comes to maintenance of anybody we talked to.

>> Kitchen: Who does?

[11:29:32 PM]

I'm sorry.

>> Minneapolis.

>> Kitchen: Minneapolis. So that's something y'all are looking into to see if there's any learning for us.

>> Absolutely.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Garza.

>> Garza: I have a question about the matrix.

>> Uh-huh.

>> Garza: I think it's page 10 of the master plan. You used an example in district 2, which is a great example of Blazier elementary there. There's a neighborhood right next to it, but I'm pretty sure it's a hundred percent drop-off because they have no way -- that neighborhood has no way to walk to that school because it's a substandard road with no sidewalks, so all those children get dropped off. That being said, do you see any issue if there was an amendment made to the matrix -- because I want to

bump public and private schools up to the 10 -- to 10 times and 5 times, so they would -- it would be right under computer rail stations. Do you see any issue with that change?

>> You know, I think that matrix is designed to reflect the policy direction of council, so I think it's absolutely appropriate for council to be looking at that matrix. The original scope of the update didn't include trying to review the matrix because that was developed and was sort of the main component of the 2009 plan, and there was a group of individuals -- individuals and stakeholders that were brought together. And from the staff level, if he felt if we opened it up, we'd have to open up everything in the public process. Having said that, the proposed changes -- and I appreciate that your staff members, you know, communicated that proposal to us ahead of time -- really, are relatively minor by moving, by adding -- moving public or private schools to 10 points within an eighth of a mile and five at a quarter mile, makes them equal to state or local government offices.

[11:31:37 PM]

It's not a dramatic change, it's not going to make dramatic changes in the overall scoring, but it does certainly communicate, again, providing an emphasis on what the current council's policies are. So our perspective is, you get that policy, and it's very appropriate.

>> Garza: Okay. In that case, I move to make that amendment. Here's a yellow sheet, that we bump up -
-

>> Kitchen: Can I move adoption of -- I don't know that we've done that yet. Can I move adoption --

>> Mayor Adler: Yes. Ms. Kitchen moves adoption of this item number --

>> Kitchen: 72.

>> Mayor Adler: 72. Is there a second to that? Second, Ms. Garza seconds that. Ms. Garza then lays out an amendment.

>> Kitchen: I'll second it.

>> Mayor Adler: Seconded by Ms. Kitchen. You want to see what it is, Ms. Garza?

>> Garza: It's just -- if you have the -- it's on page 10 of the master plan, and it's just bumping up the scoring criteria for safe routes for schools, because of that -- you know, that great example of that school in my district, and there's a lot of other schools like that. And that's something that we put a priority and quarter-cent. I just want to add briefly, I passed by Odom this morning, elementary, and I saw them putting down sidewalks. And that just felt really good to see, something that we did, and they're putting down sidewalks near that school, so that was a really neat moment this morning.

>> Mayor Adler: Very cool. It's been moved and seconded. The amendment has been handed out. Is there any objection to that amendment? All those in favor, raise your hand.

>> Renteria: I just want to point out it's amazing how time has changed. Even 40 years ago, people were not demanding sidewalks. I used to walk the precincts up northwest, and people did not want sidewalk. If they want people walk past their yards.

[11:33:37 PM]

It's amazing how we now all want sidewalks. I just wanted to make that comment.

>> Mayor Adler: It was all in favor of that with mayor pro tem and Ms. Gallo off the dais. The amendment is added. Any further amendments? Ms. Kitchen, do you have amendments?

>> Kitchen: Oh, yes. I passed out -- and I apologize that we did not get with you ahead of time on this, but I passed out -- the white sheet is the recommendations from the commission on seniors, relating to sidewalks, and I don't know if you're familiar with that, but the commission on seniors made a whole set of recommendations that they passed in may that related to transportation and mobility issues for seniors. And they -- there's a -- they had five bullet points related to sidewalk infrastructure, most of which was supporting what is already in the plan and encouraging us to support the sidewalk master plan. There were two items that they recommended that we add. And those are the two that I'm passing out for amendments. The first one relates to the -- relates to the prioritization matrix that we just discussed. This would -- this would add a criteria that is similar to -- right now, there's a criteria that says places of public accommodation. This would add an item that says places that older adults frequent, which includes health care facilities, clinics, nursing homes, senior living centers, and congregate meal sites. And, again, this is a recommendation from our commission on seniors who did quite a bit of work in looking across all the mobility needs of seniors. So this would add that, and the scoring would be set the same as the scoring that's on here for the places of public accommodation, which puts it lower than what we just did in terms of the schools, but it would be set one-eighth of a mile, eight times, one-fourth of a mile at 4x.

[11:35:47 PM]

So that's the first amendment. And the second amendment -- I'll go ahead and lay that one out to you. The second amendment relates to recommendations on vegetative obstruction that you just went over, which the commission on serious seniors supports but recommended adding a sentence that says develop an with appeasement for residents who do not have mental capabilities or are unable to afford

maintaining vegetation around sidewalks at their residence. So it supports the recommendation that exists in the plan to promote property owner vegetation maintenance responsibilities, but it recognizes the difficulties that some seniors have and is adding a sentence to look at some sort of appeasement approach, without any statement of what that would have to be, but just asking for developing an appeasement approach for those who don't have capabilities to maintain vegetation. Those are the two amendments, I guess I need a second.

>> Mayor Adler: Ms. Houston seconds them. And what's appeasement approach?

>> Kitchen: Well, I'm using their language. I think they mean some kind of -- because this recommendation says that promoting property owner vegetation maintenance responsibilities and enforcing violations, the idea here is a recognition that in some circumstance, the resident really cannot take responsibility for one reason or another. So this provides discussion to the staff about what's appropriate here, but it recognizes that in some cases, you wouldn't want to be enforcing violations on property owner vegetation responsibilities if you had a resident who is physically or mentally incapable, as some of our seniors are, or who was unable to afford maintaining vegetation.

[11:38:02 PM]

So it is written broadly enough that that -- there's a judgment call for our staff. And our staff could develop an approach to that if they felt like they needed us to weigh in on the approach, you could bring it back, or you could just handle it as an administrative matter.

>> Renteria: Does that mean that we're going to give that responsibility to the code department?

>> Kitchen: I would like to hear recommendations from the staff on how to address it.

>> Mayor Adler: Ms. Pool, then Mr. Zimmerman, then Ms. Houston.

>> Pool: I just want to make sure that the vegetation would be addressed, you know, that the appeasement approach would include someone going out there and taking care of the overgrown sidewalks. I've got them just up the street from me, and it's a situation where it's an elderly man. He does have sons who take care of him, but nobody has done anything about the -- about the overgrown sidewalks. So I recognize the fact that in your instance, the gentleman whose property it is wouldn't be able to do, but the responsibility still rests to have the work done so that's what I think you are aiming for with the appeasement approach. Is that right?

>> Kitchen: Yes. The commission on seniors didn't dictate what that approach is. They were just recognizing that in some circumstances -- for example, if you had an elderly man who didn't have any sons who could help, for example, what would you do in that circumstance? Which occurs sometimes. And so --

>> Pool: I just want to make sure we don't leave it open-ended so that is not addressed. It still needs to be addressed because it's still a public -- it's still a problem for passage on on sidewalk, so we can't just simply leave it be. So I think it would accrue to the city at some level to then take on the responsibility.

[11:40:06 PM]

>> If I could weigh in, maybe it would be better tonight just to direct us to look at that and come back to you with something. I'm a little.

>> Kitchen: If you take out implement, we could say develop.

>> I'm a little uncomfortable with how broad this is, giving the public works the job of determining if somebody meets that criteria.

>> Kitchen: Okay.

>> That's pretty challenging for us engineers.

>> Kitchen: Would it work to say develop the develop an apiecement approach?

>> And come back to council.

>> Kitchen: Come back to council. Okay.

>> Mayor Adler: Develop and present to council an appeasement approach.

>> Kitchen: Okay.

>> Mayor Adler: Any objection to that change being made?

>> Kitchen: Could we say present to council and the commission on seniors?

>> Sure.

>> Kitchen: Okay.

>> Mayor Adler: Any objection to that amendment being made? Hearing none, the amendment is so changed. It's been moved and seconded. Ms. Kitchen's two amendments. Any debate? Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, once again, we've done a pretty good job of recommending things that appear to be beneficial, and there is no cost associated. I'm looking at item 72 page here, and it says amount and source of funding, and it's conspicuously blank, so once again, I don't have any way to analyze the cost/benefit ratio because we have no idea what the cost is. So I'll just abstain.

>> Mayor Adler: Ms. Houston.

>> Houston: Well, thank you for not voting no. This is -- this may be an opportunity for the Arizona project for homeless, people who are homeless, to be able to be picked up and then go around to different places and have them cut the vegetation back, and, of course, the Salvation Army would pay for it.

[11:42:18 PM]

Pay for it. They already have contracts to do that stuff. This might be an opportunity to do a pilot.

>> Mayor Adler: Okay. Go ahead and take a vote. Those in favor of these two amendments, raise your hand. Those opposed? Mr. Zimmerman abstaining, Ms. Gallo off the dais. The motion number 72 as amended has been moved and seconded. Those -- amended. The motion is on item 72 and to close the public hearing. Any discussion? Ms. Pool.

>> Pool: I just -- really quick, because I know it's really late, but I just wanted to thank our public works and our transportation staff and Mr. Eastman for his leadership on this, for all the hard work on this, and also for staying this late at night. We've been having a public conversation about building out our active transportation infrastructure, and this plan really, really helps us move that ball forward on that goal, so I thank you. And I've been interested in revisiting our sidewalk installation and fee in lieu requirements to strengthen our ability to provide sidewalks, and this moves that -- moves us closer to that goal, too, so I thank you for that.

>> Thank you.

>> Pool: I think the plan sets a really good foundation, and I look forward in working on it as we move forward.

>> Mayor Adler: Thank you. Pool thanks.

>> Mayor Adler: Those in favor of item number 72 and closing the public hearing, please raise your hand. Those opposed?

>> Zimmerman: Abstain.

>> Mayor Adler: Mr. Zimmerman abstains, others voting aye and Ms. Gallo off the dais. That gets us to -- on all three readings, yes, on all three readings. That gets us then to the last item. Let's see if we can end this meeting before midnight. Last item we have is item number 75. It is a public hearing and consider an ordinance granting a site-specific amendment. There are no citizens signed up. Anyone want to speak?

[11:44:19 PM]

Is there a motion to close the public hearing? Ms. Pool moves. Mr. Renteria seconds. Those in favor of ending the public hearing, raise your hand. Those opposed? It's unanimous with Ms. Gallo off the dais. Does staff want to present to us this item? Ms. Pool.

>> Pool: I'll be happy to make the motion when we get to that.

>> Good evening, mayor and council, I'm Chris Herrington with the city's watershed protection department. We bring to you for your consideration a site specific ordinance-site-specific amendment. We have a presentation the same as what's included in your backup so we can go through it if that's what you want, or we're available to answer questions. We also have an expert from the parks department on trees, in case you have any questions on vegetation.

>> Mayor Adler: Ms. Pool, do you have a motion to make?

>> Pool: Yes. Mayor, I move approval.

>> Mayor Adler: It's been moved approval on item number 75. Is there a second? Ms. Garza seconds.

>> Zimmerman: I'd like to ask if there's any objection to passing it.

>> Garza: I have a question. I just want to make sure I'm covering my staff's advice. My understanding was that the environmental commission added two additional things that are not included in the staff recommendation?

>> The environmental commission did recommend or make positive recommendation in support of the project. They did ask us to consider two items, one in relation to some of the vegetation associated with the landscaping plan, on the site plan application, and another to look at the potential impacts of flooding that would occur on Barton creek on the project. And we did actually consider those in depth in advance of the environmental commission hearing. We reconsidered, as they directed us to do, and came basically to the same conclusion.

>> Garza: Does it do any harm to -- I'm trying to understand. I'm sorry. Does it do any harm to include what they recommended in our -- in this -- in this vote right now?

>> The environmental commission's recommendation was just for staff to basically go back and reconsider those two aspects.

[11:46:24 PM]

And so we did fulfill their conditions. We did reconsider. We reevaluated the evidence. This is a project that we've been working on for many years, and so we did come to the same conclusion. Their recommendation was just to -- for staff to consider, so I don't know what -- what that would do.

>> Garza: Okay. So I guess you would say essentially you have.

>> Yes.

>> Garza: You have included those two things in your staff recommendation 1s correct. Yes, ma'am.

>> Garza: Okay.

>> Mayor Adler: Okay. It's been moved and seconded to approve item number 75. Mr. Renteria.

>> Renteria: I just want to say that growing up, I was one of the ones that got to swim in that place and play around in there.

[Laughter] It was a lot of fun.

>> Mayor Adler: It's been moved and seconding, adoption of item number 75. Those in favor, please raise your hand. Those opposed? Those abstaining? Ms. Troxclair abstains, the others voting yay. Ms. Gallo off the dais. That passes. All three readings.

>> Kitchen: All three readings. Thank you, staff for the long -- a lot of work.

>> Mayor Adler: We had -- we had -- it was nine -- nine, zero, one, with one member off the dais. With the nine votes, it passes with the super majority required on all three readings. And this meeting stands