

City Council Regular Meeting Transcript – 10/20/2016

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[10:20:15 am]

>> Mayor Adler: all right.

We about ready?

One, two, three, four, five, six.

We have a quorum.

I'm gonna go ahead and bring us to order on our city of austin council meeting.

Today is thursday, october 20.

We are in the city council chambers here at 301 west second street.

The time is 10:20.

Actually, before i actually gavel us in we're gonna do an invocation with reverend karen thompson with the metropolitan community church.

Everyone please rise.

>>martin luther reportedly said, work, work, i have so much work to do i must spend the first three hours in prayer.

I was told i didn't have quite

That much time but i do agree with the sentiment and i thank the council for pausing a moment before you begin your work today to invoke god, spirit, wisdom, to accompany you into your work and call you to your better selves.

Your work is important concretely in the lives of thousands of people.

Please join me as i offer these words from reverend jim's prayer to mother wisdom.

I prayer for the wisdom that is deep happiness so that you remain joyfully boggled by the beauty of the natural world and awe struck with fascination at the people you encounter every day.

I pray that any feelings of frustration will be moderated by deep gratitude, that you are alive to feel anything at all.

I pray for the wisdom of attentiveness so that you can be awake to the ways you can show kindness to others and for the wisdom of imagination so you can transcend the confines of problems in order to discover solutions.

I pray for the wisdom of humility, that you know your place in the grand order of things and for the wisdom of humor so you can enjoy the comedy of your own errors.

I pray that you and all people will act on the wisdom of solidarity, aware that we have much more in common than the few things that keep us apart.

I pray fervently for the wisdom of forgiveness so that the future will not be determined by grudges from the past.

Dear mother wisdom, make each neural pathway in each brain, each subtle structure of each mind, each layer of consciousness into a channel through which your creative and reconciling energy can flow, amen.

Thank you.

[10:22:30 am]

With that i call our meeting to order.

All right.

Let's look at our agenda.

We have some changes and some corrections.

Item number 16 was recommended unanimously by the electric utility commission on a 7 0 vote with commissioners [indiscernible] absent and with one vacancy.

Items number 22 and 23 are being postponed indefinitely, without a set time to come back.

Item number 24 is being postponed to november 3.

Item number 33 is withdrawn.

It's withdrawn because it was reposted with different language as item number 39.

Okay?

I have item number 20 being pulled by councilmember zimmerman.

Is let me check this.

Is james lake here?

James lake?

No?

Okay.

[10:24:15 am]

We have in that case, we have let me see.

Is mike burnet here?

Okay.

So we have one item that's pulled for speakers, and that's item number 29.

Councilmembers have any other items to pull?

Item number 26 we need to pull to discuss.

Any other items to pull?

Ms. Houston.

>> houston: i have a quick question on item 11.

>> mayor adler: okay.

Also on let's pull item well, on item number 11, we'll come back to that in a second because i have an amendment i've handed out as well.

>> houston: i'm sorry.

It was 13.

>> mayor adler: okay.

So let's touch base on item number 11 and number 13 as well.

Okay.

[10:26:45 am]

>> mayor adler: i have 11, 13, 20, 26, and 29.

Okay.

We have some speakers to speak on the consent agenda.

James lake is not here.

Melissa let's see here.

Melissa [indiscernible], number 24 has been postponed to november 23.

Does melissa still want to speak?

Okay.

Then we'll move past that.

Then david king, mr. King?

Number 27 is and number 30, also 12.

>> thank you, mayor.

Mayor pro tem, councilmembers.

Item number 12 regarding the community development commission, i think that's really important to ensure that the appointees are done in a democratic process that's i know right now most of the appointees are done by one particular individual, and i don't have a concern about that particular the mayor making those appointments specifically, but i do think that it should be a more representative process, where appoint yes i believe half of the commission is appointed by the mayor.

Again, i'm not critical of the mayor making those appointments.

I just think that there should be a different process where those the council itself has more input into the representatives on that commission.

Regarding 27 and 30, number 27, funding for repairs to manufactured homes, i think this is a really important item.

I'm glad you're bringing this forward.

What i would ask is that we provide the funding in a way that doesn't create a financial burden on the manufactured homeowners.

You know, many of them are struggling and, you know, to be able to live in our city.

So i hope we can do this in a way that we're using grant money, not low interest loans or something they have to pay back.

I think we really should make it as easy as possible for these folks to get to make repairs to their manufactured homes and not incur financial burden.

Regarding amenities for mobile home parks, i think this is really important as well.

I know that this is applying to new mobile home parks coming online and what i would ask, you know, there's gonna be a natural inclination to pass those costs on to the folks that are gonna rent these spaces, and, you know, i think it would be helpful if the city would encourage them to use existing city programs in the parks department, the community gardens, community park improvements, and afterschool wildlife programs to help augment those services for mobile home residents so they don't incur increased rents or extra charges to get these amenities that they need and deserve.

So and also i think it should informed by the proximity to existing mobile home parks and open space. Many of these mobile home parks are not located near existing parkland or even with parks that have amenities.

So i think that we need to make sure that we get both of these programs implemented as soon as possible, and thank you for bringing these items forward.

[10:28:30 am]

>> mayor adler: thank you.

I think those are all the speakers we had speaking on the consent agenda.

Is nick williams here?

Nick williams?

Okay.

Anybody else i'm missing?

Gus pena here?

James hill?

Mr. Pena, item number 5.

>> good morning, mayor, councilmembers.

Gus pena.

I'm here on item 5, having to do with the disability sidewalk and ramp improvements.

I want to say this.

You know, a lot of my vets in our organization, veterans for progress, are disabled because of vietnam, other conflicts or other wars.

And throughout the city, i would hope, mayor, that we would have somebody i know it's a big city.

I'm a native of austin.

I know that.

But to visibly look and observe where we need sidewalks, sidewalks are needed in various, many areas of our city.

Even with the new developments.

Who knows?

I might be in a wheelchair in the coming years, not that i am looking forward to it, but it would be good to have sidewalks so we can have accessibility and not have impairments or barriers for people with disabilities.

I want to thank adapt, especially jennifer.

I've known her many years when they married with mayor bruce todd back in the good old days and then adapt for their services to all our veterans and all the people with disabilities because of adapt we have improvements on the agenda.

Anyway, mayor, if we can do that, have somebody really accelerate, our veterans would greatly appreciate it.

Thank you very much for all the hard work you do.

>> mayor adler: thank you.

Those are all the speakers on the consent agenda.

Consent agenda goes from numbers 1 30.

I have a number 11 being pulled.

Ms. Houston pulled number 13 no, no.

[10:30:15 am]

I'm sorry.

Yes, you pulled number 13.

Mr. Zimmerman pulled number 20.

21, 22, 23 were withdrawn, and 26 and 29.

So i have pulled items 11, 13, 26, 29.

Mr. Zimmerman?

>> zimmerman: i move approval of the consent agenda.

>> mayor adler: is there a second?

Ms. Gallo?

Any discussion on the consent agenda?

Ms. Kitchen.

>> kitchen: i just have one comment.

I'm not pulling it.

>> mayor adler: okay.

>> kitchen: on item number 3, i wanted to thank the staff for all the work that they've done on this.

This relates to the contract for the demolition project of the onion creek wastewater treatment plant.

It was damaged beyond usefulness by previous floods, and so it's something that the neighborhoods have been looking forward to, the demolition, so it will improve the character of their neighborhood, so i wanted to thank the staff for all the work they've done to get it to this point.

>> mayor adler: okay.

It's been moved and seconded to approve the consent agenda.

Those in favor please raise your hand.

>> zimmerman: mr. Mayor, i'd like to read into the record a few notes.

>> mayor adler: okay.

>> zimmerman: i've given a copy to the clerk as well.

I'm voting in favor of the consent agenda with the following exceptions, against item 2, abstaining from 3, 4, 5, abstaining from 9, 10, abstaining from 12, against 15, abstaining from 16, 17, 18, abstaining from 27 and against item 30.

>> mayor adler: okay.

It's been moved and seconded.

Those in favor of the consent agenda, please raise your hand.

Those opposed?

It's unanimous on the dais, with the notations given.

Councilmember troxclair is off the dais.

That gets us then to the pulled items.

[10:32:30 am]

>> tovo: any possibility of moving to the consent zoning?

>> mayor adler: sure.

Let's go ahead and do that and also talk about schedule here today, too, as well.

Let's do the consent zoning.

>> thank you, mayor, council, greg guernsey, planning and zoning department.

Going through the consent agenda, i'll begin with item 31.

In this case npa 2016 0025.01, various properties on rialto boulevard.

This one is related to others known as lantana, tract 33.

Staff is requesting postponement of this item to november 10 agenda, item 31.

Item 32 case c14 2016 0011, again, for rialto boulevard.

Staff is requesting postponing of this zoning item to november 10 agenda.

Item 33 has been replaced, as mentioned earlier during changes and corrections.

That item is withdrawn.

Item 34, staff is requesting postponement of this item to november 10 agenda, for the property on rialto boulevard, case number 28.8.

Item 35, mayor, i believe you have two speakers.

I understand that both have declined on this item, and i'll explain why in just a minute.

This is case c14 79 065(rtc) property located at 80 red river.

The recommendation was to grant the termination of a restrictive covenant.

We can offer this as a consent item.

I understand parties have agreed to a private agreement and that it's being finished today.

I also understand that possibly mayor pro tem has some comments that she would like to share with the rest of council.

>> mayor adler: so at this point you were saying 31 and 32 were being postponed?

>> yes.

That's correct, mayor.

>> item 31, 32, 34, staff is requesting postponement to november 10 agenda.

>> mayor adler: then on 35 you were saying there was a private agreement.

So what does that leave us to do for action?

Does that

>> we can approve that on consent for the restrictive covenant termination.

>> mayor adler: okay.

So it still involves restrictive covenant termination?

>> that's correct.

[10:34:50 am]

>> mayor adler: okay.

Mayor pro tem.

>> tovo: i do have comments.

I don't know if now is an appropriate time.

>> mayor adler: yes, that would be good.

>> tovo: first of all, i want to thank all of the parties involved.

This caused us probably most of my colleagues know, a good deal of concern among neighbors in the rainey area who were concerned that the lifting of the restrictive covenant to produce more housing would exacerbate could exacerbate the traffic conditions in the rainey neighborhood, and i know that's a real concern and appreciate those of you who have really advocated for the city to look carefully at that situation as we consider how rainey changes and develops and make sure that it remains a place where people want to live and continue to want to go down to but that there's a good balance between the quality of life for those of you who live there all the time and creating a good environment for businesses to thrive as well.

Let me just start by saying thank you, and i really want to thank joy harden, who has worked with stakeholders so closely to see where there might be agreement and i'm pleased there is agreement.

Thank you, again, joy and transportation staff.

There's been a lot of different communications that have been going on.

Through the private agreement, it is my understanding that the developer is going to fund a traffic study of the rainey street district and the private agreement does capture that commitment.

The transportation staff, likewise, has stated and i'll ask mr. Guernsey just to confirm this that they will review and consider the results of that traffic study when they make final determinations about traffic mitigation for this area later in terms of this project and as well they will consider the results of those findings with future projects in the rainey area.

This is pretty standard.

Staff does review professional studies all the time, and it's a recommended practice.

The traffic study for rainey that we're talking about being part of the private agreement does not replace the developer's obligation to do a traffic impact analysis.

That will still happen in the course of the development of this site or the redevelopment of this site.

And the funding of the traffic study does not count toward the mitigation that could be identified by the traffic impact analysis.

So that will those will be two separate though related in topic issues.

It's also my expectation, i just want to state it here for the record, that that staff study will begin as soon as possible.

I think that will be the most useful if that traffic study can get started soon before the new site developments are being reviewed for 80 red river property, which is the subject site, and for the other properties in the area that might be developing or redeveloping.

And the city doesn't have a mechanism for holding site development permits for this purpose, and so i really encourage the neighborhood to move as quickly as possible in doing that traffic study.

And mr. Guernsey, if you would just confirm what i said about the traffic impact analysis and how the results of that traffic impact analysis will be something that the city staff and developer too

>> that's my understanding, at a later development process that could be required and that's what we would review.

>> anything that reveals in terms of the need for mitigation is something the city would hold the developer to in developing that site.

>> that's right.

We would work and whatever comes out of that traffic impact analysis, and staff would recommend we work with the developer to make sure those things get done.

>> tovo: thank you.

>> tovo: i appreciate the neighbors for being open to this option.

The developer.

>> mayor adler: so i think the consent agenda is to approve the postponement of 31, 32, 34, and to approve item 35.

>> also, 39 is going to be a discussion item.

>> mayor adler: there was a request 39 be called at 2:00. This is the grove.

I think one of the neighborhood people was travel, would be back at 2:00.

Before we get to that i would say to the public again this is the grove, i anticipate making a motion at the time we approve the deal on first reading only, but with reducing the office square footage and the retail square footage.

[10:36:35 am]

that item at 2:00.

So is there a motion to approve the consent planning item agenda?

Ms. Gallo so moves.

Seconded by mr. Zimmerman.

Those in favor of the consent agenda please raise your hand.

Those opposed?

It's unanimous, with troxclair off the dais.

Thank you.

I think there's some things that were on the consent agenda that were pulled we might be able to move through quickly.

Item 11 i pulled because i wanted to include one additional item that i thought might be something, and i've spoken with ms. Franco about this, and she is okay with this being added to the agenda.

I've handed it out on the dais.

It just that an additional item that they can look at, be involved in, would be to protect austin civil rights ordinances and oppose legislation that attempts to diminish the city's ability to protect austinites housing, public accommodation and other civil rights, that would threaten welcoming environments, businesses, conventions and events and would include an inclusive community for all.

Is there a second to that amendment?

Garza seconds.

Mr. Zimmerman abstains, ms. Troxclair off the dais.

Others voting aye.

That amendment is adopted.

Is there a motion i guess now we have the let's vote on is there a motion to approve the legislative plan as amended?

Ms. Houston makes that motion, seconded by ms. Pool.

Those in favor mr. Zimmerman?

>> zimmerman: mr. Mayor, i'd like to speak against the motion, if i could briefly.

>> mayor adler: yes.

>> zimmerman: i'm gonna be voting against this.

I want to say, obviously, i'm in a minority position here on council with regards to what i'd like to see the state legislature do.

Nevertheless, if i had six or more votes on this council, i would vote to abolish our lobbying program.

I don't think it's a fair use of taxpayers' money to be lobbying for any positions.

So i'm gonna vote against this but, again, if i had six or more votes for a legislative agenda that i think district 6 would approve of or i approve, i would still vote to abolish this and we're spending about in the neighborhood of 800,000 on the lobby program is that right or is that coming up separately of what we're spending on lobbying?

>> zimmerman: that's why i'm gonna be voting no so just make that clear.

[10:38:50 am]

>> mayor adler: those in favor sorry, there are speakers.

Thank you.

On this legislative agenda, which is item number 11, we have two speakers.

James lake was not here when we called earlier.

Is he here now?

Mr. King, do you want to speak on this?

>> thank you, mayor, mayor pro tem, councilmembers.

I think this is a good resolution.

I appreciate the addition of civil rights having our protecting our own ordinances and regulations regarding civil rights, which i think oftentimes exceed those of our state legislature.

So i'm glad we're going to protect those.

What i would ask is that we also include legislation regarding homestead exemption based on a fixed amount.

We know that the percentage based exemption is inequitable so if we could get a fixed amount that says the first 50,000 or the first hundred thousand can receive an exemption on that, i think that would be very helpful and it will let you nuance that policy in a way that is more equitable to our citizens.

Also, item regarding the property tax appraisal system, we know that commercial properties still are not paying their fair share, and we saw in the newspaper the other day a westlake property that sold for 117 million, \$118 million, but on the tax rolls at \$20 million.

There's inequity that still exists in our commercial property tax appraisal system and guess who picks up that difference?

It's every other taxpayer.

So that's an equity issue, and i hope that you will include that on your legislative agenda to fight for that change.

That will require commercial properties to pay their fair share of taxes.

We need that in this city.

You know the needs we have for our affordable housing, for our families, for transportation for those families and for health services for our citizens here.

So i hope that you will include that and make that a top priority.

Thank you very much.

>> mayor adler: thank you.

Okay.

Any further discussion on item number 11?

Those in favor of approving the item number 11, please raise your hand.

Those opposed.

Zimmerman voting no.

Troxclair off the dais.

Others voting aye.

It's approved.

Gets us to item 13.

Ms. Houston, you had a question about that?

[10:40:30 am]

>> houston: 13.

Thank you so much, mr. Guernsey, my only question was first of all, thank staff for getting me the information that i asked for, but do all ten counties pay the same amount?

>> i do not know, but i betty is here.

I think she can tell you.

Usually it's done by proportional amount, but i think she can go into more detail.

>> mayor, council, thank you.

It's on a per capita basis by population.

So, theoretically, the larger jurisdictions, cities and counties pay more than the rural ones do.

>> houston: so can you give me kind of an idea of what that difference is from the small, small one to travis, which is probably a big, big one?

>> i don't have the population numbers in front of me so i

>> houston: i mean the amounts, the amounts.

>> no.

I don't have those in front of me.

I'm sorry, i didn't know that.

Travis county pays more than the other counties.

Williamson county comes in very close because they're growing.

I will tell you that a lot of the times the funding that goes out is proportionate, not because of what dues get paid but just because we tend to put more 911 and homeland security funding into the larger cities and counties because they provide broader services.

>> houston: okay.

Thank you.

I appreciate that.

>> okay.

>> mayor adler: okay.

Is there a motion to approve this item number 12?

Ms. Houston 13, rather.

Ms. Houston makes that motion.

Is there a second?

Mr. Renteria.

Those in favor please raise your hand.

Those opposed.

It's unanimous with ms. Troxclair off the dais.

That takes care of 13.

I think that gets us to item 20.

You pulled this, mr. Zimmerman.

[10:42:50 am]

>> zimmerman: thank you, mr. Mayor.

I've got an overhead i'd like to put up.

This is a familiar exercise.

I've done this before.

You know, we asked for five years.

We wanted to go back in time and try to understand why there's such a dramatic increase yet again that approaches a doubling of the budget so i guess we'll get the usual explanation.

If we could i'll give staff an opportunity to speak to that if they want to.

>> mayor, councilmembers, councilmember zimmerman, james scarborough, purchasing office.

This item is to purchase laboratory equipment, laboratory chemicals and supplies in an amount not to exceed \$435,923 in the first year, with some additional years to an aggregate contract amount not to exceed five years.

This procurement is a consolidation of previous multiple contracts.

Those contracts existed over the last several years.

It also consolidates spends outside of these contracts.

The purpose for this consolidation is to receive the best terms, pricing, what have you, reduce the contract administration burden on staff and to have faster transactional time.

We're glad to answer any questions if you have it.

>> zimmerman: terrific.

You said it was a consolidation.

The information i'm looking at up here, do these numbers include the consolidated amounts?

Because we were asking for information on what had been sent previously so if you're gonna write another contract that consolidates to compare apples and apples you would need to show me the cost of all those expenses that were being consolidated so i could see what the increase is.

>> we need to clarify the quantities we're referring to.

There's actually three different types of quantities we're referring to.

One is the actual amount spent and we provided that information.

The other is the authorization for the previous contracts and we provided those numbers.

Then we also provided an amount of spend that was outside of these contracts that does not have an authorization number.

So looking back over the last five years, including the contracts that were established and authorized by council, as well as the external spend that was within city manager's authorization, it averages out to be roughly 270, just over 270,000 a year.

>> zimmerman: it sounds like you did consider that consolidation.

So the consolidation cannot explain this very large increase, that approaches 100% increase.

Is there a reason why this wasn't put into the budget we just we just completed a budget cycle, right?
A month ago.

[10:44:30 am]

>> right.

>> zimmerman: was there a reason why this wasn't done as part of the budget?

>> i won't be able to provide all of that answer, councilmember zimmerman, but when we consolidate contracts we take a lot of different areas into consideration.

There's a fair amount of unknown that may occur.

Also we determine consumption based on the type of department we're supporting, in this case the utility and a production environment.

There's a greater need to make sure that the continuity of services is maintained.

But for the extent of the budget request being separate from a contract authorization, i'd have to refer you to austin water for a comment in that regard.

>> zimmerman: one more thing.

There's a column.

If you look at what's up here, you look at the fiscal years here, we have fiscal year 2015 16.

I just mentioned that we completed the 16 17 budget year.

Can you tell me why that column is missing for the year we just completed?

We asked for five years.

So there's no context or is this new amount the 435,000, is that the fiscal year 2016 17?

>> councilmember zimmerman, i don't believe so.

We provided the information that was most readily available.

We're just coming out of fiscal year '16, so i imagine that information wasn't completely available yet, but i'll have to inquire with staff.

My apologies.

>> mayor adler: manager?

>> yes.

If you look on the face of the rca and the amount and source of funding, it indicates that \$399,596 are available for this contract in the fiscal '17 operating budget of austin water.

So they did provide for a good bit of this in the current year budget.

>> zimmerman: so that means if the '15 '17 column were included it would be in the ballpark of 400,000?

So we would have jumped from 282 in the prior fiscal year to about 400,000 in the upcoming fiscal year.

>> that's correct.

>> zimmerman: okay.

So the question here, so in the next budget cycle that we're gonna do, you know, that we're gonna start next spring, will which 435,000, is that what i'm gonna see on the proposed budget?

You know, we'll get a proposed budget, right?

We get that every year.

Am i gonna see the 435,000, you know, when the proposed budget comes out?

For '17 '18.

>> councilmember, that's a fair broad question with regard to how departments develop their budget estimates for the coming year.

In discussing your question with staff and with our particular budget manager, given the hundreds of contracts that are used by a given department, they typically develop their budget estimates based on their actual spends from the previous year, as well as their anticipated needs for funding in the coming year.

They will certainly look at the types of products and services that they purchase under their various contracts, but to track each individual contract authorization and use that authorization amount to put into their budget, it would be it's not a practical and from what i've heard it's not a common technique that the budget managers use.

In fact my budget manager wasn't familiar with that approach at all.

So the amount of the contract authorization, however, is representation of staff's best estimate of what may be needed for that contract, but it is not actually creating separate money that is separate from the appropriations done by council.

Council authorizes the amount that may be spent.

The contract amount that is authorized is an estimation of that contract's value, but it doesn't force money to be pushed into future year appropriations.

>> zimmerman: okay.

So i'm trying to follow that, but if you look at the column here on the first look at the five one year extensions \$501,837.

That's a precise number.

>> yes, sir.

>> zimmerman: to a dollar.

That's what's confusing about this.

If the policy idea here is we're gonna be in the ballpark of what's gonna be spent how come it specify it down to the dollar?

>> i inquired with staff and with austin water representatives that participated on this particular procurement.

The rationale is to maintain an ease of contract administration.

They estimated a flat 5% increase year over year going out over five years and took the average of that increase and applied it in a flat line so that there may be less consumption in the following year but there may be more consumption in out years.

But it's for ease of contract administration.

>> zimmerman: final question on that number, let's say the \$505,837 isn't needed or is not spent.

Doesn't the director have discretion to spend that money elsewhere in the budget?

>> the amount you're referring to is contract authorization.

[10:47:12 am]

>> zimmerman: that's why i'm gonna be voting no so just make that clear. >> mayor adler: those in favor -- sorry, there are speakers. Thank you. On this legislative agenda, which is item number 11, we have two speakers. James lake was not here when we called earlier. Is he here now? Mr. King, do you want to speak on this? >> thank you, mayor, mayor pro tem, councilmembers. I think this is a good resolution. I appreciate the addition of civil rights having our -- protecting our own ordinances and regulations regarding civil rights, which i think oftentimes exceed those of our state legislature. So i'm glad we're going to protect those. What i would ask is that we also include legislation regarding homestead exemption based on a fixed amount. We know that the percentage-based exemption is inequitable so if

we could get a fixed amount that says the first 50,000 or the first hundred thousand can receive an exemption on that, i think that would be very helpful and it will let you nuance that policy in a way that is more equitable to our citizens. Also, item regarding the property tax appraisal system, we know that commercial properties still are not paying their fair share, and we saw in the newspaper the other day a westlake property that sold for 117 million, \$118 million, but on the tax rolls at \$20 million. There's inequity that still exists in our commercial property tax appraisal system and guess who picks up that difference? It's every other taxpayer. So that's an equity issue, and i hope that you will include that on your legislative agenda to fight for that change. That will require commercial properties to pay their fair share of taxes. We need that in this city.

[10:49:13 am]

You know the needs we have for our affordable housing, for our families, for transportation for those families and for health services for our citizens here. So i hope that you will include that and make that a top priority. Thank you very much. >> mayor adler: thank you. Okay. Any further discussion on item number 11? Those in favor of approving the item number 11, please raise your hand. Those opposed. Zimmerman voting no. Troxclair off the dais. Others voting aye. It's approved. Gets us to item 13. Ms. Houston, you had a question about that? >> houston: 13. Thank you so much, mr. Guernsey, my only question was -- first of all, thank staff for getting me the information that i asked for, but do all ten counties pay the same amount? >> i do not know, but i -- betty is here, i think she can tell you. Usually it's done by proportional amount but i think she can go into more detail. >> mayor, council, thank you. It's on a per capita basis by population. So theoretically the larger jurisdictions, cities and counties pay more than the rural ones do. >> houston: so can you give me kind of an idea of what that difference is from the small, small one to travis, which is probably a big, big one? >> i don't have the population numbers in front of me so i -- >> houston: i mean the amounts, the amounts. >> no. I don't have those in front of me. I'm sorry, i didn't know that. Travis county pays more than the other counties. Williamson county comes in very close because they're growing. I will tell you that a lot of the times the funding that goes out is proportionate, not because of what dues get paid but just because we tend to put more 911 and homeland security funding into the larger cities and counties

[10:51:15 am]

Because they provide broader services. >> houston: okay. Thank you. I appreciate that. >> okay. >> mayor adler: okay. Is there a motion to approve this item number 12? Ms. Houston -- 13, rather. Ms. Houston makes that motion. Is there a second? Mr. Renteria. Those in favor please raise your hand. Those opposed. It's unanimous with ms. Troxclair off the dais. That takes care of 13. I think that gets us to item 20. You pulled this, mr. Zimmerman. >> zimmerman: thank you, mr. Mayor. I've got an overhead i'd like to put up. This is a familiar exercise. I've done this before. You know, we asked for five years. We wanted to go back in time and try to understand why there's such a dramatic increase yet again that approaches a doubling of the budget so i guess we'll get the usual explanation. If we could -- i'll give staff an opportunity to speak to that if they want to. >> mayor, councilmembers, councilmember zimmerman, james scarborough, purchasing office. This item is to purchase laboratory equipment, laboratory chemicals and supplies in an amount not to exceed \$435,923 in the first year, with some additional years to an aggregate contract amount not to exceed five years. This procurement is a consolidation of previous multiple contracts. Those contracts existed over the last several years. It also consolidates spends outside of these contracts. The purpose for this consolidation is to receive the best terms, pricing, what have you, reduce the contract administration burden on staff and to have faster transactional time. We're glad to answer any questions if you have it.

[10:53:16 am]

>> zimmerman: terrific. You said it was a consolidation. The information i'm looking at up here, do these numbers include the consolidated amounts? Because we were asking for information on what had been sent previously so if you're gonna write another contract that consolidates to compare apples and apples you would need to show me the cost of all those expense that's were being consolidated so i could see what the increase is. >> we need to clarify the quantities we're referring to. There's actually three different types of quantities we're referring to. One is the actual amount spent and we provided that information. The other is the authorization for the previous contracts and we provided those numbers. Then we also provided an amount of spend that was outside of these contracts that does not have an authorization number. So looking back over the last five years, including the contracts that were established and authorized by council, as well as the external spend that was within city manager's authorization, it averages out to be roughly 270, just over 270,000 a year. >> zimmerman: it sounds like you did consider that consolidation. So the consolidation cannot explain this very large increase, that approaches 100% increase. Is there a reason why this wasn't put into the budget we just -- we just completed a budget cycle, right? A month ago. >> right. >> zimmerman: was there a reason why this wasn't done as part of the budget? >> i won't be able to provide all of that answer, councilmember zimmerman, but when we consolidate contracts we take a lot of different areas into consideration. There's a fair amount of unknown that may occur. Also we determine consumption based on the type of department we're supporting, in this case the utility and a production environment. There's a greater need to make sure that the continuity of services is maintained. But for the extent of the budget request being separate from a contract authorization, i'd have to refer you to

[10:55:19 am]

Austin water for a comment in that regard. >> zimmerman: one more thing. There's a column. If you look at what's up here, you look at the fiscal years here, we have fiscal year 2015-16. I just mentioned that we completed the 16-17 budget year. Can you tell me why that column is missing for the year we just completed? We asked for five years. So there's no context or is this new amount the 435,000, is that the fiscal year 2016-17? >> councilmember zimmerman, i don't believe so. We provided the information that was most readily available. We're just coming out of fiscal year '16 so i manage that information wasn't completely available yet, but i'll have to inquire with staff. My apologies. >> mayor adler: manager? >> yes. If you look on the face of the rca and the amount and source of funding, it indicates that \$399,596 are available for this contract in the fiscal '17 operating budget of austin water. So they did provide for a good bit of this in the current year budget. >> zimmerman: so that means if the '15-'17 column were included it would be in the ballpark of 400,000? So we would have jumped from 282 in the prior fiscal year to about 400,000 in the upcoming fiscal year. >> that's correct. >> zimmerman: okay. So the question here, so in the next budget cycle that we're gonna do, you know, that we're gonna start next spring, will which 435,000, is that what i'm gonna see on the proposed budget? You know, we'll get a proposed budget, right? We get that every year. Am i gonna see the 435,000, you know, when the proposed budget comes out? For '17-'18. >> councilmember, that's a fair broad question with regard to how departments develop their budget estimates for the coming year. In discussing your question with staff and with our

[10:57:20 am]

Particular budget manager, given the hundreds of contracts that are used by a given department, they typically develop their budget estimates based on their actual spends from the previous year, as well as their anticipated needs for funding in the coming year. They will certainly look at the types of products and services that they purchase under their various contracts, but to track each individual contract authorization and use that authorization amount to put into their budget, it would -- it's not a practical and from what i've heard it's not a common technique that the budget managers use. In fact my budget manager wasn't familiar with that approach at all. So the amount of the contract authorization, however, is representation of staff's best estimate of what may be needed for that contract, but it is not actually creating separate money that is separate from the appropriations done by council. Council authorizes the amount that may be spent. The contract amount that is authorized is an estimation of that contract's value, but it doesn't force money to be pushed into future year appropriations. >> zimmerman: okay. So i'm trying to follow that, but if you look at the column here on the first -- look at the five one-year extensions \$501,837. That's a precise number. >> yes, sir. >> zimmerman: to a dollar. That's what's confusing about this. If the policy idea here is we're gonna be in the ballpark of what's gonna be spent how come it specify it down to the dollar? >> i inquired with staff and with austin water representatives that participated on this particular procurement. The rationale is to maintain a -- an ease of contract administration. They estimated a flat 5% increase year over year going out over five years and took the average of that increase and applied it in a flat line so that there may be less consumption in the following year but there may be more consumption in out years. But it's for ease of contract

[10:59:23 am]

Administration. >> zimmerman: final question on that number, let's say the \$505,837 isn't needed or is not spent. Doesn't the director have discretion to spend that money elsewhere in the budget? >> the amount you're referring to is contract >> the amount is contract authorization so it doesn't apply to real dollars that exist in the department's budget. They can only spend what's appropriated by council. >> zimmerman: okay. >> mayor adler: further discussion? Mayor pro tem. >> tovo: mayor, i would like to move approval. >> mayor adler: there's been a motion to approve item number 20. Is there a second? Mr. Renteria. Any discussion on this? Ms. Houston. >> houston: thank you, mayor. I just want to thank mr. Scarbrough for your explanation. I appreciate it. >> mayor adler: further discussion? Those in favor raise your hand. Those opposed. Mr. Zimmerman voting no, troxclair off the dais. This item is approved. That gets us to item 26 -- no, no, yes, item number 26. Ms. Gallo. >> gallo: thank you, mayor. So before i make -- >> mayor adler: is your speaker on? >> gallo: it is. >> mayor adler: okay. >> gallo: is it -- okay. Thank you. Before i start, we passed out several revised versions. The one in the yellow you can throw away because we replaced that with the one in the white that's red lined so it's easier to see the changes. So they say the same thing, but one version is easier to read. This -- this conversation started as part of the grove

[11:01:25 am]

Zoning discussion, and one of the requests from the bcrc was to come up with some type of traffic mitigation plan that would help future issues with traffic safety and traffic mitigation in the surrounding neighborhoods. And so we began to work on this and tried to come up with something that would allow us to form a fund that could be used with neighborhood input and city staff to be able to have a funding source to address neighborhood speed and traffic and safety mitigations in the neighborhood. You know, as we talk about on the dais, we talk about approving zoning changes that -- that change the density in the neighborhood, change the effect of traffic on a neighborhood, i think it's really important

for both the developer of that property and also the city to realize their potential long-term effects that need to be addressed, and all of us on the dais know as we've worked with our different neighborhoods and trying to formulate and help with different traffic mitigation problems and safety, it's difficult to find the city funding. We fund our transportation department less and less as a percentage of the budget each year and so the money is just really hard to find to do this and these are really important discussions because it is the safety of our neighbors and the safety of our neighborhood children. So that's where the conversation first started. This is not -- certainly not to replace any traffic mitigation fee or funds that are required of the developer or -- or offered by the developer. This would be in addition to that. And once again as we talk about different plans to get people out of cars, use

[11:03:30 am]

Multimodal solutions in areas and in our neighborhoods, this could be a funding source to be able to continue to fund those opportunities also. So what's been passed out, it started -- this started with a conversation of using the property tax, future property tax from the grove. There was resistance from the council -- some of the councilmembers on that because the council passed an ordinance a bit back that takes all of the future tax dollars from this property and puts it into the affordable housing trust fund. And so then we moved to opportunity of looking at sales tax from the increase sales tax that would be gained from this development, the commercial and the retail, and couldn't get enough traction from the councilmembers to be able to do that. So what we've done at this point is that we have made some changes based on feedback from tuesday's work session that we broaden the language and the first, second and third be it resolves to make it less prescriptive, but i don't think these have changed my original intent of the resolution which allows the city manager to explore creation of a fund that will be used to fund additional off-site traffic and multimodal improvements over and above the developers in the surrounding neighborhoods of the grove. So i'm asking that the council please support the resolution to allow our city staff to explore this concept and then report back to the council so we can have the needed additional information before we as a council too decide whether or not this is a tool we want to add to our transportation and pedestrian safety toolbox. >> mayor adler: it's been -- the item has been moved as laid out in the red line on the page. Is there a second to that? Ms. Kitchen seconds that. We have some speakers to

[11:05:31 am]

Speak. Do we want to do that or do we want to stay on the dais? >> kitchen: could i explain my second? >> mayor adler: yes, go ahead. >> kitchen: i'm supporting this as it stand now for a couple of reasons. Because i'm interested in hearing what our staff has to say about this as a potential tool in the future. I recognize the impact on surrounding neighborhoods of traffic as we continue to grow and i'm interested in exploring all the different types of tools that might be available to us. So i'm supporting it because it simply creates the mechanism to explore it, it doesn't create the tool. I don't know if i'll actually support the tool when it comes back to us. The other reason i supported it is because it clarifies that this is over and above what a developer would be required to pay. I would not -- i would not support anything that supplanted or took place of what the developer was required to pay. En and then finally, i am interested in exploring the cip, c os and other types of funding. I doubt i would support taking tax revenues. I know i wouldn't take any tax revenues away from our housing trust fund. But at this point the bottom line for me is this is a tool worth exploring with the caveats for where i would be on it. I'm not certain if i would support it when it came back, but i do want to go through this exercise because i think it's really important to try to think about all the tools that might be available to us to address traffic impacts. >> mayor adler: okay. >> gallo: and thank you, councilmember kitchen, for mentioning. It is absolutely not

the intention any of this funding would replace a developer or property owners' responsibility so thank you for clarifying that. >> mayor adler: ms. Pool. >> pool: if this traffic mitigation fund is as is being

[11:07:34 am]

Described and -- and maybe it is and maybe it isn't, then i'm asking why -- and i have passed out a motion to amend item 26 to remove any and all language that are specifically related to any particular part of town. This repeats bull creek road and it has some specific boundaries in it, and if indeed we are looking simply for a generic tool, which is what i think my colleague councilmember kitchen is looking for, then we don't need to have specific boundaries, specific physical boundaries so i'm asking to -- my amendment would remove the language referring to these specific physical boundaries. And then my additional be it further resolved that i would offer is in addition to looking at various options for this fund, the city manager is directed to identify ways to improve the efficacy and funding for the city's existing local area traffic management program to speed up transportation improvements across the city. I posit to my colleagues we already have a tool like this in place and there is no need to -- to forward this item 26 for any -- for any other reason that it relates to the grove. And if it does not relate to the grove, then i recommend that we remove any and all references to it. But my point is that we have local area traffic management program in place that can do this. And in fact it does do the kind of funding, it does send funding and sets criteria and rankings already. So i think this is redundant. >> kitchen: mr. Mayor? >> mayor adler: ms. Kitchen. >> kitchen: just a quick clarification. I am okay with exploring this in the context of a particular part of town. Again, as i said, that's one of the issues that we'll have to consider when it comes back. But i just wanted to clarify since councilmember pool referred to my intention. I didn't mean to say that i

[11:09:36 am]

Was only interested if it moved forward without naming an area. >> mayor adler: okay. Mr. Zimmerman. >> zimmerman: mr. Mayor, i concur with councilmember kitchen. I think the point here from a technical point of view is different areas of the city already have very different density and different density suggests from a technical point of view you would look at different potential solutions. We have some areas in district 6 that are surrounded by wide open spaces. Those are very, very different technical considerations than around bull creek area and around mopac where we have considerably more density or downtown or even in the central business district. So i think i concur with councilmember kitchen on this. >> mayor adler: mayor pro tem. >> tovo: i definitely want to hear from the public real soon. I guess i would just say, though, but councilmember zimmerman, this is about how we fund those improvements. It's not asking -- it's not asking staff to apply the same technical specifications to different parts of town regardless of what's on the ground in terms of traffic and development and density and experience. This is really about how we fund traffic mitigation improvements. So i'm not sure that i understand how your comments relate to the discussion of the resolution in front of us. I'm not trying to be contentious, i don't understand. >> zimmerman: that's a fair question, but i would like to see more of our spending decisions and spending options driven by technical decisions. So i think the technical civil engineering studies and the work that's done can say, you know, we have a greater need in a particular area, we need to prioritize this for funding so i think that's fair. I think the technical argument and the financial funding argument are connected, they are absolutely connected. >> mayor adler: okay. Mr. Casar. If,. >>. >> casar: since i wasn't going to lay out my amendment until later but since we started a bit of that

[11:11:36 am]

Discussion i want to put mine in a little context and i think it goes to both councilmember zimmerman and mayor pro tem tovo's points. While i understand what councilmember gallo is trying to do for her constituents and nearby neighborhoods in this area and i appreciate that, i ultimately will not be able to support the resolution, but if there is will on the dais to support it, i think the amendment that i will lay out later is a -- will be a helpful alternative so that when staff is exploring this option that they also explore an option where we look to see what some of the highest needs might be in this particular area, but also put that in context of the highest need issues across the city so that we have some -- so that we have some context for the decisions that we're making. As councilmember zimmerman just brought up, i would want to know what the highest need issues are in this area and how they rank compared to other needs that we could equally fund. I think there may be see very high need latm in this particular zone and i would want to know the highest ranking ones are. That's what i want to lay out to make sure we're exploring multiple options and tools we could make decisions on later. I don't like to amend resolutions very much that i'm not going to ultimately going to support, but in this case i would urge that we include the amendment if we're going to pass the resolution. >> mayor adler: yes, first ms. Gallo, then ms. Pool. >> gallo: and perhaps it would have been helpful for me to add a little clarification to this. So this is -- this resolution is tied to the zoning case, the bull creek road -- the grove zoning case because one of the bull creek road coalitions request as we've been working on amendments with the neighborhoods surrounding this property was

[11:13:37 am]

To dedicate 3 million to off-site traffic mitigation and multimodal improvements funded by applicant and tax increment funding. So this resolution started with a request from bull creek road coalition that we address this. So i -- that is the reason that it is specific. We were informed that this could not be part of the zoning case, that it had to come separately, not as an amendment to the zoning case but as a separate resolution. So that's why this has tracked forward. We've tried to manage the tracking of this to get to the council at the same time we were talking about the grove zoning case. They are tied together and once again the beginning of this resolution was a request from the bull creek road coalition. That's to answer ms. Pool's question that's why it is tied to this specific neighborhood. >> mayor adler: yes. >> pool: two things, one related to the bull creek road coalition, i did talk with the president of the coalition yesterday-or tuesday i think when this first came up and she said this is not in fact an idea that they are supporting. They wanted alcohol tax and sales tax, they didn't want property tax and they didn't want a tif that would tax the people who lived in that area, which is why they actually have no position on this item 26. They -- they don't support it. Now, there will be some folks here today from the coalition to speak when we get to item 39 and it may or may not come up, but that's my understanding. I do have a question for staff. I see mr. Good there. I had raised the local area traffic management program. Could you maybe help me understand? We do have latm. My understanding it does fit criteria and priorities of where we do certain projects and it's a long-standing program.

[11:15:38 am]

How would -- how would something like this integrate with that? Would it be redundant? Would it be an expansion of it? What would the effect be? >> robert good, assistant city manager. Yes, we have a local area traffic management program. Funding comes from the quarter cent funds that some of you all have dedicated to those projects. Also from bond programs. And we do have -- projects in the few that are funded and that aren't funded. As i see this resolution, this would direct us to evaluate projects in the

grove's area and then the resolution also tries to explore a different funding source that could be, i suppose, complimentary to the fund that -- the funding sources we have for local air traffic management program as is today. >> pool: and the money -- and the money that would be -- that would spin off from the boundaries would go directly to latm or the mitigation fund in that area. What about the other parts of town? Would we in fact be creating a competition among zoning -- other zoning cases, other parts of town and then what would -- that would eventually devolve into -- we would be tying -- if we did this everywhere, for example, which once we do it once, we might do it elsewhere, we would end up tying these additional revenues from whatever source they are to a particular part of town and then we would never be able to make decisions based on what's actually the most important as far as priority at the city and on an off chance that we have some kind of a crisis like a flood, we might not be able to redirect moneys from other part of town to a part of town that might need it because we would be tied to a mechanism like this. So i'm real concerned about the changes that this -- that this offers and the fact that it is directed to a part of town that, one more time, i really still believe development should pay for itself and if there are

[11:17:40 am]

Problems with the traffic in the surrounding items, which this item 26 does seem to acknowledge, then those traffic concerns and those impacts should be calculated by the staff and they should be absorbed and paid for by the development itself. >> the one thing i would add to that statement is one thing [inaudible] give us a list of projects that you all would like to be costed out. That's one we found valuable. With councilmember gallo [lapse in audio] tells us we would like you to cost out this kind of project. That's what would be helpful in the resolution is to go away and come back these are the [inaudible]. How to fund that and how that fits in with the rest of the local area traffic program [inaudible] >> pool: i asked to expand the boundaries of where we are looking at the air traffic impact and [lapse in audio]. >> i think there's a -- [inaudible] would give you the data. >> pool: so i do think we need a larger policy when we say development pays for itself. The traffic impacts will be greater on those two roads and

[11:19:41 am]

Intersection to really back that up and show that we really do mean the development to pay for itself. Thank you. >> kitchen: i have a followup question. >> garza: i have too. With regard to the response that this will allow you to cost out, what stops it from just being [inaudible]. >> when it gets to -- i can't remember if 25, there's quite a few projects on this list and it gets to substantive work, it's like if you said i would like you to design a bridge [inaudible] we would need the body to tell us that. There's -- it's an art to determine how far that is too far for the council as far as body to tell us to go do that. >> garza: so you think that's being asked here rises to the level of direction. And my other question is we were presented a list on tuesday with a bunch of different areas with amounts. Is that not -- >> those were very high level cost estimates. Now we're being asked to really do an indepth analysis and cost [inaudible] of the project. >> garza: i'm just confused on this is adding to -- you know, we talk about codenext and it's trying to solve a problem where we added different processes on top of different processes. We have a system in place now that -- projects that changing from the trips to rough proportion at and that in itself has been a huge

[11:21:41 am]

Undertaking. So is this adding another layer to what's already a very complicated process to determine what needs to be done and where this need is? And i'm sorry to add a question on top of that, speaking of adding layers, and we look to all that different funding. When we rank those projects, we look to cip, we look to bonds, all those things. I'm trying to understand exactly how this is different than what we already do. >> it is, there is an existing local area traffic management program. From what i understand this resolution is asking us to look at some specific projects around the grove area. And then to determine how -- i suppose how that fits into our existing program. As i mentioned earlier, we have a queue of projects that are waiting for funding that have already been identified by neighborhoods as issues and projects they want to move forward with and we're working with those neighborhoods, but we don't have funding identified. So that -- [inaudible] that's what we need direction from council on. >> garza: i guess my thinking, i want this to fit into the -- as staff has decided all other projects throughout the city is why i have my concerns. >> mr. Mayor? >> mayor adler: ms. Kitchen, then mr. Zimmerman. >> kitchen: just a question for you. This is a much longer conversation so that we're going to have to get into when you bring back the transportation impact fees. >> yes, ma'am. >> kitchen: so but i just want to clarify that i'm understanding correctly that there are some state law limitations on -- that we have to figure out how we push the envelope on, but still have to work within in terms of what we can hold developers responsible for.

[11:23:42 am]

And that that's part of our -- part of our discussion with the transportation impact fee, if i'm nodding correctly. >> that's correct. >> kitchen: at some point, and i'm looking forward to that discussion next year, at some point we'll be able to hold the developer -- we can't hold the developers -- because we're -- there are state law parameters for every last single thing for miles and miles away, particularly if they are existing issues. So we can't answer those questions right now. That's a much longer discussion as part of the transportation impact fee, but i wanted to make sure i was understanding correctly because i'm operating under the assumption as much as i want to hold the developers responsible and i will to the extent -- full extent we can push the envelope of the law. But am i correct in understanding that there are some parameters, state law or constitutional parameters that we have to work within? >> there are. There are. In fact, in the impact fee analysis, we'll actually have to design six-mile diameter areas and the development when they fall within that, that's where the money has to be spent, within that six-mile area. >> kitchen: okay. >> so there are many layers, using councilmember garza's term, to that policy and product that will produce, but it's an effort you know is underway and that will help council understand much more the policy you'll give us on how to implement those impact fees. >> kitchen: and that will be sometime next year? >> yes. >> kitchen: thank you. >> zimmerman: mr. Mayor? >> mayor adler: mr. Zimmerman. >> zimmerman: thank you, mr. Goode. I understood the questions from councilmember garza, fair questions, i thought. I thought you did a great job of answering them, so i'm more inclined to support this thanks to your comment. But quickly has somebody done a rough back of the napkin on fees brought in because of this large project? There was one question i didn't understand and that's

[11:25:42 am]

Why are we looking at this area. We are looking at this area because we have a huge community conflict over the grove. Do we build it or not and how big should it be, how much traffic. That's why we're doing this because it's a huge issue, an elephant in the room. Makes perfect sense we would focus on this area in the context of these discussions. Do we know rough how much more money is going to be coming in from the transportation fees from the new development? >> i don't know if we've done that calculation.

We can. >> zimmerman: doesn't it make sense that brand new developments, open land is contributing nothing to the traffic. If we put the grove in we're going to have a significant contribution to transportation but also get some transportation user fees and it would make sense to dedicate those to the local area and i think that's what this is all about, the way i understand it. I also agree with you that you can't be taking requests from every councilmember to do real engineering work down to 5 or 10% accuracy. You've got to have this body direct you to do it and i think it makes perfect sense what councilmember gallo originally proposed to focus on this area at this time, get some better estimates and support the conversation of this big development. Thank you for your answers. >> mayor adler: mayor pro tem. And then mr. Renteria. >> tovo: i too appreciate your answers, but now i have to say i think i've added a concern to my list of the concerns that i articulated tuesday because we've had discussions that all we're really doing is asking staff to go forward and look at maybe a tool, though as one of my colleagues mentioned earlier, we're asking you to look at funding sources that we already use really for traffic mitigation issues. It sounds on to me more like now what we're doing after your testimony is directing staff to do what sounds like a substantial amount of work to cost out what all the mitigation possibilities are and what those exact costs are going to be in a particular area in response to a particular project. And so it is -- i've heard a

[11:27:42 am]

Couple suggestions from my colleagues that they may not support the tool in the end, but i think we need to really acknowledge we're directing the staff to do a very -- what you've described as a substantial amount of work looking at this particular area of town and i'm not sure -- and, you know, there have been concerns expressed about it. So i think we all ought to be sure we support -- i would urge my colleagues if you are not sure you support the tool, i'm not sure we should request staff go forward and do a substantial amount of work identifying all the costs that would be supported by this tool. >> kitchen: could i speak to that, mr. Mayor? >> mayor adler: mr. Renteria is next. >> kitchen: she's referring to my comments. >> mayor adler: i understand. >> renteria: mayor, i signed on a co-sponsor for discussion purpose because, you know, my neighborhood is basically around rainey and sixth street, fifth street, we're under extreme pressure on the development that's going on where we have the saltillo, where we're probably going to be adding over 800 units plus retail living units and we have all up and down fourth street condos and apartments which, you know, we're going to have a big, big traffic impact on our community. And if -- i wanted to see if we're going to be doing this, then why are we working on -- i wanted to see how i could do it in my neighborhood. I mean we're having a lot of off-street park, all kinds of problems with transportation. It's very hard to get out of our neighborhood. And i would say hey, if we could do this for bull creek, we should do that for east austin also. So i -- the reason i was supporting it is i want it to

[11:29:46 am]

Be citywide so, you know, where -- i have another neighborhood, my district in south congress are adding all kinds of apartments there and traffic is going to have a big impact on that neighborhood all along st. Elmo's. So if we're going to do something, i think we should do it citywide. >> mayor adler: ms. Kitchen. >> kitchen: and i -- i concur with what councilmember renteria is saying and that's why i think it's important to explore these tools. We don't know the answer right now and i don't see any reason to not ask the question. You know, it's -- we need some tools. And just -- just throwing all these parts of town into the mix that we have right now and the latm and the priorities doesn't acknowledge that we have parts of town like councilmember renteria was talking about that are really bearing the brunt of a lot of this development. And so -- and we have some parts in south austin too that are -- that are feeling

that. So i -- i think it's important to consider all the tools that are available to us. The kinds of questions that are being raised right now are critical and important questions. We don't have to answer them right now. But i do think it's important to explore this as a tool. And i think somebody mentioned the transportation user fee. That's an intriguing question. About the extent to which the transportation user fee ought to be dedicated in certain areas. These are really tough questions. There's a lot of different issues related to them, a lot of things, you know, we kind of touched on some of this when we passed our quarter cent funding. We're not going to be able to answer those questions today, but i think it's worth an exploration and that's why i'm supporting it. There is no way i'm going to know right now whether i'm going to support this when it comes back, but that doesn't mean i can't ask the question right now and i think that's really important.

[11:31:46 am]

>> mayor adler: i would remind council we have some folks in the public that want to speak too and i don't know if we want to hear from them and come back. We can certainly stay on the dais. Mayor pro tem. >> tovo: i guess i really do need clarity about what it is we are expecting to come back from this because councilmember renteria, you mentioned rainy street, and i'll just say this morning we passed on consent the lifting of the restrictive covenant and in part that agreement was possible with the neighbors because the potential buyer of that tract agreed to fund privately a traffic study that i think is going to look at some of the issues that we're asking staff to go forward and cost for us here today. So you know, it seemed to me what we were doing in this resolution or being asked to do in this resolution was consider using particular funding sources to create a fund for mitigation for this project. I mean, when we start talking about maybe expanding this idea citywide, then i have to get back to a question that i think somebody asked earlier which is that's how we always fund traffic mitigation through bond funding, through sales tax because that ends up in the general fund, through property tax because that ends up in the general fund, then really what are we doing? We are very clearly directing a very focused look at this particular area. That's just the substance of the resolution. And so -- i mean, i'm not -- i'm getting more and more muddled in the course of this conversation because it just is what we're doing here is looking at this particular project, asking -- giving the direction to staff to go forward and consider this big zoning case and all the other surrounding projects and cost it out for this area. And if we think at the end of the day we are then going to measure that finding against all the other projects citywide, then i guess i would ask why -- why we would have this focused look at this point when we know there are

[11:33:47 am]

Other needs around the city. >> mayor adler: ms. Pool. >> pool: well, i just go back again to say that we're having to go through this fairly complicated process here because the developer is not willing to either expand the boundaries of the traffic impact around the grove, which is a really simple question, and i did ask that that be expanded months and months ago and it didn't happen. The developer wasn't willing to do it. So i just had to ask my colleagues here if the developer isn't willing to do the work in order to even prove that he isn't going to affect the traffic around this site, he's not willing to do that, why should i agree to have taxpayer money to pay for that? It doesn't make any sense. Now, if as some of my colleagues are saying they would like to see what this possibly creative way of funding traffic is, which frankly i think we probably have had a lot of creative ways of looking at funding, we haven't taken the time to fully explore and understand all the processes and mechanisms in place that are time tested. But if indeed there is something still out there that we haven't looked at, then take away the specific references to bull creek road, which would be the hancocks, it would take away on the be it resolved the

city manager is directed to explore the creation -- so have to change that, take out bull creek road area local traffic improvement fund and strike everything in the second be it further resolved where it lists one, two, three, four, hancock drive, burnet, west 34th and 35th, mopac expressway. Those are the very boundaries including north of 45th

[11:35:48 am]

Street that -- actually that doesn't go up above 45th street and that's a huge concern for the neighbors in this area. If we're really going to do this right, those boundaries should be different. But i don't agree with this approach. I don't think this is a right approach. It is not up to the dais to find the money and take it out of the taxpayers in order to pay for funding to mitigate traffic that is clearly being acknowledged will be the negative impact of this massive development at the grove. So, you know, i've offered up an opportunity to take out those boundaries, but you know what, i'm just going to vote no on this. This isn't necessary. And i think it sends a really bad signal to the rest of the city about what this dais is willing to do in order to tie itself up in knots in order to support a developer who has not been willing to negotiate with the neighborhood. >> kitchen: mr. Mayor, i just have to respond very quickly and that is just to say that i don't appreciate it being painted as being in support of the developer. We can certainly have disagreements on whether this is a good tool or not and i certainly respect everybody's opinion on whether it's a good tool or not. But it says over and above the developer's responsibility and i have said over and over again i would not support it if it was instead of the developer's responsibility. So i just -- i'm just saying that again because i don't want my support to be misinterpreted. >> mayor adler: so i think my debate in work session -- i'm going to say something. At work session i said i thought that this could be a tool that might work in an unusual and specific situation if something was being built other than what the developer wanted to be built so as not a tradeoff for whether the developer was trying to do. I expressed concern about

[11:37:49 am]

Having a conversation that had us spending infrastructure need -- infrastructure moneys without regard to need. As i hear this debate right now, i am leaning at this point to voting against this because i don't think that we have enough clarity with respect to the -- to the exception that i was trying to pull out yesterday. And for that reason i think it could evolve into a broader conversation going into a place that i don't think we should go for all the reasons i've said on the dais including back when we were having the quarter penny debate. So i just lay that out there so that my last statement on this issue wasn't what i said on tuesday. Further discussion before we go to the public? Yes. >> gallo: i just want to make some clarifications that were stated before and be very specific. We did not start out or have ever proposed this as a tif. So that information i want to correct. It is not, not being proposed as a tif. And also there -- councilmember pool said something about the bull creek road coalition. I think we have, if we could put that up on the overhead, in a meeting with the bull creek road coalition, they gave us a handout that was dated june 16th with their requests, they are numbered. And if you look at that, the one that is number -- i can't read it from here, 7, 8? Specifically has the language dedicated 3 million to off-site traffic mitigation and multimodal improvements funded by applicant, contributions and tax increment financing. So i just want to say again that the reason this has come forward as a resolution from my office was it was one of the requests from the bull creek road committee will eggs that all of us have -- coalition that all of us have been working to we can get to

[11:39:51 am]

Resolution on and get those included. That is why this is specific to this area and the reason we are talking about this as a resolution it's not something that could be included in the zoning as the other amendments can be that we've worked on. I just wanted to clarify if they have changed their mind we have not been notified, but this is part of the meeting in June and this was part of the handout we were presented with a request on it. I just wanted to clarify that information, please. >> Mayor Adler: are we ready to go to the public? Mr. King. You have six minutes, Mr. King. >> Thank you, Mayor, Mayor Pro Tem, Councilmembers. The bottom line on this is this is about increased density and who is going to pay for the impact on our city. That's what the bottom line is here. It's more density in this area and there are impacts and who is going to pay for them. And when we talk about density, then what is this Council's policy on density fundamentally? Is density there to help our low-income families raise -- low-income families, families of color, low-income families? What is the policy of our density -- what are our density policies? It seems to me it's about allowing the developer to have a nice high-end development for affluent new families who want to move to the city. He's threatened I'm just going to give you an average development if you don't give me my entitlements. That's on the record. Really that's the bottom line. Our policy if we approve this is to say yes, come on down, we're going to make way for you. We're going to -- our policies are going to facilitate this. And what harm does it have to those of us who already live

[11:41:52 am]

Here? We know what's happening. We know these families are being pushed out to the edge of our city. So I think our policies, I don't think that you are willfully encouraging this policy to hurt our citizens, but you know that's what's happening. You all know that sitting up there on the dais. So I ask you again what is the fundamental reason for our density? Is it to help the low-income families? Is it to help young families? Is it to help families of color? I think that should be a policy that this Council puts on the record. And I'm not saying we don't welcome our new folks, the affluent people who need a place to stay here, that's fine. Our policy should accommodate all of us. The ones that are here now and the ones who want to move to our city, but I don't think we're there yet. I think we're trading off the new folks for the folks that live here already. And I know that you don't intend for that to happen. But that's what's going to happen with the Grove PUD. It's about increased entitlements for high-end development to have a place for those folks to live. And I don't begrudge these people but I am saying it's your decision about that entitlement, whether you want to grant that entitlement and what exactly that is going to -- impacts that is going to have on our community. Now we're talking about who is going to pay for those impacts and once again it looks like we taxpayers, the folks who already live here, may be a southern even more of -- absorb even more costs to make way for new families who want to live here. And I ask you what kind of city will density get us? You may have heard about this concept of an imperial city. An imperial city, large fast-growing cities throughout the world are becoming imperial cities. They use density to say we want to stop sprawl and that's

[11:43:53 am]

Good for our community, but what happens in all of that's fast, large -- large fast-growing cities with increased density is what's happening in Austin. The low-income families, the families of color, the young families get harmed. And the ones who live in the high density area of the city, they have all the amenities. Look where we are right now. Look within a five-mile radius, four-mile radius of where we are, all the amenities available to the folks who are high-income families who live in this part of the city. They have auditorium shores, outdoor parks, parks with amenities that you don't see in other parks in our city. We are building an imperial city here. And you may not be willfully doing that, but that's what

we're doing. That's what we're building here in austin, texas. So i ask you to stop and think about your policies on density because that's fundamentally what we're talking about right here. If those policies are hurting people who live here and who have lived here for decades, then why don't we change those? Why don't we make some adjustments there? And so i ask you on the grove pud how many low-income families are going to be helped by that development? How many? A drop in the bucket. I know there are those of you on the dais that are fighting for more and more of that. But in my neighborhood we have vmu projects that have generated low-income housing but we cannot even tell you if those are occupied by low-income families. That data is unavailible. We have that's policies to grant incentives and entitlements, but we don't see any impact, negligible impact at all. Go and ask the city staff how many of those low-income affordable housing units on south lamar in my neighborhood, how many of actually occupied by low-income families.

[11:45:54 am]

They can't tell you because they have no monitoring and verification. They can certainly tell you there's supposed to be that many units, x number of units but they can't tell you if they are occupied by low-income families. If we can't monitor and verify, why do we keep doing these policies? So to me i would ask that this council go on record about what it is your policy on density, what kind of city do we want. Do we want an imperial city where all the amenities are those who live in our dense urban core or do you want a city more equitable and fair? Where low-income families can live in all parts of our cities, in the neighborhoods of high opportunities. [buzzer sounding] in downtown austin too. >> mayor adler: thank you. >> thank you. >> mayor adler: mr. Zimmerman. >> zimmerman: i would like to move passage of item 26 to get us started here. >> mayor adler: okay. This is your motion, ms. Gallo. Is there a second? >> i'll second. >> mayor adler: is there any discussion on this? Yes, mr. Casar. >> casar: and i -- i can't support the motion and i'll -- if for whatever reason it passes i'm not going to move my amendment, like councilmember pool i'll just vote against it and if it does pass i may have input as to what the process should be moving forward. But my staff did have meetings with multiple neighborhood groups in the area with folks from the bcrc and other neighborhoods talking and asking about various funding streams for -- for this sort of mitigation, and i understand where that's coming from, but at the same time i have to think about the development that happens and it's going to happen at saltillo, the people that have been living around developed areas for a long time that have had no sidewalks or speed bumps. And so i think a vote no to this can open the door to us looking at our latm program

[11:47:54 am]

And sidewalk master plan and figuring out if those are ranked appropriately. But if we want to to be a citywide pool, i this i we already have that with funding streams, we have to work better on how those programs are prioritized. Ultimately what this is doing is taking one-time funds and figuring how to put them in one location and while i've met with lots of people in that location and sympathize with them very much, i'm from a citywide perspective i would like the people that need this the most, be they living in this area, another area, to get that support. For me if this is going to be a citywide thing that's a vote no. If we want to start looking at very specific areas that's a vote yes and that's why i have to vote no. >> mayor adler: further discussion on the motion? Mr. Renteria. >> renteria: yes, even though i co-sponsored, i did it for conversation purposes because i really am interested in my district. We are really - the development that's going on in my district is just overwhelming. And i wanted to find out if there was some tools out there that could help my district also since it seemed like this tool has been trying to be used over there in bull creek area. But after listening to all the conversations and the input, i'm not going to be able to support this. Maybe in the future when citywide type look into the traffic problems

that we are facing. I'm still going to wait until at least -- until that happens. >> mayor adler: ms. Gallo. >> gallo: thank you. And we actually -- wins again, i just want to be clear this was brought forward because it was part the discussion with the zoning case. It was an item that was requested by the bull creek road coalition. I think we even have a more recent letter that was sent to us and signed by the president and vice president. Can you put that up?

[11:49:57 am]

It's dated august the 31st. The third -- if you go towards the bottom, the third item was a local traffic mitigation fund could be -- property tax generated by the development. Multiple times we have been requested to have some type of conversation and creative thinking to try to figure out a local mitigation traffic fund that could be developed. The reality is that there will be increased property tax revenue to the city because of this development. The council has already allocated all of that to go to the affordable housing trust fund so there is a benefit to affordable housing because of development of this property. There will be sales tax that increase that come into our community and come into our fund, general fund, because of this development on this property and there's also the transportation user fees that councilmember zimmerman mentioned. That will be increased and additional money that's coming into the city. We as a council have already determined that part of the benefit of the growth in development on this property is going to go to affordable housing. I think council has a responsibility in the discussion of allocating the additional increase in funds that will be coming to the city from this development to allocating those to other resources just like we did with affordable housing. I think the neighbors have asked, bull creek road coalition has asked. We all realize there are going to be traffic mitigation that needs to be done to keep neighborhoods safe. And as we did with the discussion for affordable housing to be paid for by this development with the property taxes and increases, i think we have a responsibility to look at some of these other sources of increased funding that could be opportunities for this. The reality is the developer is paying a large portion to mitigate the traffic impact. The other reality is the city

[11:51:57 am]

Does not have enough money to be able to provide the neighborhood traffic mitigation. The list that we passed out last tuesday at work session was a list that was developed by transportation as part of the quarter cent funding, and it was almost \$4 million worth of unfunded, unmet needs specifically for this area. There is no money available to fund those needs. And so this is just a conversation of giving us this opportunity. I think it was an appropriate ask by the bull creek road coalition. We were happy to be involved and to bring this forth and i do think we as a city when we look at growth in our areas, particularly our infill areas that is correct we also have an obligation to make sure we are creative trying to find funding sources to deal with traffic mitigation issues going on in these neighborhoods. >> mayor adler: ms. Houston. >> houston: thank you, mayor. And i want to thank councilmember gallo for bringing this forward. It is very creative and it is -- it is difficult position that i find myself in because we did in fact take some of the money that would have been generated and put it in the housing trust fund. And so now you are trying to find how -- how the other issues regarding traffic can be handled. Last year when we started -- as i started as a member of this council, i talked about cumulative effects of traffic, and i've been talking about this, and this is unwieldy of those things, it is something that we are going to have to address in some way and if i had a creative way to help you figure out how to say that this is going to have far-reaching effects on some of those small traffic areas, streets in the area, i'm not sure that i'm comfortable with this one, however, but i appreciate you bringing forth something that we could have a conversation because the conversations need to be had.

[11:53:57 am]

It's happening all over austin. The increase in traffic and the infrastructure is crumbling in some areas. There's no money to fix it and we need to find some way to give transportation and public works some funding. But let's keep wrestling with it. >> mayor adler: any further discussion? Ms. Kitchen, then mr. Zimmerman. >> kitchen: i would just like to say i think we've all raised -- i hear an interest on the council that there be some sort o solutions for the problems that we're raising. So regardless of what happens with this item, i'm committed to perhaps through the mobility committee or through some other avenue we might explore other kinds of concerns that we're raising about i have did friend parts of town, councilmember renteria and others have raised because i don't think we have all the tools we need in our existing -- not to mention the funding, but i don't think we have all the tools so i think this certainly bears discussion. I won't repeat all the things i said before about why i'm supporting this. I do hope that -- that the take-away for the public is that everybody, every single person on this dais is trying to -- recognizes the problems we're facing here and trying to come up with the best way to address them. So i would hope that that's the way that the public understands this. >> mayor adler: mr. Zimmerman. >> zimmerman: thank you, mr. Mayor. So these are a lot of the points we keep repeating over and over again. I want to say to mr. King, we already have gentrification pressures and even if this project, the grove, is not built and it remains open land, we still have traffic congestion problems in that area. We still have market pressures, you know, driving up the cost of housing and driving people out. So there's a very legitimate

[11:56:00 am]

Concern in this particular part of the city here about the impact of traffic. Traffic is going to get worse and it's already bad. So the developer has asked to do a traffic impact analysis. That analysis is criticized. There's a reasonable criticism that if you have an interest in developing the property, then your traffic impact analysis could be criticized, well, you know, your speculation and your model is just to support what you want to do with your project. Okay, that's a fair criticism. So then let's have the city, which presumably would have just a more balanced study and say, you know, we just want to know the facts. We're not pro-development, we're not anti-development, let's just try to get an honest engineering assessment of what this is. Let's ask for a technical answer. I think that's also what the coalition was asking for and councilmember gallo has pointed that out twice, let's get a more objective study of the impact in this area because that's what's up for debate right now. Yes, we have traffic congestion everywhere, but we're talking about the grove that's going to have a localized regional impact in this area. That's why the resolution targeted that area because there's legitimate concern, there's speculation that the developer's tia is biased. Okay, so let's get the city to look at it. Then why don't we propose something, it said well, we can't do that, it has to be general. We already have those tools. So it really starts to look like obstructionism because an objection is brought up, we try to answer the objection and our solution, our rational solution to take a close look and get accurate studies that are not done by the developer, now the council wants to shoot that down. So it's starting to look like, you know, anti-growth here. I'm in district 6. I've knocked on a lot of doors. Most people have never heard of the grove. They've heard of ranch road 620 and it's a parking lot. Their concern is ranch road 620, not the grove. This is really a frustrating exercise, but if this goes

[11:58:00 am]

Down it goes down but i'm voting in favor because i think it would answer the legitimate questions -- it would answer legitimate questions people have. If we vote it down we have no answers and we're back to scare one. >> mayor adler: let's take a vote. Those in favor of item 26 raise your hand. Zimmerman, gallo, kitchen. Those opposed. It's a balance of the dais with troxclair off. 26 does not pass.. Item number 29, are we just going to pass on this? This is the manager issue, consistent with the conversation we had on tuesday. Okay. So we're just going to pass on number 29. We have two speakers to speak on this, mr. King and mr. Burnet. >> [inaudible]. >> mayor adler: we had talked about having the search firm come back and also give us recommendations that then we could post and then the public would come. >> [inaudible]. >> mayor adler: if we bring it sooner than that we would certainly post it. >> [inaudible - no mic]. >> mayor adler: if you want to speak, we're here a couple of minutes before noon, a couple of minutes. We're in the search firm portion of it and it might be appropriate for you to do that. Why don't you come on down. >> i have a friend who is city manager for a small group, a small town, 22,000, board of alderman structure, and he lives by two basic tenets. The first is go along to get along. And the second is never present the council with bad news. Obviously the city is a little bit larger than 22,000 and at this point i'm not sure those are really appropriate. I've heard a lot of discussion about the quarter-cent fund, which we all know is the last of the capital metro money that's been transferred to the city to repair various dangerous

[12:00:01 pm]

Intersections. So it's a one-time spend. And didn't come from general revenue or didn't come from city revenue. And proposition 1 fails, obviously you're going to have a city manager who is going to be caught in the crunch where they're going to have to deal with conflicting mandates for how they're going to fund repairs to the city's crumbling road infrastructure. And so that in and of itself is a major scenario that mandates that you add additional commercial, large company large corporate commercial background to the baseline of the city -- prior experience with city management because obviously just being able to do basic budget structure in that type of scenario will get much more interesting and it's kind of the dip in the road or the disaster in progress that we see should prop 1 fail. On top of that then we have new initiatives coming along like the affordable housing fund, and obviously what i'd like to see arrest what we would like to see is for each tier of tax increase how many families are going to be forced out of town, where that's going to be, where that forced migration is going to occur, and then an overlay of that with the affordable housing fund to make determinations on efficacy of that fund and sustainability. An again, that's outside the scope of basic city management skills so i believe they're going to require additional corporate skills or someone from corporate background with over 100,000 employees to start to understand how to put real metrics on to this stuff. Because we've seen it time and time and time again in this dais where the real problem and the underlying issue is that there's no metrics to make determination on efficacy of half the initiatives that are going on.

[12:02:02 pm]

And now you're seeing funding conflicts, especially with a possibility for failure on prop 1 for road construction. So ultimately we're going to get in a crunch on that. We're going to have to deal with that. So it will take somebody that's not just going stand there and go along to get along to deal with that. Thank you. >> mayor adler: thank you. And we're going to pass on this item. The only other thing that we have set on our agenda that we can deal with now is item number -- >> zimmerman: point of order, mr. Mayor? Do we -- are we really supposed to have a motion to table item or can we just say pass? I thought robert's rules shouldn't we table items if we're not going to come back to them. >> you can postpone it indefinitely and bring it back on an agenda later. >> zimmerman: i'll move to postpone

indefinitely then. Postpone to a future meeting. >> mayor adler: it will be postponed to a future meeting as yet undetermined. Is there a second to that? Mayor pro tem seconds that. Those in favor please raise your hand? Those opposed? Everyone on the dais with troxclair and renteria off. Item number 37 is the executive session. We don't have -- i mean 36. We don't have any executive session items. That means that all we have left on our agenda are items 37 and 38, which cannot be called until 4:00 as they've been set as public hearings. But at 2:00 we'll come back to address the grove. At 2:00 we'll come back to address the grove. We do have some citizens communication now and we'll do that and then we'll break until 2:00. So on citizens communication, the first person signed up is john

[12:04:06 pm]

Goldstone. >> check-check. Mayor, councilmembers, i'm john goldstone, i'm a taxpayer advocate. I'm angry. I underestimated you. And by you i mean the mayor and the six councilmembers who supported the third reading of the mobility bond. I demand that you pull this bond due to your financial lies during the process. I stood before you two months ago on the day of the third reading and i told you that the 56-dollar number smelled really, really bad. I warned you that you needed to fully understand how that number was calculated and be able to explain the 56-dollar number to your constituents in a transparent and truthful manner. You failed to heed that warning. You out foxed me by a misleading statement that the number was for a 2.6 increase in the tax rate. That is like saying 1 orthros plus 2 equals three, which is a true statement and even one that your bond calculator gets it right. The question is how did you get the one and the two and for the bond the 2.25 cents? You got to it by number one, excluding one-third of the total borrowing from your calculations and two calling it a tax bill impact. You're actually telling the households the austin, the renters, owners and voters that if you pay off a car loan that has an 800-dollar payment on the same day that you take out a new 800-dollar mortgage, your mortgage payment is zero, which is a fatal lie by confusion. It's brilliant, by the way. Great job. As to the second lie that this is a tax bill impact and not a repayment cost, almost every voter in this city, including the ones who have received the tax flier, have been led to believe by the vocal proponents that the 26-dollar number is a repayment cost. You should be ashamed of yourselves. I am certainly embarrassed that i'm a citizen and you are my public servants who i trusted to do the right thing with the process for this gigantic loan. You out foxed me by having no scheduled informational

[12:06:07 pm]

Sessions for the public, unlike all of the other bond propositions where the public could ask questions and actually receive answers in a public forum, like the affordable housing bond presentation. Great job! I don't even have to get into all -- into this bond's harm to affordability, all the lost car driving lanes, the original point of this thing, 20 miles of lost level turn chicken lanes, slowing speed limits, manicured landscaped irrigated medians which no one wants and will require costly upgrades to stop stacking at the u turns not included in your tax estimates. And business owners up in arms over the scrape old austin businesses plan and the building proponent, specifically ashley shore, the bead lady on south lamar. I told you august 18th not to allow me the opportunity to call what you're saying deceptions or lies. In this case you failed! You failed the process, you failed the people, and you failed yourselves. Much like any of the lying presidential candidates. [buzzer sounds] i demand you pull bond due to your fatal and smelly deceptions to the public. I will debate any of you at any time on the things i have stated here publicly using the city's own stinking materials materials. Amadous gusted. Pulled bond or we have a taxpayer duty to vote no. >> mayor adler: the next speaker that we have is a sign-up out in a district. I'm not sure they're there yet. William burke, i don't think has arrived yet, so we'll go to the next speaker, which is joe conterra here. Okay. And we don't have mr. Burke here. So we will go ahead and

recess until 2:00 when we'll discuss the grove. Again, i'm going to make that motion with those two changes to the recommendation. Not intending that to be a substantive motion.

[12:08:07 pm]

It's a placeholder. And we're encouraging people to speak later when there's actually something that's on the dais there. Has been a request for each side to have a moment to speak to us, and we may do that. But that would be at 2:00 when we come back. We will now stand in recess until then, unless mayor pro tem, you had something else? >> tovo: mayor, i wanted to mention that at 4:00 we're scheduled to come back and hear two public hearings, both of which my understanding from the backup, are going to be requested for postponement. >> mayor adler: number 37 and 38. Thank you very much. >>

[2:19:21 pm]

>> mayor adler: are we ready? We're back from recess. We'll reconvene the meeting. It is 2:19. We have two public hearings and i think there are going to be postponements that we can't call until 4:00. We are right now going to then call up item number 39, which we had talked about coming up at 2:00. And in that regard, is that here for this? Make sure i get this motion correctly. So i think what i want to do is to move the -- on first reading only passage of the zoning and planning recommendation except that the office use cap would be set at 115,000 rather than 210,000. And the retail cap would be set at 100,000 instead of 150,000. >> correct, mayor, those are the numbers that z.a.p. approved. >> mayor adler: i make that motion. Is there a second to that? Ms. Gallo seconds it. >> gallo: you know, mayor, i appreciate you -- >> mayor adler: i'm sorry, what? >> tovo: i was going to ask you are going to make the motion before the testimony? >> mayor adler: yes, just to lay out on the floor about that. >> gallo: and mayor, i appreciate you working towards all of us trying to come to a place that we're closer together on this and as i would imagine that there is not anyone in the city that doesn't know that this particular zoning case and this property is in district 10 so i appreciate as the representative of district 10 being able to make the second

[2:21:21 pm]

To your motion. >> mayor adler: in this regard, i think we're all in agreement that we are moving this forward because generally we would like to see a pud end up on this property. By adopting something on first reading, we obviate the need for a whole new series of noticing to happen so logistically it helps with the process. But this is a place holder. By that i mean this vote is not intended to indicate agreement with or support of these particular caps nor does it suggest that these are the only two issues on the table. There are many more issues on the table than this, but allows the process to move forward. And then i would have this go to second reading, first set on november 10th, which is the next time that i think is reasonable. That would give us two weeks to see whether or not it's ready. If it looks like in two weeks it's not ready, then we would push it again if we haven't advanced the ball. The next meeting doesn't happen until december 1st so those would be the meetings we would be looking at. There's no meeting on the 17th because councilmembers a lot of them are going to the national league of cities. The following thursday is thanksgiving. So the thursday after that is -- is december 1st. We have some people that are signed up to speak. Now, we talked about -- >> houston: mayor, may i ask a question. In your motion are we leaving the public hearings open? >> mayor adler: yes. In fact, we are urging people if they would consider it to really hold their testimony until we actually know what's at issue or what's at play as we refine the issues so that

[2:23:24 pm]

People can speak to things that are germane. That's why we're leaving the public hearing open so that people can speak to what is really at issue, which we don't know yet because we haven't been able to advance that ball. Now, both the applicant and the bcrb have asked to address us for five minutes up to ten, and it seems reasonable to me that we would let the applicant do that and the bcrb speak after them for a similar amount of time. And then if there are members of the public here that do wish to speak, we could -- we would certainly give them the opportunity to -- to do that. If at that point they still wish to do so. That's been moved and seconded. If it's okay now, we could see if there's other comments from the dais or i could go start calling first the applicant and then the bcrb. Ms. Garza. >> garza: i just had a question. I don't know if this is the case, there might be people who don't feel they are part of the bcrb or the applicant, is that what you meant by other people? >> mayor adler: yes. >> garza: okay. >> mayor adler: okay? All right. So let's begin with the applicant. >> thank you, mayor. Good afternoon, councilmembers. I'm jeff howard and i represent arg bull creek. Thank you for the opportunity to be here and having this case considered on first reading. Two years ago my clients started work on this case and that has involved an incredible amount of work from the applicant, the city, neighborhoods and the community. And so we appreciate your vote here today because it honors

[2:25:24 pm]

That hard work and that lengthy process by keeping this case moving forward. We also appreciate, mayor, the vote that you -- and the motion you laid out because of the message i think it sends. It confirms i think the common purpose we all have, applicant, city and neighborhood, and that is to have a pud zoning on this tract that results in a vibrant and viable mixed use development with higher density residential and significant community benefits. And we think that's important that everyone wants to see -- this to be a successful pud here. Now, as you know, we do still remain concerned about some of the amendments that have been discussed, and especially since they would greatly diminish the yield on the project. And this would include the place holder amendment that you are talking about passing on first reading. We do have some concerns with that. The current proposal recommended by z.a.p. represents a good balance between the -- we also know that many of you want to explore how to potentially enhance those community benefits and that comes at a cost. And so if you both increase the community benefit costs and you decrease the economics to the applicant, you could lose that balance and so we just want you all as we work together in the next two weeks to be mindful of that. And let me address specifically two of the proposed amendments that, although there are several others we have concerns with too that we want to make you aware of and specifically think about over the next couple weeks. I'm sorry. So i have a presentation here. The first -- the two i want to speak to are specifically reduced trip generation and the commercial caps that are

[2:27:25 pm]

Part of this motion. The reduced trip generation being proposed by the bcrb is very much unacceptable. As it would have a devastating impact on the project. It would reduce the development by over 25%. And that's because those trip reductions cannot be achieved only by capping the commercial as the bcrb suggests. Capping the commercial as being proposed today is not enough to get to you the bcrb trip limits. You must also limit residential units to approximately 1100 units. The bcrb has confirmed this in a event email they sent to you. That is far less than the 1443 units which includes both marketing rate and affordable and the applicant has proposed. Arg can get to those units under the existing trip generation

proposed by staff even with existing commercial caps recommended by staff and the z.a.p. so the table before you, the table on the left is the bcrc table that was recently sent to you on how many units can be achieved with both the commercial caps and their trip limit cap. As you can see, they yield only 1125 units. We think it will be significantly less than that because several grocers that we have been talking to want closer to 35,000 to 40,000 square feet. Now, the bcrc has said and will say that that 1125 units is the name number arg has asked for so there is no reduction, but that would be false. The 1125 units they refer to were simply an early land use assumption in our tia and are not what we will build. They are not limitations. They are simply land use assumptions, preliminary land use assumptions that are used as a means at the zoning stage to calculate the overall trip limitations. So the tia will allow us to

[2:29:25 pm]

Alter those assumptions as long as we stay within the trip limits. In fact, we have changed our conceptual plans since we first filed our tia and fully intend to provide more smaller units in response to community concerns. And so we'll have much more than 1125 units. And so the real comparison is between what the bcrc trips can yield under their commercial zoning maximums and their trip limits and what can be done under the staff recommended commercial zoning maximums and the staff recommended trip limits. And that's what this table shows you. The table on the right shows you how arg can meet the current zoning caps recommended by staff and stay within the unadjusted trip limits. You can see when you reduce the -- when you reduce the trip limit cap and you also impose the commercial caps that bcrc has recommended, in order to make that work, you are going to lose 300 -- more than 300 units, and that includes affordable housing. And that's not false. That's math. And the trip generation reduction isn't necessary as has been confirmed by city staff because the growth actually fixes congestion. Traffic modeling isn't a smell test. It's done through engineering studies and detailed modeling. And according to our tia in 2024 under the build scenario, you are going to see peak wait times reduced by a full minute. And that happens not by magic. It's the factual result of increasing lane capacity by 50%, increasing available green time by 78%, and you are doing -- we're doing that while only adding about 35% more traffic. You probably also heard a lot about how the -- the grove is putting 19,000 more cars on

[2:31:29 pm]

Little tulane bull creek road. The vast majority of the traffic heads to mopac or to 45th street. Of the 18,500 new trips, not cars, new trips, the project does generate less than 3,000 go south on mopac and less than 1,000 go north. And as you can see, the main segment, the only segment, the highest traffic segment of bull creek will have 8600 trips. That segment will not be two lanes, it will be widened to four or five lanes. But the grove doesn't just address cars, it addresses multimodal. We'll have a tdm plan that will be a model to the city that will reduce trips further. We provide numerous bicycle and pedestrian and other amenities and it takes our overall traffic improvements to over \$9 million. You had some discussion this morning about the project mitigating its traffic and that it needs to do that. Well, under current code, we would only be required to pay a prorata portion of our traffic -- of the improvements identified in the tia. That comes out to be about \$2 million. That's what code would require. We're proposing over \$9 million of transportation improvements and sidewalks and roadways, et cetera. Now let me talk brief about the commercial caps that you are considering today. Because they are also unworkable because they will not only affect the viability of the project, but also its vibrancy as a mixed use center. We have seen examples in the city where mixed uses have failed to have the type of neighborhood friendly use and failed to have the type of vibrant gathering spaces that they could

because the restaurants and retailers just can't make it work. Office use supports restaurants and retail by providing necessary daytime consumers.

[2:33:29 pm]

So that those restaurants and retailers are open on the evenings and weekends to serve the neighborhood. And retail enforces retail and provides critical mass. Without this neighborhood retail could fail and we miss opportunities to get people out of their cars. Tdm becomes less effective the less mixed use there actually is. Regarding office, the simple truth is that we weren't really asking very much. The area currently has 535,000 square feet of office located on two-lane roads. This office is not located on mopac or 35th street but jackson street and bull creek. It was built in the '70s and '80s when austin metro had 55,000 people. Today our metro area has around 2 million people. So while the city has grown by nearly 350%, we have proposed to increase the office in the area by 40%. Finally, the total commercial cap we have requested, approximately 360,000 square feet is less than what could be achieved under Irmu. Which with a low density, you could get 420,000 square feet of commercial and we are proposing 360,000 square feet. These are just two of the amendments that we have some concerns with. We have concerns with others such as the elimination of the connection of 45th street, increase in parkland and others, but having said this, we are, however -- [buzzer sounding] -- if i could just wrap up, mayor, very willing to continue to discuss some of the other amendments that have been raised at the work sessions. For example, we support most of councilmember gallo's amendments which significantly address neighborhood requested compatibility issues and we look forward to discussing these and other issues you might have in coming days so

[2:35:30 pm]

We can come back in november and hopefully have a project that all of you can support. Of course lastly i'll say were willing to be working on the bcrc on any potential realistic compromises we can reach. >> mayor adler: thank you. Grayson cox. >> good afternoon, mayor and council. Grayson conclusion. I'm sure you are tired of seeing my face and sara's face as well as those wonderful guys over there. But i just wanted to start off responding to some of what you said -- or what you just heard. I feel like -- and i don't want to -- anyone to take offense at this, but i feel like the double speak is just building in this process. What you're hearing is just either not true or not reflected in the pud documents or not reflected in the conversations that have happened over the past 18 years, and by example you just heard mr. Howard tell you that what's in the traffic impact analysis that he wants you all to approve and not change is not what they want to build. That's what he just said. So if they want to build more residential and want to build less commercial, then they need to provide a traffic impact analysis that reflects that. If they -- if they want to build the same amount of commercial but want to build more residential, they can't even do that under the current pud application that they are wanting you to approve. So -- so the level of double speak and confusion here is just continuing to grow and what i hope is that y'all seek

[2:37:33 pm]

Out independent objective voices in this process. I don't want you to just take my word, i don't want you to take mr. Howard's word, i really hope that y'all can seek out the help that y'all need from objective, unbiased observers to figure out what in the heck is going on here. The other issue related to what mr. Howard said, he showed you a picture of commercial and office around the site already saying that, you know, that supports the grove having the amount of commercial and office that they want. The two

locations that he identified as having office and commercial have access to a major arterial street. They have access to frequent transit lines. They have access to mopac and lamar very quickly. They are not surrounded by single-family neighborhoods and the people going to and from those office buildings and those retail areas do not have to drive through low volume residential streets to get there. That is the challenge that this site has. I think the grove as it's been proposed would be amazing on another site that had better transportation connectivity, but the challenge that we truly have is its location and limited connectivity. The focus for the past 18 months has been almost exclusively on the intersection of 45th and bull creek road. That's the little graphic you saw that they are adding lanes and green time and all this sort of stuff. You know, it's great, yes, we need to improve our intersections, but cars that go into 45th and bull creek road don't just magically disappear. They have to go north through a single-family residential subdivision that's getting no improvements. They either have to go east to get to lamar and drive down a road that's surrounded by single-family homes that's getting no improvements, they have to go west to get positive mopac and the on ramp to mopac is a neighborhood street that has speed bumps on it that is surrounded by single-family homes. If they go south there's two

[2:39:35 pm]

Neighborhoods they have to go to. This is not commercial office, this is not mixed use on lamar or 35th or guadalupe or south first or riverside. We're talking about a development that is literally smack dab in the middle of six single-family neighborhoods that have low volume residential streets. That have kids on trikes riding in the street because we don't have sidewalks. These are 1940s, 1950s neighborhoods. So i just -- i just hope that you provide the opportunity to yourselves and to us to make sure that y'all fully understand what you are hearing and get correct information. The last thing that i wanted to point out and then sara had just a brief comment is that just now both the bcrc and arg agree to go into immediation. I would strongly recommend to give mediation the best opportunity to -- to produce a positive result is to give us time. I know november 10th was thrown out. Based on my conversations november 10th mediation is not going to be done. I think december 1st is a good date to set this to come back and hopefully by that time it will -- it will have something great. Because the strongest desire of us and i think of y'all is that we have a negotiated solution prior to y'all having to make these hard decisions. It's always better to have something negotiated ahead of time than y'all try to dig into the details and package this thing up and slice it 15 different directions on the dais. So i hope that y'all not only give the time needed to make that as successful as possible, but i also really, really hope that y'all send a signal to arg and to the ann richards, to be -- to the

[2:41:35 pm]

Neighborhoods, to be area, to arg that y'all want to see true progress from this mediation. We've gone into many, many meetings with arg, we've had many, many conversations over the last i think it's 20 months now and unfortunately they haven't product the results. I strongly feel the denial of the petition is the first and foremost arena we've been unable to find a solution but if you send a signal to all parties decided you want this decided, you want a reasonable compromised solution that comes back to you, that's at least mostly agreeable to all parties, then i think we have a better chance of getting there. I appreciate your time. >> thank you, i'm not sure i can improve on much that of. I was going to try to put this a little bit in perspective for you. The -- you know, as one of your aides said to me in looking at the proposed growth development, she said there's nothing wrong with this development, this is great development, it just belongs on a transportation corridor. The problem with this site is that it's extremely limited. And how you can get to it and deal with it. It's only on one little residential collector street. Now, what a residential collector street? That's a street in which gobs of other residential streets

come off of it and this is just a two-lane street to get down those roads. These streets around here were all built in the 1940s. You know, you had the discussion this morning about the resolution and looking for ways to pay for the problems that get developed. These 1940 streets never imagined our big push now for density. And so in my 40 years of

[2:43:37 pm]

Working in public policy at the state and federal level, i can tell you i never saw a new policy come along that didn't have unintended consequences. And in this case it's the traffic safety that it threatens in our neighborhoods. Particularly these old neighborhoods like this. And we just have to figure out a way to deal with them. So i'm glad you all showed some interest in beginning to look at all of that. But i want you to know that nowhere in austin and nowhere else we can find anywhere has a development this size ever been built on a residential collector. And even with the reductions that the pool amendments would add, this would still by far be the largest commercial development ever put on a residential collector. In austin or anywhere else we can find. So i mean it's breath taking what this will do. We're not opposing the very dense residential because, of course, we understand that part. But on this commercial and retail, it goes far beyond what the neighborhoods can use and take advantage of. And is geared to bring in huge volumes of traffic from around the city. Which is direct contrary to imagine austin and to the codenext talk which is all about putting these big developments on transportation corridors. And i hope you stick with that plan. But i think these are modest recommendations coming from ms. Pool and i think they are proposal given the setting. There's no way to make roads out of an area that's already built up this much. It would cost too much. So that -- i'll just kind of end on that and just so you know, the added traffic that this will bring, two-thirds of it is from the retail and the office, particularly the office. And the residential definitely adds traffic but not nearly as much as those two so that's

[2:45:39 pm]

Another reason that's appropriate to be cutting this far. Thank you. If you have any questions, we'll be glad to answer them. >> mayor adler: thank you. Are there the other people in the community that would like to speak at this meeting? Why don't you come on down if you want to speak. I'm sorry? Is there someone else that would also like to speak? Why don't you come on down to the other podium. So we'll go ahead and let these other two folks speak as well. What's your name? >> hi, regina allen with the bcrc and rosedale neighborhood association. >> mayor adler: david king is here and margaret is here so you have more than three minutes. >> [inaudible] >> mayor adler: got it. Thank you. >> i'll go faster than that, i swear. Good afternoon, council, mayor. I've worked in austin since 1984 in development feasibility, commercial, appraisal, architecture and residential remodeling. When neighbors asked about the grove, all those numbers referring to traffic density and square foot inch meant i started looking around austin i could find projects neighborhoods could go to that they can walk around and get a sense of the intensity of the grove. Is it the top button? Red one? I'm left-handed. I looked at mueller, austin oaks, ptomaine and rosedale, my neighborhood. It's hard to find something comparable to the grove. Mueller is ten times the land area of the grove.

[2:47:40 pm]

The domain and rosedale was built in the 1940s when we solved the housing crisis by building 900 square foot two bedroom one bath homes without garages. When you equate the mueller project it's nearly ten times the size. By dividing the entitlements of mueller by 10, you would have 645 homes and

533,000 square feet of commercial and civic uses. The current requested entitlements for the grove are two times the residential entitlement of this similar sized mueller and 20% greater commercial and civic entitlements. These make for dense development that is not located on a corridor with major roadways such as i-35, 51st street and airport boulevard. Crestview station, a transit orient development on north lamar is nearly the same acreage last the grove. Part of the tract will -- the remainder will have a mixed use over with 2,000 square feet of office and retail and 1100 apartments. The graphs show the greater intensity of the grove project especially in comparison to the commercial entitlement of crestview station. It has a transit and a rail stop. The grove is located within a neighborhood that has predominantly single-family mobile homes. This concept of intensity is reinforced. When you look at the total number of trips at crestview station on lamar, 13,457 trips and the grove 23,969. The grove will have 100 more residential and over ten times the commercial and civic space. The inset in red is shown on the left, around 32 homes in under four acres. It's hard to believe everything asked for will fit when you compare to crestview station. If you use the planning department's numbers for baseline, crestview station would have less development entitlement than the grove

[2:49:41 pm]

Baseline of 1.892 million square feet. The city baseline didn't take into account the constraints of development including roads and right-of-way, flood plain, trees, parkland and critical environmental features which is unwith of the reasons the full buildout is less than the baseline of the grove. We need to get this right so we get the most affordable housing on this site that we can and the base lean for the grove should not be higher than current projects. A baseline zoning should represent something that is being replaced by at the austin oaks. A baseline should not have more square footage per acre than a transit oriented development or current planned unit development. If you are a city that champions affordability, our baseline for this project should be set much lower than 1.892 million square feet and should not represent a viable buildout for 2016. Thank you. >> mayor adler: have you provided that power point to council offices? >> i have not and i would love to come to your offices with all the data if you would like to see it. >> mayor adler: you could email those to the council offices, that would be great. Thank you. >> good afternoon, mayor and councilmembers. My name is chris allen. I'm co-chair with that lady for the rosedale neighborhood association for zoning. My career in architecture has been focused on helping people live in more compact and affordable life in central austin. On your screen, that's my chestnut commons project that's featured on the city's website under neighborhoods. In my spare time i've been helping the rosedale neighborhood embrace and change for 20 years. The grove will be rosedale's fourth pud. We have worked with

[2:51:41 pm]

Successfully with seton on their pud. We've had a phenominal track record working with developers to create consensus based development. This contentious situation today is not the way things normally go in the rosedale area. 20 years ago kirk watson's smart growth initiative allowing surrounding neighborhoods to remain livable and become more walkable and transit ready. Rosedale has been on board with that concept from the start. In 2007 rosedale stepped up and opted in every inch of rosedale's corridors for bmu zoning. Later the comprehensive plan made the idea of density on corridors the guiding principles we're building about codenext. In a few weeks austin voters will weigh in on a mobility package that bets on that same pair dime dedicating funding on core does and keeping with imagine austin. I was at your joint meeting with the codenext code advisory group and we all heard the word corridor over and over throughout the discussion, thinking you can guess where i'm going. If rosedale is so progressive why are we in a fuss about the grove. It sits on a two-lane residential collector

with no transit and no room for meaningful future transit surrounded by single-family. There it is marked with a star on the imagine austin growth corridor map looking sad and lonely. The project is a nice design with a good mix of uses and density that would be appropriate for a site on a transit corridor. When i got my real estate license at 18, they taught us real estate is all about location, location, location and still true today. Milestone bought a site all the other bidders knew had locational disadvantages. Because of those issues they got the land at a good price and now they are asking you to fix that location problem by getting you to help them turn

[2:53:42 pm]

Bull creek road into another lamar boulevard. I watched some of the discussion about the traffic mitigation and if this project was at 45th and lamar it wouldn't trigger any need for traffic mitigation funds. The only reason we're wrestling with how to come up with millions of dollars is that the proposed development doesn't fit the context of the site. That said, the site presents a great opportunity for a smaller mixed use project. As you know, we support a pud that's more appropriately sized that provides adequate park, flood protection, affordability and compatibility and we hope we have your support in that effort. Please vote no today on this item. Let's work together to create a better pud that's right for the site. Thank you. >> mayor adler: thank you. Is there anyone else in the public that wants to speak at this time? >> i would. >> mayor adler: don't mind. >> my name is jan triplet and i signed up to say i didn't want to speak, but i wanted you to see somebody who is on bull creek but right off 45th. I am from the shoalmont area, i live on chippero and it was a dairy so you can understand why to us it's really a home for all of us who are in that area. The grove has really good intentions. I believe that's true. I've had the pleasure of working with unwith of the people who is very involved in the grove and i know jason has the bet intentions. My concern is that our shoalmont area drives traffic into 45th street. It's only two lanes on my side in order to turn either north or south. Even with the construction that's going on on our street, we have nice people trying to help us get through, getting the new drains and things which are wonderful, we certainly appreciate it, but i dread trying to get on to

[2:55:43 pm]

45th street once that becomes the entrance right across from cripperro trail into the grove. I wanted you to see a person who has a house there, been there since '91. I know you are trying to help us, help the grove, i'm not against it either. I just wanted to work for all of us and to really be residential because that's why i bought there. Thank you very much. >> mayor adler: thank you. Anyone else like to speak? Okay. That brings us back up to the dais. There's been a motion, it's been seconded. Is there any discussion at this point? Mayor pro tem. >> tovo: mayor, i understand the intention you've expressed in passing this on first reading. I think you made the statement a little earlier that you thought -- i don't want to misparaphrase you, but i think you said you thought everyone up here agreed to do this. I just want to make it clear i just am not comfortable supporting this on first reading. As i've indicated before, i don't believe that it yet meets the requirements for superiority we specified in our code for planned unit developments in particular. I think there's more work to do, significantly more work to do on affordable housing right now. The housing is less than i believe necessary for a development that aims to attain the label of superior and it also concerns me that as i read the numbers in our fiscal note, those affordable housing provisions are in part being achieved through more than \$8 million, about \$8.5 million worth of fee waivers. And so i believe there is enough additional work that has to go on here that i just don't feel confidentable passing it on first reading. I would certainly be open to postponing it, but i can't in good conscience cast a vote to pass this on first reading. I understand we feel

[2:57:44 pm]

Differently about what that vote means, but for me it would be an affirmation that this pud is close to meeting the requirements of superiority and for me it doesn't yet. >> mayor adler: further discussion? Ms. Kitchen. >> kitchen: i was interested in what i heard, i think it was bcrc mentioned mediation, and also asked us for additional time before we bring it back. And i -- i wanted to make sure i understood what i heard, that that was agreed upon by both parties? Is that right? >> councilmember kitchen, jeff howard for the applicant. We have agreed to do mediation. We did not agree to have it push the second reading to december 1st. If that were the case, we would have a problem with that. We think mediation could be very beneficial, but we don't want it to be a cause for delay. We've been at it for a couple years now and so we're absolutely -- we've contacted mediators, we would be happy to listen to any discussions, we're available next week to mediate. We would not like to see mediation become a means of delay, but rather a means of compromise. >> kitchen: okay, so i'm hearing -- i'm sorry, did you want to say something? >> yeah, and i just wanted to point out our position is not to try to delay this either. We want this to be done a long time ago, but with that said, our bcrc board is -- is ten individuals that the large majority have full-time jobs. I should be at work right now sitting in a and even though we all want to move fast, we have to be able to be there and be engaged, and when you're dealing with volunteers, that can take some time.

[2:59:44 pm]

And my biggest thing is i don't want to be close to potentially a negotiated agreement, have this come before council, and then have a situation where if y'all don't give a positive second reading, those negotiations fall through. So that's why we want to provide enough time to get something worked out if we can. >> kitchen: okay. That makes sense. The idea of mediation makes sense and sounds like both of you all are interested in talking. So hopefully that will produce positive results. >> mayor adler: and my thought on setting it up that way is one that we appreciate the willingness so we don't have to compel. I was wanting to give a suggestion and i'm doing that. And if you want to give me names to consider in making that representation to you, i'll do that. I would keep the date on the november 10th date, but i would have us look at it again in two weeks and decide whether or not we thought it was ready to come back to us at that point, but so that we have the option to have it come back if we set it on the first we're precluded from doing that earlier. So i would do it this way. >> can i ask a question? >> mayor adler: sure. >> if mediation is ongoing on november 10th, what would the council do? Or what would the will of the council be if mediation is still ongoing on november 10th? >> mayor adler: i don't know because we would have to act as a group, but i will tell you that we are all interested in having this thing resolved and resolved in a constructive way. So if it looked like the thing that do to get this thing resolved was not to bring it back on november 10th, then i would be part of that. >> okay. I just don't want the second reading to be held hospital san jose in some way by either group -- hostage in

[3:01:45 pm]

Either way by either group. >> mayor adler: i understand. We have the option of moving it to the first. This gives us an opportunity not to if it looks best not to. Any further conversation on the dais? Mayor pro tem. >> tovo: i think this might have been implicit in my comments, but i just want to be really clear, i think it's terrific, thank you to all the parties involved for agreeing to go to mediation. If affordable housing isn't part of those conversations, justed in likely there will be a conversation at council about those provisions as well, including -- including the fee waiver piece of that. So, you know, i would just offer that for you. I'm happy to suggest -- i already have in the baseline i think given some indications of

where i think the affordable housing should be. I have heard in our previous conversations lots of support for affordable housing and at least wonderings about whether there is enough housing within it. As we send you forth and appreciate and value your agreement to go to mediation, i just want to be clear there may be other issues that don't necessarily bubble up in your mediation that will be concerns for the council. >> understood. Thank you. >> may i just add? We had some very disappointed and very frustrated neighbors, a whole bunch of them, who had been looking forward to the opportunity to come down and be heard on this case. And so i certainly don't want to go forward -- second reading needs to include the right and the time for those residents to be heard. It's very important to them. >> mayor adler: i understand that. >> we agree. >> mayor adler: okay. Mr. Casar? >> casar: i'll vote for this again out of being a placeholder to get us through mediation and to second reading and i think that having a hearing where

[3:03:47 pm]

We can hear folks out because -- probably just from watching our earlier item today there's so many neighbors with so many -- such a breadth of experience and breadth of opinions that i think it's important, and i certainly would ask -- echo the mayor pro tem's comment that those -- the city wide issues related to this pud, like the affordable housing, are also things that we would like to see as much movement on as possible because while i think it's really important for us to work through those particular traffic issues, for example, there is -- this certainly has some citywide implications, especially in opportunities to provide good jobs in tax base and affordable housing. I do want to note, though, because the-- we've talked a bit about fee waivers and fee waivers have been in the news. I hope that our conversation about the fee waivers goes not to just how much the city is leveraging through fee waivers, which we can either take money and spend it, which i'm in favor of doing, or not take the money and just -- and not spend it, which would be part of the fee waiver discussion, but while we may be -- i understand, for example, mayor pro tem, that may be troubling to you how much it is that we are contributing, i want that to always be in context of how much we are getting from the applicant because nine million dollars in fee waivers, if we are only -- if the applicant is only putting in one million dollars into affordable housing, to me seems wrong, but if the applicant is putting in a billion dollars leveraged off of our nine million dollars, that seems, you know, fantastic. Obviously neither is the case. So the question is i don't think we can talk about this in an isolated way about how much fee waiver the city is giving. Instead, how much are we getting -- how much money are we leveraging of private investment into affordable housing off of the fee waiver? And i know that's part of

[3:05:48 pm]

Your general calculation, but i just want to make sure to sort of guide this conversation that there's a balanced look at how much affordable housing we're getting and how much is the city's dollar leveraging on this piece of property? Because it's what my constituents bring up all the time and i'm sure most of the folks on the dais the opportunity to get affordable housing in all parts of the city, this is a pretty unique opportunity to do that. >> mayor adler: okay. Then let's take the vote. Those in favor of the motion please -- i'm sorry, ms. Pool? >> mayor, that concludes direction to staff to bring it back november 10th. So you can bring it back. >> mayor adler: and we'll discuss that question a week prior to that before the posting goes for the november 10th. >> mayor adler: is there other people on the dais who would like to speak? Ms. Pool? >> thank you, grayson and sarah and gina and everybody else who came down from the neighborhood today. I want to acknowledge what a difficult case this is -- you guys can sit down if you would like. So my work on this from the very beginning has been focused on making sure that everybody benefits from this project, including and especially the community surrounding it

and the residents that will be moving there. I appreciate the mayor's attempt to seek a way forward and to go toward a resolution. And i'm encouraged by the inclusion of key amendments that i put forth on behalf of the neighbors in the vicinity in this first reading. Those amendments are really important and they will have an impact on mitigating on the traffic and possibly too on the flooding, which is a huge concern that continues. And we haven't even begun really talking about that,

[3:07:48 pm]

But the original neighborhood people are very worried about the water coming off the site into their backyards. I'm engaged by the -- encouraged by the applicant agreeing to mediation. Thank you for that. I also want to underline and underscore that if the mediation is incomplete, and -- or if there's no movement or if it looks like you're close to resolution, and we will know that by the friday before probably, i will move to have it postponed. Because i think the key is to come to a resolution, not in order to meet a particular time frame, and if taking another month will achieve resolution, then i think that that would be viewed positively on this dais. So i think we're taking first steps in the right direction. The project as it stands is not where i or the community want it to be. But the mediation can bring resolution to some serious outstanding issues, then we may have a better pud, we may have a pud that will work for everyone in this part of the city. So as part of that effort i am willing to move this forward to second reading with very strong emphasis on my continuing monitoring, my continued concern that this does continue to move forward, and that we work actively in the mediation setting toward finding some common ground so that the community that this development will be built in feels like they have had -- had their voices been heard and recognized and supported. I think it will be a better pud in the end. Thank you. >> mayor adler: thank you, ms. Pool. Ms. Gallo. >> gallo: i support us trying to get to a place where the pud zoning can be

[3:09:50 pm]

Approved because of the high threshold that the project must meet and the substantial community benefits the city can ask for such as more parkland, affordable housing, superior environmental and drainage protections, additional traffic mitigation funds from the developer. Over the past 16 months i have listened to all of the voices in a variety of opinions about this project. I look forward at our next meeting to bring my amendments, which were the result of the discussions with oakmont and ridgely neighborhood associations, and their individual concerns on compatibility, drainage and other issues. But we still have a lot of work to do and i really, really appreciate the neighborhoods and the developers agreeing to mediation and trying to get us to a closer place in a cooperative way. I will be very, very hopeful for a positive outcome. And as councilmember pool mentioned, that if we are not there, then we need to continue to move forward and encourage that collaboration so we can get there. Thank you. >> mayor adler: thank you. Let's go ahead and take a vote. Those in favor of the motion of item number 37 -- 39 please raise your hand. Those opposed? Houston and the mayor pro tem voting no. The others voting aye, troxclair off the dais. It passes on first reading subject to the discussion. Council, we have two items that are left, 37 and 38. 38 has a speaker identified, james lake. He was not here this morning. Is mr. Lake here now? Wouldn't need to be because we can't call it until 4:00 anyhow. Just wanted to know if he was here. So we also, before we can adjourn the meeting, we have music and proclamations that begin at 5:30. We do not need to have a

[3:11:50 pm]

Quorum on the dais at that point for me to be able to convene it, although we can certainly answer the question now as to when do we come back? We could come back at 4:00 and then dispense it and those that wanted to could come back for music and proclamations. Do we want to do that? Or we could come back at 5:35 -- no? All right. We'll do 4:00 and i'll tell those that missed music how wonderful it was. Then we are going to reconvene at 4:00 for the purpose, we understand, of postponing those two matters. We'll see you at 4:00. We're in recess. >>

[3:55:58 pm]

[recess]

[4:04:15 pm]

>> mayor adler: all right. It is four minutes after 4:00. We're going to reconvene the meeting. We have two items that are set for a public hearing. You want to take us through these? >> mayor, andy with development services. We have two items, 37 and 38 these are both postponement requests. Item 37 is an appeal of an outdoor music permit. Staff is requesting to postpone that to november 10, for the scoot inn. Item number 38 is a -- an appeal of an alcohol, the 300-foot beverage and school and that is set to be postponed to november 3. In both cases the applicant has agreed to those requests. >> mayor adler: okay. Is there a motion to postpone these items as stated? Mr. Zimmerman move. Is there a second. Ms. Houston seconds. >> garza: it's staff requesting for the postponement? >> yes, ma'am. On item 37 they're in mediation and making progress and getting close. Unfortunately, item 38, which is the alcohol permit, there was a notification error by staff and we have to postpone it to the november 3 meeting. >> garza: okay, thanks. >> mayor adler: it's been moved and seconded. Discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais, ms. Troxclair off. Those are all the items we have except for music and proclamations. So we will recess the meeting. Music will begin at 5:30. We will take no further action.

[4:06:16 pm]

So i'm going to ahead -- i'm told we can adjourn the business part of the meeting so motion to adjourn the business part of the meeting? Mr. Zimmerman moves. Second? Mayor pro tem. Those in favor of adjourning the business part of the meeting, please raise your hand. Those opposed. That's unanimous on the dais, with troxclair gone. Welcome act 5:30 for music. Come back at 5:30 for music. We don't know that. We have to have less than a quorum now. >> you're not gonna take any action. >> mayor adler: we're not gonna take action. What if a -- quorum showed back up? We have have wanted to recess. How many anticipate coming back for music and proclamations. We don't have a problem. Okay, then. [laughter] we'll see you all in a little bit. [recess]

[4:50:19 pm]

[recess]. >>

[5:32:40 pm]

>> mayor adler: you know, i think i have gotten to the place where i live for thursdays because here in the live music capitol of the world we stop on thursdays, usually we're stopping council meetings. This one ended early. That doesn't happen very often. But on every thursday we stop to actually bring live

music into the seat of government. And today the gift of carry illinois joining us today. Carry illinois are lizzie, darwin, rudy, andrew, derrick. It was formed three years ago in 2013 in austin. Carry illinois describes their music as late night, heart-worn folk rock. The band gets its name from one of the singers childhood memories. And some of the band's influence is carol king, jonie mitchell and bob dylan. Carry illinois performs all over austin at fantastic venue such as stay gold, charlies, where i think tomorrow you're doing a beyonce tribute. Pretty exciting. The side winder, hole in the wall. And carry illinois will be recording a new full length album with john vander slice in early november in oakland, and releasing a seven inch vinyl record on november 17th at stay

[5:34:41 pm]

Golden, austin, with alley golder and saenz del mar. Please join me in welcoming carry illinois. [applause]. [♪music playing♪].

[5:39:05 pm]

[applause]. >> thanks so much. >> mayor adler: that was great. Thank you. Don't you just love thursdays? So if folks are watching us at home or otherwise and they want to be able to see you or learn more about you, do you have a website? >> we do. It's carryillinois band.com. >> mayor adler: and if folks want to buy some of your music can they do that? >> itunes, you can stream on spotify. We're about to release a seven inch album in november. >> mayor adler: pretty cool. And other than tomorrow night -- let's start with tomorrow night. If somebody wants to come see you, where are your next gigs? Town? >> tomorrow night myself and my friend daisy are doing a gig for safe place, also a tribute for beyonce. So nine artists and bands from austin will be covering the music and all proceeds will go to save place. That's tomorrow night from 9:00 to midnight. >> mayor adler: cool. Thank you so much for being here. Do you have more? >> we do. >> mayor adler: keep going. >> on november 17th we'll be releasing two new songs. It's sea side and lucky charm. >> mayor adler: great. Thanks. Well, i get as mayor to issue proclamations. And i have one now. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talents extend to virtually every musical genre. And whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we are pleased

[5:41:08 pm]

To showcase and support our local artists, now therefore i, steve adler, mayor of the live music capitol, do hereby proclaim october 20th of 2016 as carry illinois day. [applause].

[5:45:01 pm]

Thank you. We have another proclamation that i get to hand to rebecca stuch, who is chair of the reuse alliance, the texas chapter. This is a proclamation, be it known that whereas austin reuse day promotes and celebrates reuse, including reselling, recycling, up cycling, repairing, sharing, borrowing and swapping goods. And whereas the city of austin supports reuse year-round through its recycle and reuse dropoff center. Shop zero waste initiative and the austin materials marketplace business to business tool. And whereas reusing goods and materials furthers the city of austin's zero waste goal, economic goals by creating jobs and investment in reuse and social equity goals by filling material charitable needs. Therefore i, steve adler, mayor of the city of austin, texas, do here by proclaim october 20th of the year 2016 as austin reuse day. Congratulations and thank you for your good work. [applause]. >> hi.

I'm Rebecca Stuch and as the mayor mentioned I'm the coordinator for the Reuse Alliance of Texas and I'm also the board president and founder of Austin Creative Reuse. With me here tonight are a sampling of the people who represent the programs, organizations and businesses that epitomize reuse in Austin. The Austin Materials Austin Place, Austin Creative Reuse, Ecology Action of Texas, the Habitat Restore, Recycled Reads, Resource Recovery and the State of Texas Alliance for Recycling. We are very pleased to accept the city of Austin's proclamation for October 20th as Austin Reuse.

[5:47:02 pm]

Day. Reuse is about extracting the highest value possible from a product or material, preserving and even enhancing the integrity of the materials through imagination, creativity and intelligence. Reuse is about car sharing and bike sharing, donating to and shopping at thrift stores. It is about darning socks, reupholstering coaches, using rechargeable batteries and bringing your own coffee mug to the coffee shop. It is about sharing yard tools with your neighbors, checking out books from the library, creating decorative mirrors from bicycle parts or making robots from discarded computer parts. Austin's reuse community is growing and we are grateful for all the individuals and organizations that promote reuse. We know that reuse and sharing and repairing economy provides jobs and investment in our community. We know that aggressive reuse will help Austin reach zero waste faster. We know it supports our cultural arts systems and it helps many people and organizations in our community save money and meet material needs for clothing, furniture, building materials, food and school supplies. Together we look forward to bringing more awareness to reuse and encouraging Austinites to consider reuse options when they find a need for a new item or to start a new creative endeavor. Please join us in celebrating our Reuse Day by attending the Reuse Festival and Fix-It Clinic this Saturday, October 22nd, at Recycled Reads. Thank you again to the city of Austin for this proclamation and recognition of the value and the power of reuse. [applause].

[5:49:54 pm]

>> Garza: Hi, good evening, I'm Delia Garza, the district member for District 22 in Southeast Austin. I have a proclamation for Lei Ye, and be it known that saving for retirement is a key component of overall financial health and security during retirement years and the importance of financial literacy and planning for retirement must be advocated for, social security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families. And whereas National Retirement Security Week is a special week to set aside to raise public awareness about the importance of adequate retirement savings and the availability of employee sponsored retirement plans, it will educate the population about the importance of participating in employer-sponsored retirement plans and will highlight the importance of active employees and retirees to manage their retirement resources prudently. And whereas city of Austin employees can benefit from developing personal budgets and financial plans that include retirement saving strategies to take advantage of tax-deferred retirement saving vehicles through the city of Austin Deferred Compensation 457 plan. Now therefore I, Delia Garza on behalf of Steve Adler, the Mayor of the City of Austin, do hereby proclaim October 16th through the 22nd as National Retirement Security Week. So I want to thank Lei Ye for his work to educate our city employees to know about this wonderful program that complements the pension already available to them. And makes us all more secure when we reach that age of retirement. >> Thank you, Councilmember Garza. I'd like to thank the Mayor, the City Council, on behalf of the City of Austin, the Deferred Compensation Committee for this proclamation and recognizing the needs for retirement.

[5:51:56 pm]

Planning. National retirement security week is a national effort to raise public awareness about the importance of saving for retirement. National retirement security week is held every year during this week of october. This week provides an opportunity for people to reflect on their personal retirement goals and determine if they are on target to reach those goals. The city of austin deferred compensation plan is a powerful tool to help our city employees reach their retirement goals. Combined with other benefits from the city and savings that you may have, this voluntary plan allows you to save and invest money for retirement. Not only can you defer tax immediately or pay them now with the after-tax option, you may build extra saving consistently and automatically. Have a variety of investment options to select from and learn more about savings and investing for your financial future. We as the elected board overseeing the city's deferred compensation plan, are committed to educate our city employees about the growing importance of saving for retirement. And personally, as a father of a seven-year-old daughter, i just know how important this is for my family and my daughter zoe. I want to thank again the city council, mayor and councilmember garza for this proclamation. Thank you. [applause].

[5:54:31 pm]

>> mayor adler: so you're actually accepting this award, is that right? >> they are because they did all the work, mayor. >> mayor adler: you're going to accept it on their behalf. Sarah hensley, the direct either of the parks and recreation of the city, on behalf of the people who have done all the work, is accepting this next proclamation. The proclamation: be it known that the national league -- whereas the national league of cities selected austin to be among seven u.s. cities awarded the city's connecting children to nature planning and implementation grant. And whereas the parks and recreation department convened a planning team with representatives from 40 organizations, more than 75 individuals to create an implementation plan with a special focus on underserved communities. And whereas studies show children who have regular access to the natural world are more likelier to be happier, healthier and perform better in school. And whereas the planning process yielded a three-year implementation plan to guide city leadership in furthering the mission of connecting children to nature and greening school yards. And whereas austin is home to a unique and bountiful natural environment and our resources should be visited and valued, especially by children and their families. Now therefore i, steve adler, mayor of the city of austin, texas, do hereby proclaim our appreciation for the austin's city connecting children to nature initiative, and we express our gratitude for the leadership of all who participated in the planning effort and the development.

[5:56:33 pm]

Congratulations for all the good work. [applause]. >> she wants to be outside. >> that says it all right there. Mayor, thank you. I am here merely as someone just representing this fine group. And obviously this isn't all 40 groups represented, but as you can see, this was a total collaborative effort. But the importance of making sure children are connected to nature is just a top priority for us for many reasons. Nature deficit disorder is something that's across our nation, but getting people outside, families and young individuals alike, to understand the importance of nature and to participate outside. Many times when we take children outside or we say we're going to exercise they don't want to do it, but if you talk about a hike or identifying bugs or climbing rocks, people sometimes forget it's exercising. It's a good way to get outside. And to recreate yourself, not just learn about nature. So we hope everyone else will join us. This is something that will not go away. This is something that we'll continue to do and work with our partners. We're so fortunate to have so many good partners. And julia, i want

to thank julia. We had a wonderful lead here staff member. So i'm just the person that helped support them. I'm certainly not the one that did all the work. These are the individuals that deserve all the credit. Thank you very much, mayor. [applause]. >>

[5:59:45 pm]

>> mayor adler: i will get to some unpronounceable words, i'm sure. And you just help me and correct me. So we have -- we have another proclamation that will be accepted by anu, the teacher. Be it known that whereas in 1991, anuranda napali began her work in austin preaching and presenting [indiscernible], a major genre of indian classical dance that originated in the hindu temples over 2,000 years ago, upon completing her professional training in the guru [indiscernible] that's teacher-disciple tradition with dr. Vijay and mrs. [indiscernible] in mumbai, and whereas her organization, austin dance india, has just this month completed their 25th anniversary season with a triumphant and sold out performance of girl power that the long center for the performing arts, which aligned with the united nations 17 global goals for sustainable development, as part of the 2016-17 season productions that included 10x showcase and living in the hyphen, as well as student dance-a-thon community fair. And whereas anu has been performing worldwide for over 35 years, producing over 50 original productions in austin, having been awarded the prestigious jacqueline lemu prize by the canada council, making her the only

[6:01:46 pm]

Indian classical dancer to receive this high honor and having been bestowed, the title of [indiscernible] at the dance festival of [indiscernible] being nominated for and awarded best dancer by the austin critics table and whereas anu has personally trained over 1500 students in the guru [indiscernible] tradition with years' long study spent on the practice of [indiscernible], hand symbols, head and eye movements, stances, foot work, and more, and in addition to over 30 years of conducting assembly performance features, addressings -- demonstrations workshops in public schools, universities, museums and libraries, now, therefore, i, steve adler, mayor of the city of austin, texas, do hereby proclaim for all of those reasons -- and there were many -- october 22 of the year 2016 as austin dance india day. Congratulations [applause] >> thank you so much. Thank you, mayor adler. Thank you all, austin dance india families and students who came out. I mostly grew up in canada and a little bit in india, and after getting married and moving to austin in 1989, i did expect cactus, tumble weed and cowboys but that's

[6:03:47 pm]

Basically what canadians thought of texas back then but i was pleasantly surprised to be welcomed by a modest but active arts community very open for diversity. For the past 25 years austin has been a wonderful place to collaborate across artistic genres and push the boundaries of creativity. Over the years, i've performed with diverse groups, including ballet austin and even performed at acl on the kitty limits stage. It's truly a blessing to be able to practice, teach and perform [indiscernible] this ancient indian classical style in texas theaters, schools, museums and libraries in the year of 2016. One important reason is the robust funding initiatives of austin city council and arts commission. I've been a cultural contractor with the city for over 20 years and also on the touring roster of the texas commission on the arts. I feel very grateful and blessed to live in a city that places such importance on supporting and growing the creative sector. So thank you very, very much. At the heart of adi are my students and families who are a constant source of inspiration to me. Many of you are here today and i began austin dance india with two suedes in my garage. I've maintain a one to one relationship with all my classes

becoming more aware of any role as a mentor to young girls and women and the power of art to transform lives is what adi is all about. Regardless of how ancient or artistic form may see on the surface, all arts empower. So i'd like to conclude by saying thanks to some key individuals who have been at the core of adi. [indiscernible] and [indiscernible], who is not here, thank you for all you've done and continue to do. Sadu, my husband, thank you for being the official photographer all the time and all-around support.

[6:05:49 pm]

And rici, again, who is photographing, jumps in as a percussionist now and then and other tasks, and my daughter, who cannot be here because she's in college, and she's been my dancing partner and right-hand person. Thank you. And thank you, mayor adler, for all the support the city council for this great honor. I feel very much a texan after all these years here in austin. At adi we are very proud to serve the austin community, and we're proud to have its name in our name. So as texas -- in texas, this is how we say it, it's austin dance india, y'all. Thank you. [applause]

[6:08:27 pm]

>> mayor adler:that's it. Thank you very much.