

City Council Regular Meeting Transcript – 12/15/2016

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[10:18:46 AM]

>> Mayor Adler: All right. Before we gavel in the meeting, a couple of items just to touch base on here real fast. The first one is that this is the last meeting of the year and we have some city staff that are retiring. Some of the folks that are retiring are going to be honored today during the live music and proclamation period, but there are four retirees that will not be honored at that point, have already been recognized. Manager, in your department head meetings and the like. Also we've had the deputy as a council during -- opportunity as a council during work session to touch on a couple of these, but I just want to note that at the end of this year we have retiring from the city Bob gedert, director of Austin resource recovery. Also Brenda branch, the director of Austin public libraries. Margot Frazier, Austin police monitor. And Jerry Coch, the fleet services officers. I just want to say from my perspective and from many in the city it's hard to imagine operating the city without these people because they have become institutions in the areas that they have worked. And there has been a real dramatic and important and forward-looking changes that these four individuals have brought to their -- to their public service. I know that we all wish these four best of luck and godspeed moving forward, but it's going to be a considerable loss to this city to lose these four folks.

[10:21:02 AM]

There are conversations happening nationally and internationally with respect to recognizing the work that these folks have done in the city of Austin. So I just wanted to say on behalf of an incredibly grateful council and community, for Bob and Brenda and for Margot and for Jerry, just a really heartfelt thanks for the service that you have provided.

[Applause].

[Buzzer sounds]

>> Your time is up.

>> Mayor Adler: I also want to make sure that as we head into our last meeting -- and now is the last time to take a photograph or a mental image of our inaugural and foundation 10-1 council. I think it's important that everybody remember what this dais looks like right now. It has been an absolute honor and privilege to work with this council, and today marks the last meeting that we'll have with councilmembers Gallo and Zimmerman. You know, you look at transitions to district councils, as that happens in cities and counties across the country, and very few of them actually work the way that you want want them to work in the initial years as councils work through the growing pains associated with that new structure.

[10:23:27 AM]

And you know, I'm probably biased being part of this group of 11, but I think that we have done an incredibly good job with the mandate that we were given from the city to take this system and to embrace it and to take advantage of the new opportunities and tools that were provided with that. And I'm just -- I am personally really proud to have been part of this council and what it's accomplished and what it's set out to do. Don Zimmerman brought a real vocal voice to this council in a very consistent and strong way that frankly had not been on this council before. But the sentiment and the arguments that he brought to this council were not new to the city. They were arguments and discussions which were happening at kitchen tables and water coolers and other places throughout our city. And important that this council and this dais have different viewpoints and that they have the ability to be aired. I want to thank don for the many times that you came to me before things happened on the dais to talk through, constructive ways to move forward or giving me head's up or looking at trying to make sure that the council continued to be able to move forward in a constructive way.

[10:25:31 AM]

And while those conversations were not conversations that were held out in public to me, that always reaffirmed for me your keen desire in this city working, and this body working. We did not always agree substantively on issues, but your work was steadfast, even in the face of a council that frequently did not vote the way that you were voting. And this council, this 10-1 council will be remembered I think for bringing different points of view from all around the city. You were a big part of that and I think have left a permanent legacy in that respect. Councilmember Gallo, you know, I will always remember the consistency with which you entreated the younger participants at public hearings to pledge that they would register and vote when they turned 18. Apart from providing that measure of compassion and focus on individuals that you brought to the council, you served as a bridge between differing views on this council in a way that I think was so constructed for the community. Your support early for the bond election helped it move forward.

[10:27:36 AM]

Your work on it made it a better package, one that was better able to get support on a council and throughout the community. And quite frankly, when loop 360 gets built with taking down the nine traffic lights, you know, I will always informally refer to that as loop Sheri Gallo. [Laughter]. Because of the work that you've done, but you've done that on so many issues. And the tectonic plates of dealing with growth in this city really did manifest itself most in district 10. And you were at the fulcrum of, quite frankly, discussions that were hard to have, and many of us were happy to let you stand at the frontlines for instead of us. But the work that you did in helping make this body work during this period of time, the Austin energy package that you marshaled and brought to this city, again as with councilmember Zimmerman, you have left such a legacy going forward and a big part of why 10-1, both of you, 10-1 has gotten off to a really good start. So again on behalf of council and myself, I want to thank you both for your service to the city. [Applause]. >>

[10:29:42 AM]

>> Mayor Adler: Okay. Does anyone want to say anything before I move to -- Ms. Gallo?
>> Gallo: If I make it through it it will be a miracle here. Thank you, mayor. As the mayor mentioned, this will be my last council meeting, and I just wanted to take this opportunity to make a few comments. I

want to start with staff and I wanted to make these comments before we did consent so that most of you would be in here. You know, I know how my staff and I have challenged you, and sometimes we have disagreed, but hopefully you've always felt that that's been done with the respectfulness. You know, we, my staff and I recognize how hard all of you work. You spend time that you don't have to spend and you do it so graciously and you always put the best interest of the city of Austin at heart. We've asked you so many times to come to our many, many, many constituent meetings. We've done it willingly. You've always been a great participant in those and we really appreciate the extra effort. I've been seated twice now as we drew for positions every six months. Next to our legal department. And it has been great for the -- I have really treasured getting to know each and every one of you. As we all work together to -- [crying].

[10:31:43 AM]

I don't do this.

[Applause]. As we all work to make Austin better. And just a few words about each of you. Houston, you know, I have appreciated so much how you constantly remind us in this city that one size does not fit all. That no everyone in the city has computers. Not everyone when people say up and say acronyms know what they mean. But most of all I have appreciated how you expect your office, your community and others who are around to deal with each other, and that is heard and I hope it's heard throughout the community because we need to hear that for all time. Thank you for that. Councilmember Garza, you have early on had diasters in your community and you have handled that with grace and hard work and you have a community that could not be prouder of anyone else and it's been really -- you've been a role molds to see how to handle really difficult situations in your community. And about the crash Gates and we cannot have neighborhoods put themselves behind Gates in this community. We want to protect neighborhoods, but we are also part of a bigger system and continue, promise me you will continue to carry that message. I know you will, but promise me you will continue to carry that message. Councilmember pool, even though there has been a lot of Nancy have not been made and I know you represent you represent your district very well and we've sat together a couple of times and I appreciate what you do for your community.

[10:34:00 AM]

Councilmember kitchen, you have such an analytical mind and it lends itself to process and predictability. And I have enjoyed working to you because that's the under lying method of how you deal with policy and I hope the community appreciates that. Councilmember Renteria, what can I say about you. You're an amazing man. He wears the Santa Claus ties. What can I say? Those of us who have grown up here and come from here, it's a different perspective. We see our city grow by leaps and bounds. It's not the little community it was when we were young, and it's a challenge to manage our exploding population and I think you have done that so well. You represent a community that's been changing so dramatically. And that's amazing to continue to do it. And have that voice with historical perspectiveness I think is really, really important as you make policy going forward. Councilmembers troxclair and Casar. The two of you represent the diversity of our community better than any other councilmembers on this council. And the other thing is I'm sort of amazed as I look at both of them and listen to them how they are these wise people in these very, very young bodies.

[Laughter]. I know you will continue to do great things for this city, but I can't imagine at some point you will be accomplishing those for our state and maybe even our country. So it has been a pleasure to meet both of you at the beginning stages of what's going to be a long, long life of public service.

Councilmember Zimmerman, as the mayor said, you have truly been the voice of responsible spending

and fiscal constraint on this council. You represent the taxpayers of our community well and I really thank you for always, always making the comments and suggestions and really making us pay attention to the affordability issues in this community.

[10:36:12 AM]

It was important two years ago when I first stepped on this council. It is still important and I think this council and this community are truly going to miss that voice and I hope that other councilmembers will step up and make sure that that voice is still heard. Mayor pro tem tovo, you were always the voice of grace on this council, no matter how difficult the discussion is that we're having, it seems like the words that come out of your mouth try to keep us moving forward. And that is -- it's so -- it speaks so well on everything you do. Mayor, have I gotten everyone? Mayor, he's amazing. I think we are so -- we are so proud of a city of what he's done and how he's done it with an incredibly diverse group of people and vocal councilmembers. I'm so proud and it's been such a pleasure to work with you. His daughters and his wife have trained him well to deal with different personalities.

[Laughter] And we have to say thank you to all of them. And this is going to be hard. I have one of the best staffs. We have done more than was required of us. We did it graciously, without asking questions about spending extra time to do this, that or the other. And I just -- you know, that's not what a staff has to do, and I just want to say thank you to all of them. They have been so committed. They have been committed over the past two years I realize how wonderful and special they were. And as I deal with people who come to council to represent different companies and different interests, I make sure to say to them don't you dare hire away my staff while I'm here.

[10:38:13 AM]

What I'm saying now is you have a great group of people you can hire. You have my permission to hire them now. So grab them and grab them quickly because they have been just absolutely, absolutely wonderful. They've set the bar high for any councilmember that represents district 10 and I could not have done that without them. It was a team, a great team and I think we did our job and I think we did our job well, but it was because of you that that happened. It's been an honor to serve on the 10-1 council. I grew up in this city and I've watched it grow and change and it was absolutely a pleasure and honor to be part of this, to be part of the first two years and I know that our council will continue forward in a really good way, but once again I appreciate the opportunity to have been here in two years. Thank you.

[Applause]. >>

>> Mayor Adler: Councilmember Zimmerman.

>> Zimmerman:, thank you, mayor. I basically agree with everything my colleague said. When I won this seat and got to be the first district 6 councilmember, I mentioned frequently it was the hand of Providence that put me in office. And it was also the hand of Providence that I got to run in a presidential election, which is very different. And the hand of Providence that I lost. I am very, very grateful that we live in a country where we settle disputes with ballots instead of bullets like they do in the third world. I want to thank my successor the best luck in serving district 6.

[10:40:13 AM]

The first district 6 office apparently is going to remain open. I'm very happy about that because I was told that Zimmerman did nothing for district 6, but that local district service well is going to remain open and that's something, quite a big deal. And I've also had an excellent staff and I want to thank them for

their work. I couldn't have done what I did without that terrific staff. And I also want to say some advice to the council here. Don't be in a hurry to pick a new city manager because you have an excellent interim city manager. There's no hurry getting a new manager. That would be my advice.

[Applause]. I want to thank the mayor -- I want to thank the mayor and the council for allowing my voice to be heard. I could have been shut down very, very quickly and they allowed me to say my piece. I really appreciate that. And just in case you're wondering, after we have an argument here, mostly instigated by me, when we go into the back and have lunch we talk about kids and the weather and it's all civil. Which is good. That's all I've got to say. I'm very honored to serve in this capacity. It was a great experience and just a final note, one thing I have to say after two years. You know I'm an engineer, a software engineer. Things zero, one, true false, high, low, it's binary. We have a lot of binary decisions in this city. You're either going to have governments spend more money or spend less. It's binary. Can't do both. Can't raise taxes and lower them at the same time. You can't raise fees and lower them at the same time. You can't have more dense in-city development and not at the same time. So the struggle here has always been I feel that there's a reluctance to admit that we have some mutually exclusive choices, and we still have those. So again, thank you all for your support and thank you to district 6 for letting me serve. And merry Christmas. By the way, I lost the tie contest. I have, you know, some candy canes here, but I got beat by the grinch.

[10:42:20 AM]

[Laughter]. Congratulations.

[Applause]. >>

>> Mayor Adler: And one last moment before we get to the invocation. We have developed a tradition of sorts on this dais, and if we're all ready to sing for just a moment, we have a birthday on our dais here today. I understand that it is Ann kitchen's birthday today.

[Laughter]. I've learned the lesson about associating numbers with anyone's age.

[Laughter]. But we should all sing happy birthday to Ann kitchen. Because we've done this before. Are we ready?

♪♪ Happy birthday to you, happy birthday to you.

♪♪ Happy birthday dear Ann, happy birthday to you .

[Applause].

>> Kitchen: Of course this means that we're all going to be very quiet throughout the day so that we finish before midnight.

[Laughter].

>> Gallo: For you I'll make the 10:00 no vote. So you're safe there if you vote with me.

>> Mayor Adler: We'll move to an invocation. We have Pandit eluwapola Thero and the reverend unaleeye sirinanda. I hope I came relatively close with those. But if we would all please rise for an invocation with those from the Austin buddhist center.

>> Good morning.

[10:44:20 AM]

To the honorable mayor, councilmembers and the citizens of Austin. On behalf of the Austin buddhist center I would like to express our deep appreciation for giving us the opportunity to deliver the invocation. According to the buddhist teaching, one who does body, mental actions with pure mind brings happiness and success to himself and to society. If it's done with a corrupted mind, that's the way to unhappy, sorrow, conflict and suffering. On this special moment the blessings of the buddha, I wish the honorable mayor, councilmembers and citizens of Austin, all of you be able to work, speak and think

with good heart, pure mind and pleasant thoughts. For the benefit of yourselves, for the benefit of residents of Austin. May your compassion and noble human energy be a focal point for the city. May you and all the living human beings of the world, be happy, be peaceful, be content, be compassionate, be free from the dangers, be free from the sufferings.

[Speaking foreign language]. Thank you so much.

>> Mayor Adler: Council, I call to order our regular session of the city council. Today is Thursday, December 15th, 2016. We are in the city council chambers here at city hall, 301 west second street. The time now is 10:44. Council, we have some changes and corrections I'm going to read into the record.

[10:46:21 AM]

On item number 1, the minutes will be approving will be those of the work session of December 6th. And not the others as listed. Items 4, 5, 49, 50 and 51, noting that there was not an electric utility commission meeting on December 12th of 2016, so they were not reviewed by that commission. Items 15 and 18 on December 13th were approved by the airport advisory committee on a vote of 9-0, with commissioner Legget absent and one vacancy. Items 29, 30, 31 and 75 are grove matters and all related to item number 100. They'll all be called up at the same time. Items 35 and 37 are withdrawn. Item 44 on December 13th, 2016, that was recommended by the resource management commission on a vote of 6-0 with commissioners Dwyer, Gill, Vaughan and White absent with one vacancy. Items 46 and 59 were postponed -- will be postponed to January 26th, 2017. Item number 71, this was a request that this item, which is the speed limit question, the safety issue, that it would not be called up earlier than 1:00 P.M. We'll try to get it as close to that time as we can. Councilmember Kitchen and Pool requested that item number 80, which is --

>> Kitchen: Thornton road.

>> Mayor Adler: Thornton road, not be called before 6:00 P.M. This evening.

[10:48:25 AM]

That has us -- and then item number 89, this was the grove -- the Austin oaks pud, not be called earlier than 6:30 P.M. So without objection on the dais, we won't call those items earlier than those times, but now would be the time to indicate any objection. Ms. Pool?

>> Pool: I wanted to go back to item 46, but I realized you had one more to go to, so before we approve it I'd like to make a change date for the postponement for item 46.

>> Mayor Adler: Okay. The last change and correction -- and by the way, for setting it no earlier than 6:00 for -- and 6:30 for those two, they're kind of like on a collision course with one another depending on how many people come, so those represent no earlier than times as opposed to we'll actually call it at those times. And then item number 101, this was approving a waiver reimbursement of fees for grassroots leadership rather than fight for 15-dollar Texas. Yes, Ms. Pool?

>> Pool: Thanks, mayor. Item 46 I'd like to suggest a February 2nd date instead of January 26th. I understand that there's a national compost conference. It's an industry conference and a lot of folks will be there. And so will our staff. So if we could put item 46 and potentially -- I don't know if we need to have the other item also to February 2nd, but for sure item 46.

>> Mayor Adler: Okay. That's the republic service item as well as the downtown rail station item.

[10:50:29 AM]

Staff, is there any issue with putting those off to February 2nd? And while we're waiting for staff to give us that indication, Mr. Renteria?

>> Renteria: Yes, mayor. I want to pull 2 and 3 for just discussion. I have some concerns.
>> Mayor Adler: Yes -- the next thing we're going to do is the pulled items. Ms. Kitchen?
>> Kitchen: My question on the 59, which is the cap metro ioa. That one remains at January 26th, correct? We were just changing 46.
>> Mayor Adler: Right. So just 46 moving to February 2nd. So I guess from staff I just want to confirm there's not an issue with taking item 46 only and moving that to February 2nd. The manager --
>> Robert Goode, assistant city manager. There's no problem in moving that.
>> Mayor Adler: So without objection, 46 would be postponed to February 2nd of next year. 59 would stay postponed to January 26th. Okay? So without objection, that's the understanding on those items. Now let's talk about the items that are pulled.
>> Renteria: Is it appropriate right now to talk about the zoning? I'd like to pull 74.
>> Mayor Adler: Let's hold off a second on those. We'll come back to those. Now let's go through and see if we have the items that have been -- to look at what is pulled. So Mr. Renteria wants to pull items 2 and 3.

[10:52:33 AM]

We also have the grove items, which are 29, 30, 31, 75 and 100 all being pulled or noticed that we're going to pull those no earlier than 3:00 P.M. This afternoon. Okay. So that's 29, 30, 31. The agenda that we're focusing on right now is the consent agenda, by the way. Folks, that takes us to items 1 through 59 -- 1 through 69. Thank you. And item 101. On the consent agenda. 1 through 69 and 101. So what we have pulled right now are items 2 and 3. Also 29, 30, 31. Also item 52 pulled by Ms. Houston. 53 is being pulled by Ms. Houston and Ms. Troxclair. And item number 66 being pulled. And I think we're going to try to take that no earlier than 11, but as close to that as we can. Item number 6 by councilmember Garza. I see that now, sorry. So the items I have being pulled are 2, 3, 6, 29, 30, 31, 52, 53 and 56 -- 52, 53 and 66.

[10:54:34 AM]

We also have some items that are pulled by speakers. That would be item number 62 and item number 10 are pulled by speakers. Do we have any other items to pull? You have something to pull?
>> Pool: Mayor, I'd like to pull item 60 for the reason to divide the question.
>> Mayor Adler: Okay. And I'll speak to that when we get to it.
>> Mayor Adler: We'll pull number 60. Ms. Garza.
>> Garza: I want to pull number 67 if there's no objection to my amendment that was passed out. I'll just pull 67. Okay. Mayor pro tem?
>> Tovo: Mayor, I'm not sure if tavo Perez is here or Mr. Pence, but those items might need to be pulled for speakers as well.
>> Mayor Adler: Which numbers are those?
>> 12, 13, 14, 22 and 23.
>> Mayor Adler: Is tavo Perez here? Okay. Is Joe pence here? So those items don't need to be pulled. Anything else to be pulled? What I'm showing right now is being pulled are 2, 3, 6, 10, 29, 30, 31, 52, 53, 60, 62, 66 and 67. 100 is on the addendum. That's also connected with grove and will be brought up with grove no earlier than 3:00.

[10:56:38 AM]

Mayor pro tem?

>> Tovo: Mayor, at the appropriate time I have relatively -- very quick comments to make about two items that are staying on consent. And those are item 64 and item 60.

>> Mayor Adler: Okay. So let's go ahead and get the public comment -- I have a couple of quick notation on items 12 and 13 myself, but I'll do those after the public comments. Do we have some people that have asked to speak on the consent agenda. The first one of those I'm going to call is Gus Pena. Mr. Pena?

>> Good morning, mayor and councilmembers. Gus Pena, speaking on number 12, right? 12 and what else?

>> Mayor Adler: I have you on 12, 13, 14, 21, 22 and 23, but that would also include 12. It's not being pulled.

>> Yes, thank you. On item number 12, it's negotiation and execution of amendment one for the contract with still point alliance. And anything we can do to help out the people as far as developing skills, economic development issues, is very important to us. And as co-founder and vice-president of veterans for progress, we strongly support item number 12. It's -- I know an additional 40 clients, but if we can have more clients and more money for additional clients, this skill point alliance is very, very acceptable, very important. Item number 13 deals with capital idea, and we've been supportive since the first inception of capital idea and also the founder.

[10:58:43 AM]

And this helps out people also with training, career training, and I believe, if I'm not incorrect or correct, job placement, which is very important now days with jobs, people needing jobs. And you said 21, right? 21.

>> Mayor Adler: Yes.

>> And item 21 has to do with an agreement with [speaking foreign language] For education support and mental health services. I don't know about the mental health services, but it's very important to provide these type of services to the community that people that need education and support services and preparedness, participation success and post-secondary education. Post-secondary education is very important. Mayor and councilmembers, I taught at Zavala elementary. I student taught at Zavala elementary. I student taught at Allen junior high and I taught at Johnston high school and ACC and Austin community schools. So this is very important educational services for the community. Item number 22 is the work source 22, this is very important. Early childhood services is the key and critical point for children growing up and any more funding we can spend on early child care quality initiative improvements is very much appreciated. You have to have a child, you have to prepare for that child to become a teenager and enter the adult process, it's important to have these skills and training and support mechanisms. Item 23, health and human services, in agreement with aid to increase funding for school enrichment services, this is a no brainer. We have to provide any services we can for students to improve education and skills but also to provide services for kids who need some more support. A lot of kids have mental -- we call it PTSD, mental health issues, but we need all the mechanisms we can give them. More funding is appreciated for these programs.

[11:00:44 AM]

Number 14 --

[buzzer sounding]

-- That's on consent. Appreciate very much for the services outside the county. Mayor and council, outgoing members, thank you for the hard work you did in the community. Don and sherry, even though we didn't agree too much, thank you for serving our community. Thank you.

>> Mayor Adler: The next speaker is Mr. King, David king. While he's coming down, we have a couple speakers signed to speak on 46 and 59, items postponed. Andrew Dobbs and Greg want to speak today? No. And Mike burnet on 59, does he want to speak today? Gotcha. Thank you, guys. Mr. King.

>> Thank you, mayor and councilmembers, mayor pro tem and I appreciate your service to our community and wish you a members and happy holidays to you and your families. And wish particularly councilmember Zimmerman and councilmember Gallo, thank you for your service to our community and all the hard work you've done for us. I'm speaking on items 16 and 17 regarding the transportation bonds. I would suggest the office of equity should be asked to review the implementation of the bonds to consider equity issues such as the impact the transportation corridor improvements may have on existing affordable housing and on small businesses located on those corridors. And I think it's important that the bond spending be coordinated with new developments contribution to the impact that they have on those corridors so that the new development pays their share, and then we augment that with the bond money so we can leverage as much as possible and get the most benefit out of that. And I think it's important that those efforts be coordinated so that an improvement by the developer is not turned around, is not then torn up and replaced with an improvement for the bond, the transportation bond so we're not wasting money that way.

[11:02:48 AM]

I'm not saying there's an intention to do it that way, but coordination is going to be critical so that we can leverage the most we can get out of the developer's contribution to the traffic impact on the corridors and on the bonds themselves. And I understand there's a new corridor improvement office and I think that's important. Mayor, I know you've been really working hard on the council too trying to make sure this process is transparent and inclusive so folks can see what's being proposed before the money is spent and before the projects are implemented. I really appreciate that. What I would suggest is that there be one website, one place that citizens can go to and there's where they can find out how they can get involved. Sometimes these services are distributed in different parts of our website and we can't find them, they are hard to find, so I hope that this corridor program improvement office can help facilitate and streamline the public input into this -- into the spending of the bond funding. Thank you very much for your service and happy new year to your families.

>> Mayor Adler: Thank you.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: At the appropriate time I would like to make brief comments about those items. I don't want to pull them from consent. We can do it now or later.

>> Mayor Adler: Let's go to the last speaker and then we'll talk about things not pulled. Is David foster here? Would you like to speak? I have you signed up on item number 65.

>> My name is David foster and I'm clear to speak in favor of this resolution and I want to thank in particular councilmember pool for sponsoring it and mayor pro tem tovo and councilmembers Garza, case is a and kitchen.

[11:04:58 AM]

Briefly what this resolution will do, it will put Austin in support of reasonable, cost effective measures that the U.S. EPA has put in to maintain -- why is methane important? As you all know, pound for pound

it's 87 times as potent a driver of climate change than carbon dioxide. In June 2016 EPA finalized rules to rein in methane for future oil and gas facilities that will upgrade and asked to finalize existing rules and these existing operations are responsible for most of those emissions. So this resolution is consistent with Austin's well-known climate protection plans. It's consistent with the city's efforts to reduce reliance on fossil fuels and the great work you all have done on renewable energy. It's consistent with mayor Adler's participation in the national climate agenda and sound science which tells us climate change is real and this resolution, assuming you pass it, is -- will help us in a concerted effort that we're involved in in Texas and across the country as an organization and with allied organizations to send a message that in spite of the recent elections, we need to go ahead and continue to address climate change, not roll back recent progress that's been made, and your participation is particularly appreciated since this is, after all, Texas, and we need folks across the country to understand even in the red state of Texas there are communities that support these initiatives. And I'll simply add in closing that our field canvas teams here in the Austin area as well as north Texas have received written communications along these same lines to EPA asking them to go ahead and do this from literally thousands of Texans.

[11:07:08 AM]

Again, I thank you for your work and I thank councilmembers Zimmerman and Gallo for your work and your service, and I'll be happy to answer any questions if you have them.

>> Mayor Adler: Thank you very much. Ms. Pool.

>> Pool: Thanks, mayor. And David, I just wanted to thank you and clean water action for the really solid and stellar work that you all are doing continually in the community and for your efforts on behalf of the city on this particular resolution. I really appreciate you. Thank you.

>> Thank you, and I've been canvassing some myself and the best feeling you get is when somebody tells you that at the door so thank you, I appreciate that.

>> Pool: Thanks, David.

>> Mayor Adler: Anything else? All right. Those I think are -- one more speaker. Juan arivedes. I have you on item 54, sir.

>> I'd rather speak on the earlier item, number 6.

>> Mayor Adler: Okay. Item number 6 is pulled and so we'll --

>> I'll pass on this one.

>> Mayor Adler: We'll call that later. Thank you. Those are all the speakers that we have. We're now back up to the dais for councilmember comment. Mr. Zimmerman.

>> Zimmerman: I'd like to move passage of the consent agenda.

>> Mayor Adler: There's a motion to approve the consent agenda. Ms. Gallo seconds that. Let's continue with conversation on the dais. There's some councilmembers that wanted to briefly address those items. Mayor pro tem, you were the first to give that indication.

>> Tovo: Thank you, mayor. Just a couple things on different issues. Number 60, I they -- I see on our sheet the removal of the parkland task force, and I apologize I haven't had an opportunity to talk to the sponsor and councilmember about the situation, but we did receive a report from the parkland events task force at our meeting yesterday, I guess, at open space, and we did move to forward that final report to the full council.

[11:09:23 AM]

It will come here, it's my understanding it's slated for our January meeting, our first January meeting to consider and I hope approve the recommendations. So I think rather than really delving into the subject

today, I'm simply going to ask the clerk to record my vote against removal of that task force member in large regard because the work has been completed, the report is finished and its on its way to council for what I hope will be final approval. Secondly, I wanted to just talk for really just -- well, maybe I don't need to do that. I don't need to pull that item so I'll save my comments for later.

>> Mayor Adler: Which item is that?

>> Tovo: Item number 64.

>> Mayor Adler: Item number 64, pulling that item. It's the gun safety lock item. Ms. Pool.

>> Pool: Thanks, mayor. Yeah, I had pulled 60 to ask that we divide the question. I don't know if that's the best route. I wanted to divide the question to separate out the removal of Carol Lee from the parkland events task force mainly for the reason their recommendations have not yet been adopted, but there are no more meetings to come and there's really no need to remove the members and potentially imply they had failed in their public duty. I don't know after the mayor pro tem's comments if it would be simply better to vote against that piece of it but I want to support approval for the rest of the nominations and have them be adopted. That's item 60.

>> Mayor Adler: I understand. Is there a reason why we're pulling this person? Do we want --

>> [Inaudible]

>> Mayor Adler: No, no, why we're removing this person as a board member.

[11:11:25 AM]

>> Gallo: I'll be happy to address that. I hoped we could do that quietly but I'll tell you the reason why. It was brought to my attention that Carol Lee recently participated in an activity that placed fliers in mailboxes which is a violation of federal law. I've been notified that a complaint has been filed with the U.S. Post office and my district office, and I do not condone that type of behavior and that's the reason I requested that her name be removed and I understand that she -- it is not to imply she did not do a good job on the task force, I'm glad their work is complete and moving forward, but I think as a staff and as a councilmember who expects my appointees and the people representing my office to behave in a certain wave, when I was notified of this activity it was of concern and that's why I requested the removal.

>> Mayor Adler: I gotcha. I'm in favor of dividing that question only for me I would instance for that reason. I would let this person continue to be listed as being on this. That matter being appropriately handled alternatively. I'm going to pull item number 60 out of the consent so we can address that. So adding to the list of the items pulled and I'll come back to a quick vote on that with that question divided, item number 60 is also pulled. I would also comment myself on items number 12 and 13. We discussed this in work session. The -- this is the contracts with skill point and capital idea. It's my understanding that these contracts will be negotiated in such a way so that the scope of the work will consider or allow for reconsideration to align with any elements of the community workforce development job training regional master plan should the council approve any of those elements, that we maintain that flexibility so as to incorporate them should the council adopt any of those provisions.

[11:13:55 AM]

But that's my understanding how that contract will be done. Is that correct, manager? Yes. Okay. Thank you. Ms. Kitchen.

>> Kitchen: I just wanted to comment briefly on 16 and 17. In case anyone didn't -- wasn't -- didn't have the opportunity to hear how we discussed these items at work session, 16 and 17 relate to the bonds, and it's a first step for staff to move forward with the funding. It is not instead of the mechanism or the process we put into our resolution, we understand from our staff that in February, if I got that right, yes,

in February the staff will be bringing back to us information about the implementation process -- implementation process including the timing and the coordination of the bond projects, which bond projects are being recommended to go first, how we are looking at the factors related to housing and the other factors that we said that were important as part of the resolution that we adopted. So I just wanted the public to understand there will be a full public input process. The mobility committee, the council as a whole will be working with our staff to make sure that the implementation process and the priority of implementation of the bonds is something we're all talking about before we move forward with it. Thank you.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: A brief community on item number 9 which is the execution of the contract to get a phase 3 work done at the Gus Garcia rec center. It's really been an incredible investment from the city that's really helped transform and support parts of my district's community there in northeast Austin, so I'm excited to see this move forward. I know a lot of folks were really hoping apart from the pavilion and other work that's being done on this that we could get both a restroom that's so badly needed and a trail.

[11:16:09 AM]

But it looks like the funding available from parks bond probably can't get us all the way there, however, the contingency for this contract is about \$92,000 and the trail would likely cost less than that so I would urge and direct with the passage of this item that hopefully we can monitor that contract tightly enough so we don't need all the contingency and hopefully deliver the trail for the community and do what we can to get a restroom there some day. And I've gotten that nod from parks but I wanted to note it because a the look of folks were hoping for both but hopefully we can get the trail with this contract so thank you all.

>> Mayor Adler: Okay. Any other discussion on the consent agenda? Mr. Zimmerman.

>> Zimmerman: Thank you, mayor. I'd like to make a quick note why I'm voting against items 11, 12 and 13. I've noticed a pattern over two years of being on council when I ask questions about how our money is being spent by various nonprofits and so-called nongovernmental operations and it's been my observation that what happens is the city awards grants to nonprofits. Once that money is in a sense thrown over the fence to the nonprofit, if you were to make some requests for details for how the money is spent and what we're getting for our money in terms of measurable outcomes, you basically get stone walled and the nonprofit says, well, we're not a government entity, we're not subject to open meetings or disclosure on what we're doing, we're a nonprofit corporation. And more than that the nonprofit corporation can take the money from you the taxpayers and award grants to other nonprofits who can afford grants to still more nonprofit. You have bureaucratic money laundering and you can't figure where your money is going and how spent. That's why I will enthusiastically voting against 11, 12 and 13. It is a pattern of expenditures in the city. It's not limited to these grants. It's happening all over the place.

>> Mayor Adler: Any further confusion -- yes, mayor pro tem.

[11:18:10 AM]

>> Tovo: One other point I wanted to refer to. But I feel the need to say, councilmember Zimmerman, I've always appreciated the way you insert enthusiastically before your votes and I'm going to adopt that as well. So on items 35 and 37, these are withdrawn on the consent agenda, but I want to note to staff I submitted a couple questions in the Q and a and did get the response and as I was reading it it appears the response is to one of the questions but not to the full question. I know these are not going forward

today and they will come forward at some point, but I would ask you carry my questions forward and actually if you could just take another look at that and make sure that the second part of that question gets answered, I sure would appreciate it.

>> Mayor Adler: It been moved and second to do approve the consent agenda. There's no further conversation. Those in favor please raise your hand. I'm sorry, Mr. Zimmerman.

>> Zimmerman: I would like to note some abstentions and opposition. If I've got the pulled items correct, correct me if I am wrong, but I'll be abstainings from items 4 and 5, abstaining from 7, 8 and 9, against 11, 12 and 13, against item 15, against 16 and 17, abstaining from 18, against 19 and 20, abstaining from 21, against 22 and 23, abstainings 24 and 25, abstaining 27 and 28, against 32 and 33, abstaining from 34, abstaining from 36, abstaining from 38, against 39, abstaining from 41 through 43, against 44, abstaining from 47 and 48, against 49. Abstaining 50, 51, abstaining from 54, against 55, against 57, abstaining from 58. Against -- let's see, item 64 was pulled?

[11:20:13 AM]

>> Mayor Adler: Yes.

>> Zimmerman: Against 65, and that will do it. Thanks.

>> Mayor Adler: Okay. Any further comments? Yes, councilmember troxclair.

>> Troxclair: I just want to be shown abstaining from item number 4, 50, 61, 63, 23, 24, 28, 33 and 101.

>> Mayor Adler: Okay.

>> Troxclair: And voting against items number 19, 20, 38, 55, 57, 59 I think we expected, and 65. Thank you.

>> Mayor Adler: Okay. Anything else? We'll take a vote. Those in favor of the consent agenda? Those opposed? Passes unanimously on the dais with the notations made. I'm going to call up the consent agenda on the development, but first before we do that, I want to dispense with item number 60. We're going to vote on item number 60, we're going to divide that question. First we'll vote on the removal from the parks, parkland events task force. It's been moved to remove that individual -- is there a motion to remove that person from the task force? Ms. Gallo makes that motion. Is there a second to that motion? Ms. Troxclair seconds. Discussion? Ms. Pool.

>> Pool: Thanks, mayor. I would just like to point out that the reasons for removing this member who, the task force again has finished its work, there are no more meetings and the reasons for removing Carol Lee from this task force where she did some pretty good work have nothing to do with her service on that task force. And that issue can be dealt with elsewhere.

[11:22:14 AM]

I will point out she is not here to defend herself. And so -- and I have a note from her that she did not -- she did not do any such thing. So that's the response from Ms. Lee, who is the target of this and I would urge that we vote against removing Carol Lee from the parkland events task force. Thank you.

>> Mayor Adler: We have one person public that's asked to speak on this issue. Mr. King, do you want to speak?

>> Thank you mayor, mayor pro tem, councilmembers. Yes, I'm co-chair of the parkland events task force and it was my honor to serve in that capacity and thank you for allowing our task force to do its work. And you know, I see that this issue that's been discussed this morning, you know, I think we need to allow due process for this individual. And based on the result of that, then make a decision. I just think it's too early to be taking a punitive action like this without due process. So I would urge you to separate these items as you are considering right now and, you know, I will tell you, she worked well on the task force. She was dedicated to the task force. She did a good job on the task force. And I just hate

that in some way this is going to impune the work that she did. And I think it's regrettable and unfortunate. And, you know, I -- I'm kind of surprised by this, frankly. So I appreciate the action here to separate these issues and give her the respect that she deserves and the due process that she deserves. So I hope you will vote against this action and give her, as I said, the respect and due process that she deserves. Thank you.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I guess for me I don't know the person that we're discussing, but any time the councilmembers appoint people to boards or commissions, those people serve at the pleasure of the person who appointed them.

[11:24:26 AM]

For me it has nothing to do with what the reason is or what the accusation is or whether it's true or false or what, I mean councilmember Gallo appointed her and she doesn't -- councilmember Gallo doesn't want to have her serve anymore. If this was a long-standing board, somebody else would then have the opportunity to appoint this person and still does have the opportunity to appoint Carol to a different capacity within the city if that's their choice. For me it doesn't have anything to do with the person or the reason, it has to do with the respect for the process and the fact that we each take responsibility for the people that we appoint.

>> Mayor Adler: Okay. Ms. Houston, did you want to say something?

>> Houston: Yes, mayor, and I'm wondering if there is some way -- this puts me in a very difficult position because I don't know any of the -- I don't know any of the background, I don't have any of the information, and for me to be in a position to make a decision about another member of council's appointees, good, bad, indifferent, that's not my responsibility. I have to trust everybody on the dais has good judgments and for whatever reasons I've had to remove a couple of mine as well. I would be offended who don't know me, don't know what was going on in that circumstance decided as a body to not do what I'm suggesting needs to be done for the good of the community and the good of that board. So I don't like being put in this position actually.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'm going to support councilmember Gallo on this. Let me say I was falsely accused in the last election cycle of putting campaign materials in people's mailboxes, so kind of outrageous. So I -- I 'em take thighs with the potential of the false accusation against Carol Lee, but going back to what councilmember troxclair just said, I'm going to trust my colleague, my councilmember, I agree with councilmember troxclair.

[11:26:39 AM]

I think our appointments serve at the pleasure of elected council and I'm going to support councilmember Gallo. I do not appreciate people being accused like this and I think Carol Lee certainly would be innocent until proven guilty, but that's not the point. I think councilmembers have a right to appoint and replace committee members. So I'm going to support councilmember Gallo's motion.

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

>> Pool: I just make the comment that it's entirely within the [inaudible] Of each councilmember to offer up a change to their appointments, but it is the entire dais that approves or disapproves them so we really are being called on to speak up on this issue as individual members of representing the city.

>> Mayor Adler: Take a vote. Ms. Houston.

>> Houston: We don't know any of the circumstances so how would I be able to make a good decision so I'm going to vote on process and not on hearsay. That's all I have at this moment.

>> Mayor Adler: There's a motion and second with respect to this one person. Those in favor of the removal please raise your hand. Gallo, troxclair, Zimmerman and Houston. Those opposed? Those abstaining? We have three abstaining, Garza, Renteria and kitchen. The vote to remove this person does not pass. That gets us to the balance of the recommendations. Is there a motion to approve the balance of the recommendations? Ms. Pool moves that. Is there a second in Mr. Zimmerman. Any discussion? Those in favor of the balance please raise your hand. Those opposed? Mann on the dais.

[11:28:39 AM]

-- Unanimous on the dais. Staff, do you want to take us through the consent agenda.

>> Greg Guernsey. Items offered for consent. 72 and 73, I wanted to make sure these are only offered for second reading only today. Not third reading. We're still waiting for documents to be signed. So if I may, I'd offer first for consent item 72, npa-2016- 0010.02. This is a change to the holly neighborhood plan for the future land use map to designate as mixed land use. Again only for second reading. The related item, 73, c14-2016-0041, to zone the property to cs-v-co-np. Only second reading. 74, c14-2016-0043, 622 pedernales street, to zone to cs-mu-co-np. Only for second reading. 75, the grove for 3:00. Or thereafter. Item number 76npa-2016- 76npa-2016-0013.01. This is known as Bouldin courts. For the property at 908, 1000, 1002 south second street to change the future land use map in the Bouldin creek area to a higher density single-family land use.

[11:30:42 AM]

The neighborhood association brought me a postponement today on this item. I'm not aware if the applicant is in agreement with that postponement. But someone in the audience is here on behalf of psw that may be able to confirm. Neighborhood P on this item to 1-26. The related item, number 77, case c14-2016-0077 to zone to sf-6-co, a neighborhood P request to 1-26. Item number 78, c14-2016-0020 for the property at 7717 southwest parkway, staff is requesting P of this item to your January 26 agenda. Item 79, c14-2016-0021, property located at 420 east fm 1626, staff requesting postponement of this item to January 26th agenda. 80, C is this-2016-0039 on Thornton road, a time certain at 6:00 or some point thereafter. Item 81, staff is requesting postponement to January 26th meeting. The commission also postponed this item null next year. Item 82 for the property at 1211 and 1301 east fifth street. Staff Republican postponement. Item 83, staff is requesting a P of this item to your January 26th agenda.

[11:32:46 AM]

>> Houston: Excuse me, mayor. We were going so fast. Mr. Guernsey, do you really think we'll be able to get anything done by the 26th? We've got a holiday coming up. There's some issues there. Do you think that's too quick to --

>> The commission postponed items 81, 82 and 83 to their January 10th agenda. If they act on the 10th, then we would bring these back in time for the 26th. If, so that's why staff is requesting postponement of those three items.

>> Houston: I'm just allowing that right after the new year may not be the best time to be able to have this heard. But that's fine. If they are going to hear it on the 12th, then we'll be ready to do it on the 26th.

>> I think they are considering on their 10th agenda. If, item number 84, c14-2016- 0063. Sh for 4507 and 4511vinson drive. Staff requesting postponement to your 26th agenda. 85, c14-2016-005, 623 west 38th street. Staff requesting postponement to February 9th agenda. Item 86, c14-2016-0086 for the

property at 2004 east William cannon drive, this is to zone the property to Ir district zoning for Travis county 1 and mf-3 for tract 2, ready tore consent approval on all three readings. Number 87, c14-2016-0096, staff requesting postponement to January 26.

[11:34:49 AM]

Item 88, c14-2016-0117, staff is requesting postponement to January 26th. Finally 89, c8 shhh-2014-0120, Austin oaks pud, for various addresses on executive center drive and this was made for time certain for 6:30 or later this evening.

>> Mayor Adler: So I understand the consent agenda goes from number 72 through number --
>> 89.

>> Mayor Adler: -- 89. And the numbers --

>> And I noted along the way which ones we've pulled.

>> Mayor Adler: Which?

>> The ones pulled for later discussion today, item number 75, which deals with the grove pud. That was for 3:00 or later. And then also item number 80, which was the Thornton zoning case for 6:00 P.M. Or later. And then finally the Austin oaks pud, item number 89, which is 6:30 P.M. Or later.

>> Mayor Adler: Okay.

>> Houston: Mayor, do we have an answer on 76 and 77?

>> Oh, one clarification. 87 I'm told that is a neighbor requested postponement, not staff. Pardon, councilmember?

>> Houston: Do we have an answer to 76 and 77? For a postponement?

>> 76 and 77 I have a neighborhood request for postponement.

>> Mayor Adler: So that I understand --

>> On 76 and 77.

>> [Inaudible].

>> There is agreement for the applicant has accepted the neighborhood's request for postponement on 76 and 77 to January 26th.

[11:36:54 AM]

>> Mayor Adler: So that was a postponement request by the neighborhood?

>> That's correct.

>> Mayor Adler: What about on number 87? That's a request by the neighborhood as well?

>> Yes, that's correct.

>> Mayor Adler: First request?

>> I believe so. I don't know off the top of my head on this one.

>> Mayor Adler: Is there any objection to that postponement?

>> Any objection on 87?

>> [Inaudible].

>> I'm told no.

>> Mayor Adler: No? Okay. So then, again, between items 72 and 89 consent has all items except number 75, 80 and 89. Is there a motion to approve the consent agenda? Mr. Zimmerman moves. Is there a --

>> [Inaudible]

>> Mayor Adler: Let me get a second real fast. Is there a second in Ms. Gallo approves that. There's been a motion and second. Ms. Houston.

>> Houston: So we're postponing 76 and 77.

>> Mayor Adler: We are because there's agreement. The only three that are -- yes, we're expecting that. We're also postponing item 87. As requested by the neighborhood. It's been moved and seconded on consent. Any further discussion? Mayor pro tem.

>> Tovo: As I've done in the past, I am recusing myself concerning 76 and 77 and filed an appropriate affidavit with the city clerk.

>> Mayor Adler: So noted. Mr. Renteria.

>> Renteria: Yes, on 73 and 74, let me see if it's on the pedernales, are you all looking really -- my big concern there is the traffic that's going to be there on [inaudible] And pedernales. Right now there's just a four-way stop sign and I hope you all look into that. And especially the last block much sixth street -- of sixth street, when vehicles park on both sides, it just creates a one-way-type situation where if you have two -- traffic going both ways, one has to pull over or they have to squeeze in to try to get passage of that so I hope you look into that also.

[11:39:13 AM]

>> I'll pass that on to our transportation department.

>> Mayor Adler: Okay. Anything else? Any further discussion? Those in favor of the consent agenda raise your hand? Those opposed? It's unanimous on the dais. That gets us past all the consent items.

>> Casar: Mr. Mayor?

>> Mayor Adler: Mr. Casar.

>> Casar: Procedurally I would like to make an ask we set for 11 Alamo and shortly after citizens communication my understanding is we have some drivers here who want to testify on 67, but I don't think we'll have time for both. And so as you -- I know you get to run the agenda, but just as a suggestion, if we could take up 66 before the communications and hear from some of the testimony on 67 after the lunch break so that they can know, that would be helpful.

>> Mayor Adler: We had indicated we were going to take up item 66 at close to 11 as we can so I would propose we take that up first.

>> Tovo: I would add item 70 which was not on the consent agenda, but I don't anticipate much discussion on that if that's something we go dispense with quickly.

>> Mayor Adler: Is there any objection to appointing abego -- item number 70. Do you want to make that motion? Since it came from your committee?

>> Houston: I would have liked to, but you've already done it.

>> Mayor Adler: I haven't. I can call however I want to. If you would like to make --

>> Houston: I had comments about Dr. Aiken that I would have liked to share with the folks.

>> Mayor Adler: We can. I can call it after lunch if you would rather me do that.

>> Houston: It doesn't matter, I just want to be able to make the motion so so that I can make some comments.

[11:41:17 AM]

>> Mayor Adler: Then I'm going to hold off calling because I don't know how long the comments will be.

>> Houston: It should be very quick. I'm not a long talker.

>> Mayor Adler: Then Ms. Houston makes a motion for adoption of this item. Is there a second to that motion? Ms. Garza seconds that motion. Ms. Houston, would you like to make some comments?

>> Houston: Thank you, mayor. At a special called meeting on December 5th, the members of the committee interviewed three individuals for the joint city-county appointee to the central health board of managers. The committee was very thorough and thoughtful at the interviews and in the deliberations. Each individual possesses outstanding academic qualifications, a great variety of skill sets,

expertise in their personal commitment to the mission of central health. At the conclusion of our deliberations, the committee voted unanimously to recommend Dr. Abigail Akins to the full council for consideration for appointment. Let me share a little bit of information about Dr. Aiken. She is an assistant professor at the Lyndon baines Johnson school of public affairs, medical degree from the university of Cambridge, master's in public health in Harvard university and a ph.d. From the university of Texas at Austin. Prior to joining the faculty at the university of Texas at Austin she served as a lecturer at the Woodrow Wilson school of public affairs in princeton, university. Her ten years of experience in hill country and health policy has made her -- her research focus on reproductive health and spans several disciplines combining background in biomedical science, public policy, demography and public health. Her current projects include evaluating programs and policies designed to increase access to contraception and investigating the determining impacts of unintended pregnancies through a health equity and reproductive justice framework.

[11:43:21 AM]

Much of her recent research has focused on Texas and on Travis county specifically. She uses her skills in community engagement to translate the needs of people into fair and effective health policy. So the committee is very happy to support her nomination and we got a move and second, mayor, so let's do it.

>> Mayor Adler: It's been moved and seconded. Further discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais.

>> Casar: I made a mistake. Some of the provider folks are still enroute so if we could hear the drivers before lunch break and take that item up afterwards, that would be better.

>> Mayor Adler: Let's go ahead and do that. That's number 67. Is that right? Yes. Whose motion is that?

>>>> Casar: That's my item.

>> Mayor Adler: Mr. Casar moves adoption. Is there a second? Ms. Houston seconds that. So we have some speakers to speak back. To speak on item 67. Michael Hernandez. Mr. Hernandez here?

>> [Inaudible]

>> Mayor Adler: That's okay. On deck will be Michael Peterson. So I have four --

>> [Inaudible]

>> Mayor Adler: I have three speakers. Michael Hernandez, Michael Peterson and Christopher Bedford. We'll take them in that order.

[11:45:22 AM]

First, Mr. Hernandez.

>> Hi, I'm Mike Hernandez. I'm the driver for --

>> Mayor Adler: Can you pull the microphone closer?

>> I'm [no microphone on] And I'm a driver for [inaudible]. And I got -- old wrecker from 20 years ago. And I know you all got this new rule and I just don't understand what's the whole -- that was me in the past. I'm not the same person. I love driving in Austin. I grew up here. And drive people from all over the world. You know, acl. I might have driven some of you all to the airport, even. Now I'm out of a job, and it's around Christmas time, we're struggling, but I'm just trying to see if you all can change the ruling on this. And that's pretty much all I have to say.

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

>> Thank you.

>> Mayor Adler: The next speaker we have on this is Michael Peterson. Christopher Bedford will be up next. Sir?

>> Thank you, council, for allowing me to speak today. I haven't been in front of the council for quite a few years, so if you'll excuse me, I'm a little bit nervous. I've been driving in the city of Austin for 30 years as a licensed chauffeur driver. While it is true that some of the choices that I made when I was younger over 30 years ago were not wise, but I paid my debt to society. When I came to Austin, I was looking for a second chance. And I was afforded that opportunity by given a chaff's license.

[11:47:23 AM]

Under the rules back then, I had to go through a probationary period and I passed that. 28 years later I'm -- now I'm faced with the aspect of a life that's been built in this community of ending. Since that time I've lived well within the law. I haven't wasted that second chance. I met the woman that became my wife of 21 years and counting. We've raised our children, we've built a life within our community and we've lived with the thought that I had redeemed myself in the eyes of society. Then recently because of the changes to the ordinance, 30 years of work, of living right, it didn't seem to matter. Now this has put livelihood and has put a very distinct uncertainty to my family's future. It seems grossly unfair that everything that I've built with my family over the last 30 years should be put at risk without at least being afforded the opportunity to make mine and my family's case in the light that we have built, if it still has worth with the city we have called our home and we want it to remain our home. I would implore you to take my story and my family's story into consideration and support the addition to the amendment that would give me and others like me a chance to continue building on 2 the -- on the productive life we have chosen to live in the great city of Austin. Thank you very much.

>> Hello, I'm Christopher Bedford and I'm an owner-operator here at super shuttle.

[11:49:27 AM]

I started out as a driver six years ago. And was very successful and I loved it. I had the opportunity to grow my business with super shuttle by adding additional vans and drivers to operate them. And now they too have the opportunity to earn a living driving a super shuttle van. I have owned up to three vans. Super shuttle has given me the opportunity to succeed in building my own successful business. And honestly I'm really good at it. I've always, I've always received good scores on our customer surveys and I am very often in the top ten of 100 drivers in customer satisfaction and safety scores. I work hard to take care of my customers and I am a good, safe driver. I know the city well. I am very friendly. I take good care of my vehicles and I present a professional image. The drivers who drive my vans find me very organized, responsible and fair. I really care about the business and our customers. I follow all laws, ordinance and regulations as set forth by the city, state and by super shuttle. Since the new ordinance has been passed, I am not able to renew my chauffeur's permit. Over 12 years ago, I was young, I live a different life. I maintain a clear background over 13 years now and found my way in the transportation business with super shuttle. I am very proud of the business that I have grown and the level of service that I provide. I have a good relationship with super shuttle and also with Billy Carter. They even helped me -- they have me help recruit drivers and train drivers also. And Billy once told me, Billy Carter once told me he would love to have ten more drivers like myself. I made an honest, successful living driving professionally and I'm now without this opportunity and there are good drivers and good people going through the same thing.

[11:51:34 AM]

I truly hope there is something that you can do that would help us resolve this situation so we can get back to the job that we love. I am -- I'm currently -- excuse me. A little nervous. I'm currently leasing to

own two vans right now and I can't drive neither one of them and my business is suffering right now. It's been three months and my business is going down the drain. I have developed a career here at super shuttle and I don't know what I would do if I can't drive anymore. I would have to start all over again. I appreciate the reason behind the ordinance, but I can assure you I am not a risk to anyone. I want nothing more than to provide safe, friendly, reliable transportation service to people.

[Buzzer sounding] All I ask is the opportunity to be able to present my case to a review committee. I'll be assured that my service record will speak for itself and hopefully people will be able to see Austin needs more drivers like me, that people can and do change. Thank you.

>> Mayor Adler: Mr. Carter. Billy Carter.

>> Thank you, Mr. Mayor, council. I've been in touch with most of you and today I'm speaking in favor of the proposed amendment which would allow review process for proven professional drivers who were previously qualified and will now be disqualified. I'm asking because I know these drivers personally. Some of them have been permit holders in Austin for five, ten, even up to 30 years. Some of them drive for my company and they are regularly rated the top drivers in customer service and safety. Some of them are being dehide the ability to continue to make a living for offenses they may have committed 10, 20, sometimes even 30 years ago.

[11:53:40 AM]

Some of these drivers made some bad choices when they were young, but they live different lives now. They have families, they are deacons of their church, they are upstanding members of society, they are leaders in our community. They pose no threat to the residents or the visitors of Austin. Some of these drivers are my friends and I'll tell you for a fact, if we lose these drivers, it's Austin's loss. Because some of these drivers are exactly who we want representing our city, caring for our residents and keeping our riders safe. Shouldn't we give them an opportunity to present their case before a review committee? My suggestion is we give the following criteria. A recommendation from the transportation company or companies that they provide service for; their service history records, customer feedback survey results; how long have they been successfully driving in Austin; the timing of the offense. And I would also ask that current licensed chauffeurs be given priority in this process of the review so that they can get back to work quicker and continue with their chosen career. This process would only give them an exemption for the disqualifying offense that was previously allowed under the city code. Any offenses or issues going forward would be permanent disqualification. I would also ask that once a chauffeur has gone through this process, that they be permanently exempt or grandfathered from that disqualifying offense moving forward and not have to do this every two years. We anticipate that up to 8% of our drivers will be affected, and I take it very personally. Some of these drivers have been driving for us for up to 15 years.

[11:55:40 AM]

They are good, hard-working people. They make a living and support their families 100% by being a professional driver. It's really hard to find and keep good people. And I hate to think about losing these. Please vote yes. Thanks.

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

>> Zimmerman: Thank you, Mr. Mayor. So referring to something I said earlier, I'm probably going to be reluctantly voting in favor of this and I'm reluctant because I don't want city government involved in this. I think this is a decision that should be between the business owners, the limousine companies, the ride for hire businesses. No one cares more about the ride for hire business than the business owner. If something goes wrong, your business can collapse. So I support -- I supported deregulating taxis and

limousines to have all these decisions left up to owners. Let me quote from part 2. 13-2-257, any disqualified applicant may appeal and the director may overturn a disqualification. Are you sure this is going to get you as far as you need to go? What if you have just a curious decision that, well, we're going to disqualify that driver. I'm not comfortable with that, but I think this moves the ball in the right direction.

>> Right. And I would just urge you if you don't think that the city should be involved in that process, but they are and there's drivers that are out of work right now, so -- and it's a situation that needs to be solved right now. That the rewriting of 13-2 is certainly in the works and I support a lot of that deregulation, but that's not here yet.

>> Zimmerman: You are right.

>> And this is a real issue right now.

>> Zimmerman: Thank you for being here.

[11:57:42 AM]

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: Sir, if you will come back up.

>> Mayor Adler: Mr. Carter.

>> Houston: Thank you so much.

>> Yes, ma'am.

>> Houston: Some of the ideas that you outlined were very good and I thought web very helpful. Do you have a copy of that so that we could --

>> Yes, ma'am, I'll be happy to email that to you, yes, ma'am.

>> Houston: Thank you.

>> Uh-huh.

>> Mayor Adler: Okay. Thank you. Ms. Garza, you pulled this. Did you want to address it?

>> Garza: I'm going to make an amendment so if Mr. Casar wants to move -- it's already been moved?

>> Casar: I did do that.

>> Houston: Thank you all. There's some taxi drivers that could not be here this morning and so I ask if we could do that split like we do and not take a vote on that until they get here at 5:30. They had asked for a time certain. Mr. Casar didn't say yay or nay to that so we're in the position they want to talk and participate and -- but I couldn't get back to them quick enough to say you have to come this morning. So they would be willing to -- they can come this afternoon -- this evening.

>> Mayor Adler:

>> Mayor Adler: Okay. Is there a desire to hold off on this item until this evening?

>> Kitchen: Could I just make a statement? Whatever the group wants to do, but I think there's a real support for moving this forward and moving for it. The problem is, if we wait -- just let me just say, the problem is, if we wait until 5:30, it's not going to be 5:30. We've got so many other things stacked up. My thought is, if they're aware of that they may be fine with us going forward.

>> Houston: I think we always as a council want to give people who are directly affected by the policies that we make an opportunity to express their concern, and that's -- people work.

[11:59:43 AM]

They're working. And this is something that directly affects their livelihoods. These have been great testimonies, but there's some people that may want -- why don't we just postpone the vote and let me

try to get back in touch with them and say you can't come and vote -- can't come and speak tonight, or if you do come, you may be at 1:00 or 2 o'clock in the morning because we have so many other things.

>> Kitchen: It was not my intention to disrespect anyone who wants to come and speak. I was just saying they might not be aware -- maybe I'm wrong, but I think we're going to vote for this item. So that's why I thought it might be good to just do it. But I'm open to whatever did the.

>> Houston: Mayor, if I could have about 20 minutes to go and try to call the folks that wanted to come this evening and let them know that we're going to go ahead and take a vote this morning.

>> Mayor Adler: Okay. Let's do this. We've had the public speakers here, if we could just put this on hold, we'll pick this back up when we come back after lunch or after the speakers and figure out what to do then. Is that okay? Because there are a couple other items I want to take care of before we get to citizens communication. So mayor pro tem?

>> Tovo: I just want to did the I don't know in a our speakers will come back to the later discussion, and I just want to thank you for coming today and for sharing your stories, and you've offered, you know, very compelling evidence for why we should change this. And I certainly intend to support it. You know, sometimes at council we can't always anticipate every possible outcome of the actions we take. So I appreciate you coming and showing us through your stories how and where we need to move forward so that we can did you understand, the fix -- fix this issue. So thank you.

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I just wanted to add also that this was definitely an unintended discovery for us, and, you know, in an effort to level the playing field with the driving business, we -- we unintentionally did something that we didn't intend to do.

[12:01:50 PM]

So I'm -- if you can't stay for the final vote, I'm certain that this is going to pass, and with direction that this appeals process get started as soon as possible. So I apologize for what happened, and we hope to get you back to work as soon as possible.

>> Mayor Adler: I just want to add to that that I understand here and believe that this was an unintended consequence as well, so subject so what we may hear from later speakers, which I don't know what they would say, I want you to know that this was a concern of mine as well, and I'm happy we're dealing with it. Okay. So without objection -- Ms. Kitchen?

>> Kitchen: I just want to thank Mr. Carter for helping us realize that we had this unintended consequence.

>> Mayor Adler: Okay. Mr. Renteria?

>> Renteria: Yes. I'll also support this, just to let y'all know, if y'all can't make it back, that I'm going to be supporting it.

>> Mayor Adler: So if you're counting heads, I think you're doing okay.

>> Casar: I feel the same, and thank you for coming. While I do respect and understand that it's unintentional, I do want to just note, however, that there was an amendment to create this sort of process when we were going through it, and I appreciate that we're changing to sort of make that happen because it was something that we were worried about and that we heard about when we were going to pass that ordinance, and I think councilmember Renteria supported that amendment. I appreciate that now with that experience, that we're about willing to go back and do what we should have done in the first place.

>> Mayor Adler: With that, I'll bring this back subject to recall. I want to bring up quickly, there were several items on the consent agenda that spoke to the grove matter. As you recall, we closed debate on the clove matter so when we pick it back up today no sooner than 3 o'clock, there were four stray motions, part of the consent agenda.

[12:03:54 PM]

There's one speaker signed up for that so I was going to give him a chance to talk so we could move into our conversation at 3 o'clock without calling for further public comment on the three, four issues that are in front of us. Mr. King, do you want to speak on any of these grove items? You had signed up on a couple of them. This was not the main grove item but some of the ancillary items, 29, 30, 31, and 100.

>> Yes, mayor, mayor pro tem, thank you. Councilmembers, my main point about these items is, you know, I understand we're trying to get as much affordable housing as we can, you know, through these strategies. I just worry that some of these costs that I think should be borne by the developer are going to be transferred to taxpayers. So that would be my message, is that we're -- that when we look at these options, we be very deliberate and careful about that. And so I know we need the affordable housing. And the other thing I would suggest is that when we're talking about affordable housing, that we really look at the 60% mfi and below, and that's what we target, and we target low income families with children so they can live in these projects, in these developments that we're discussing here. And the other thing that I think is important in terms of, you know, using taxpayer money that's generated from the project itself, you know, and dedicating that for, in my opinion, things that the developer should be funding, is not fair to taxpayers. That understand money -- you know, we -- I was at a imagine Austin speaker series a couple weeks ago, and the speaker pointed out that, you know, our low income neighborhoods, some of our low income neighborhoods are actually subsidizing infrastructure in high-income neighborhoods. And I think we have to be very careful about that. And I think there should be an analysis done.

[12:05:55 PM]

I hope that you will ask for that to be done, to see where that's occurring in our community and what we can do about that. So really, I'm talking about equity, when we're making these decisions, and that we do this through the lens of equity in terms of our low income families and also our taxpayers. And making sure that development pays for itself. I think these elections that we've looked at in the past few weeks here are making that point, that development should pay for itself. And what I hope that you will -- that will help you guide you in your decisions on these particular matters. Thank you very much.

>> Mayor Adler: Thank you. Those were all the speakers we had on 29, 30, 31, and 100. Council, one more item. We postponed item 87 in the consent agenda as it was discussed. It was a development case. We have one person here registered to speaking. He would like to speak against the postponement and since he's here I want to call him up to do that in case we want to reconsider and change that vote. Is Mr. Potter still here?

>> Thank you. I'm James potter. I'd like to ask that the city council reconsider postponement of this item number 87 for a couple of reasons. One is that the -- anyone that wanted to have option to this had the same amount of time to prepare as I did, and, in fact, the opposition was here this morning, and I don't know if they're still here, but they were here this morning and they could have presented their case as well as I would like to be able to do. The other hardship is my business. I'm a dentist. My schedule is usually several months in advance, and I had to cancel 20 patients in order to be here today, to be able to make this meeting.

[12:08:01 PM]

And any of you who have ever had a dental appointment or a medical appointment and then got called by the office and told that your doctor is not going to be available, that kind of disrupted your life, and

that disrupts these 20 people's lives as well. Not only that, but now I've got to get them rescheduled, and somebody else is going to get bumped and somebody else is going to get impacted along the way. So my patient schedule and patients that were there are definitely impacted directly. The other issue is that in my company, and my policy is that ever if I'm out of the office for any reason, like city council meetings or any other kind of meetings that I have to go to, I still pay my staff. I pay them because I have six of them, and all six of them are the primary breadwinners in their families. I cannot, in good conscience, tell them, you've got to take a day off today, because it impacts their families. And so I'm paying those people today. The cost to me today is about \$6,000. Now, that's probably a pretty small amount of money to you who deal in millions and millions of dollars, but to me, it's a lot. I'm prepared to discuss what we want to do on 87, item 87. It's not a big issue, but there are some issues that we do need to clarify, and I ask that the city council put is back on the agenda so we can get -- get it taken care of. Thank you.

>> Mayor Adler: Okay. Mr. Potter -- Mr. Potter? We can -- and I apologize for not calling you up earlier when we took that vote. Had I seen -- had I noticed that, I would have called you at that time. But I'm calling you now so there's an opportunity to reconsider that. But I want you to know that -- that the general convention that we've had here on city council is that both sides, in planning matters, have one opportunity to ask for a postponement, and through the years, that has proved to be a better solution than the alternative.

[12:10:17 PM]

We don't do that lightly because we recognize that with postponements, everyone is inconvenienced. And I wish there was a more perfect way for us to handle these things administratively. But with regard to this postponement request, this is -- it fits within a larger policy that has been more generally broadcast to the community, and it becomes one of the -- one of the knowns for this process. But I recognize the inconvenience and impact that that causes. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I had a point of inquiry, I guess, here for us. So what is the expectation if this is not reconsidered -- is staff -- I think staff has the ability to postpone as well. Is that right? To postpone a hearing? Is it the intention for staff to postpone this the next time it would be scheduled?

>> No.

>> Zimmerman: Okay. So, in other words, in other words, if we don't reconsider this -- I'm going to make that motion to reconsider and have it, but the council will probably vote against for the reasons mayor just said. But when it's rescheduled, there would be a virtual certainty that the hearing would take place.

>> Yes. It would be at the will of the council, on, but the staff is ready to go with the case.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Ms. Houston.

>> May I respond?

>> Houston: Mr. Rusthoven, is there any way you all can talk with this gentleman about what the concerns are before we have the hearing again?

>> Yes. The request was from the 2222 coalition neighborhood associations. I saw them out in the lobby. They left. I'll get in contact with them tomorrow and see what their issues are and see if we can set up a meeting and work on that.

>> Houston: Will you ensure that he will be part of that?

>> Yes.

>> Houston: Thank you.

>> Mayor Adler: Okay.

>> May I make a comment?

[12:12:18 PM]

The 2222 coalition was the one that asked for the postponement for today. When we went through these zoning and -- to get here, our first meeting, they asked for postponement there as well. They don't give a reason why they want to do it. I realize now you've got to have policies and procedures. I deal with them all the time. But I also have to realize that there's got to be flexibility there, and I think that we have presented a case where this is a severe hardship for us. We will have to do this all over again. It's going to cost another \$6,000 in time to come down here to do this. And since the 2222 coalition is -- has already got a history of just asking for postponements, no reason given, and also at the late time, late date -- I didn't find out about it until yesterday, after -- after 5 o'clock, and even then I wasn't identified directly, although I am a principal person on the --

>> Mayor Adler: I understand.

>> On the request.

>> Mayor Adler: I understand.

>> But I just think that your policy should be tempered with what the reality is.

>> Mayor Adler: And in that regard, I can only say that if we -- if we were to allow for that -- the reason that I will be sticking with the policy is so as to avoid an individualized conversation on this every time it comes up, and I assure you it would come up every time that this happened. And at some point the experience has demonstrated that across cases and across time, this is a policy that enables us to best move forward, which is not to say that we don't recognize the hardship, and we're not -- we recognize that. And if there was a better solution for this, I would hope we would find it. But I understand. Mr. Zimmerman moves to reconsider --

>> Zimmerman: I'd like to reconsider item --

[12:14:19 PM]

>> Mayor Adler: Is there a second to the motion to reconsider? All right. Ms. Troxclair seconds the motion to reconsider. Is there any discussion? All those in favor to reconsider, please raise your hand. Mr. Zimmerman and Ms. Troxclair. Those opposed, please raise your hand. The motion to reconsider doesn't pass.

>> For those who ordered for, thank you very much.

>> Mayor if you could answer a question, it was actually the [inaudible] Association that made the request, not 2222, but I will still put together the two parties.

>> Mayor Adler: Great. Thank you very much. That gets us to citizens communication. I will apologize for the delay in getting there. Susana Almanza? Okay. Then I'm going to let you go in this order. I will call you as the last five speakers so that we're not displacing someone that is earlier on the agenda. So the next -- the first speaker we'll go to then would be Fred Mcghee. Is Mr. Mcghee here? Okay. The next speaker to speak then would be Gus peña. Is Mr. Peña here? On deck will be Audrey steiner. Yes.

>> Mayor, councilmembers, Gus peña. I'm going to read my remarks. Let's make a better effort to keep Austin really affordable. It's gotten too expensive. We need more housing units that are affordable. Let's define what affordable is.

[12:16:19 PM]

What's affordable for you, mayor, or councilmembers, it ain't affordable for us in the community, with low ses, socioeconomic status. I'm trying to be respectful. When we get -- people want our support for

building affordable housing. Let's get as many incentives as we can, just to have less than a third units out of a development is not acceptable. Mayor, I understand that the library -- the branch was in the meeting here, and I forgot to recognize it, but thank you, Brenda branch, for all your years of public service to the Austin library system. I go all the way back to when Bruce To-do was mayor, we had some problems in youth reading, et cetera, and she had the vision to had especially the children. As I said before you get the little child, him or her reading early on, they will not fail. But if we fail to teach them, educate them at an early age, early childhood intervention -- eci as we used to call it back in the '90s, we're lose him or her. I wish I had spotted you earlier. You should be the one who received a proclamation for your 40 years of service to the city of Austin public library system. Also, I want to say this mayor and councilmembers, we need more funding for family supported services, FSS, it's called at aid, so children and youth will achieve economic excellence and become positive, productive members of society. We're losing a lot of children out there, mayor and councilmembers. You want to say, well Gus, how do you know this? I'm one of the grunts out there. If you have a homey or gang banger trying to get recruits out there, I'm going to be in their face. I don't care. I'm not scared to die. As a matter of fact, if I die, somebody shoot me, more Marines will come to our efforts and you're really going to see some pay back from our Marine Corps, and we want to cut down on juvenile crime.

[12:18:28 PM]

Mayor and councilmembers, as Mr. King said, 60% mfi -- because we really have a lot more poor people than we have rich people or middle class income people. I will say this last. Feliz navidad [speaking in Spanish]. Let's remember what Christmas is all about, the birth of baby Jesus. A lot of people want to say happy holidays. Let me tell you something, it's merry Christmas, it's the birth of Jesus Christ, my lord and savior. A society is measured by its treatment of the less fortunate. When I ran on for city council the first time in '96, I was proudly given the title youth and senior citizen advocate.

[Buzzer sounding] Mayor and councilmembers, let's make this city more affordable for the poor. Thank you very much. Merry Christmas.

>> Mayor Adler: Thank you. The next speaker that we have is -- I called her name just a moment ago -- Audrey steiner. Ms. Steiner here? Next speaker is Carlos Leon.

>> Casar: Mr. Mayor? I'd like to wish Mr. Peña Feliz navidad. Merry Christmas.

>> Mayor Adler: Mr. Leon.

>> I'm Carlos Leon. I live in Austin, Texas, December 14th, 2016, to speak what's right.

[Speaking Spanish] First and foremost, Gracia, audios, for discernment. Democrats, stop whining about being hacked and losing the election. Even us deplorables know that nothing online or on your computer is safe or can be fully trusted, especially when it contradicts off-line reality. But you tech no bullies have been trying to electronically transmogrify and splinter. Human offline reality into many alien online matrixes to psychologically confuse and control us.

[12:20:41 PM]

#Epic gasp like fail. Some of you sickos are so retarded an weak, you cannot handle failure and rejection, so you hack a resisting person's mind to try to control it and punish a human's body and mind.

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natural spring water. God's got this. In Jesus' name, I pray, amen. Thank you, lord. God bless Texas and the United States of America, and merry Christmas to all, and to all a good night.

>> Thank you, sir.

>> Mayor Adler: Janice Pickens. Is Janice Pickens here? Okay. I think then that gets us to the speakers who have asked to be called in a specific order.

[12:22:43 PM]

That begins with Clifton Griffin, Georgia Steen on deck.

>> Mayor Adler and city council, thank you very much for the opportunity to speak to you today. I know you have received a lot of information concerning the Montopolis Negro school, and it has been in the news recently, and we knew that it was on the edge of being demolished. We have received news that maybe that won't happen. I am here today because I was a student of that school from 1951 to 1954, and I learned a lot of basic things in the school, to share, to care, to try to do things for other people, and try to make the world around you better. That school was a launching pad for my career, which was a career with the Austin public library for 25 years at the George Washington Carver branch library. In 1999, I spearheaded a reunion of the Montopolis Negro school that was held here in Austin, Texas. People came from several states to attend that reunion. It's an old building now that the grass has grown up, there's tin on the outside of it, but it was a place that meant something to us, and still means something to us. And I'm here today to plead with you, although your historical landmark commission failed to grant the building, historic landmark commission -- designation, I'm here to plead with you to overrule that commission and grant historical landmark designation to this building.

[12:24:58 PM]

It deserves it. Your city staff agreed. Your commission disagreed by one vote, and I know that the city council has the power to overrule the planning commission so they have the power to overrule the historic landmark commission. So I plead with you to do that. And not only that, but this building needs some -- it needs renovation. It should be turned into a museum. Montopolis is the oldest area in the city of Austin. It almost became the capital of Texas. So we need some historical, significant things done in that neighborhood. There are other areas that need to be looked at, and we appreciate everything that you can do. I know that councilmember Ora Houston and councilmember Renteria has been contacted. I'm sure that some of the others of you have been in on this. But we appreciate what you have done thus far, and we pray that you will continue to support us in this effort. Thank you.

>> Good morning, mayor and councilmembers. My name is Georgia Steen. My siblings and I attended the Montopolis school for Negro children starting in 1941. I attended the Montopolis school for Negro children from 1951 through 1954. I have a picture of me when I attended school there, from 1954 and 1955. The teachers that taught at the school taught us important values that were instrumental in helping us to succeed in life. Because of the historical significance surrounding the Montopolis school for Negro children, this school and property should be designated as a historical landmark. Therefore, I am requesting that the recently approved application for demolition permit to demolish the school, previously known as the Montopolis school for Negro children, be withdrawn.

[12:27:10 PM]

The significance of historical culture and values of the African Americans in the Montopolis community too often has gone unnoticed. Therefore, I'm requesting that you please halt the demolition of the building, formerly known as Montopolis school for Negro children, and to please designate the

montopolis school for Negro children and the surrounding property, which contains a large oak tree that stands on the property in the field to the right of the montopolis school building, and the beautiful bluebonnets that grow on this property every year, where many families come during the Easter holiday to take pictures of their family members in the beautiful bluebonnet field. Therefore, I ask that you please make this property and building a historical landmark. Thank you, and merry Christmas.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston?

>> Houston: Could you give the -- your picture to the gentleman over here with the glasses so we can all see it? Some people missed it. To see you when you were a little child.

>> I know I spoke, but I would like to show -- there's a picture of what the school looked like when it was a school. This is an artist's rendition of what the school looked like when we intended the school.

>> Houston: Thank you. Good to see you, too, sir.

>> Mayor Adler: Thank you. Susana Almanza. David king is on deck.

>> Good afternoon, I'm Susana Almanza, president of montopolis neighborhood plan contact team and the montopolis neighborhood association. The montopolis Negro school was established in the Colorado school district, school number 34, around 1891. The montopolis Negro school's original location was on the north side of the bastrop highway and south of Colorado river.

[12:29:10 PM]

The first school building was used until 1935 when it was destroyed by a storm, and the St. Edwards Baptist church donated the land for the new school at the site when Travis county would not build a replacement school. The school at 500 montopolis drive served as a pillar of segregated montopolis community, hosting holiday celebration, baseball games, juneteenth celebrations, and other civic events. The entire site is historical. In 1952, ownership of the school was transferred from Travis county to the Austin free public schools, the precursor to the Austin independent school district. The historic school is now facing demolition or relocation. The montopolis neighborhood contact team and association recommends that the Austin city council, one, support the montopolis community's desire to preserve and protect the historic school building and its surrounding cultural landscape, initiate historic zoning for school property and surrounding cultural landscape. Three, allocate funding and resources for the preservation of the school as a park and a museum. We have been in communication with Austin stonewall of the keep investment group, who is the present owner, and he's indicated that he's willing to sell and entertain offers. This historic property at 500 montopolis drive was purchased at the price of \$262,000, so we hope that we can work on purchasing that site to preserve it, not just relocate the building, because the entire site is historical. So we hope that the council can work on these recommendations. And real quickly, I want to add that I'm still looking for your personal donation for the cactus rose residents who are being displaced so that they can continue living within the community.

[12:31:14 PM]

We mailed and wrote to each one of you personally, so we appreciate it and also for the community at large, if you would like to help the cactus rose residents, please make a donation, visit the website and make your donation, so let's keep families together. And let's preserve our historical sites. Let's preserve the Negro school. Thank you.

>> Mayor Adler: Thank you. David king, please.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David King and I'm representing the Austin neighborhoods council. We support the neighborhood's call to preserve this site. You know, and if we -- we look at the growth policies and densification policies of our city, you know, what we've seen is that our families of color, African American families are being pushed out of their neighborhood. And, you know, that's not something we want to happen, but that's what's happening. And now, here, we're seeing that their history is about to be wiped out as well. It's as though they were never here. And that's a disgrace. This is their community. They helped build this community. So I think we should do our part, as a community, and step up and help them. The developer has the power now to demolish this historic site, and it's due to dysfunctional historic landmark commission, so we need to solve that problem, that most of those members are good members of that commission, dedicated to historic preservation. There are a few members that are creating this issue and have caused this situation that we have here today, and have put this issue on the front burner now so that you have to deal with this. So we need to fix that issue. And if we don't fix it, then, really, we're institutionalizing racism. We're continuing that process. So we need to fix that problem. So this is what I suggest.

[12:33:17 PM]

The historic landmark commission rules should be changed that any case that requires a super majority vote must be postponed if any members of the commission are absent from that meeting. The 75-day waiting -- deadline for such cases should be automatically extended to the next meeting of the commission, at which all members are present. In addition, if a case that is recommended for historic zoning receives less than a super majority vote for historic zoning, a super majority vote should be required to release a demolition permit. It's only fair. The rules are set up to make it easier to demolish and harder to preserve. That's inequitable. So we need to not only preserve this site and invest in this site -- and I would ask that you work with the county, the city and the county to work together, with the community, to come up with the funds to purchase this site, preserve this site, and as being requested here, convert it to a museum in perpetuity for future generations. Thank you very much.

>> Mayor Adler: The last speaker we have signed up, mayor pro tem?

>> Houston: Is the last speaker -- oh, it's still about Montopolis?

>> Mayor Adler: Yes. And it's the last speaker we have signed up to speak today. Yes.

>> Thank you, mayor. Danielle Llanes, with

[inaudible] Austin, I also sit on the executive committee of the Austin neighborhoods council. As I have said to you the last time I was here, relative to these gentrification issues, gentrification may be legal, but immoral and unjust. And gentrification in the central city is an economics and a class issue, but as it relates to east Austin, it is a race issue, so that gentrification in Austin, Texas, as it relates to east Austin, is a tool of systemic racism.

[12:35:18 PM]

The example here is another example that we have -- I could string many examples in the last number of years that -- that illustrate the point I'm making about gentrification and the lack of policies that -- or the lack of some kind of lens to understand the systemic racist effects on people of color in this town, have yet -- we have yet to come to that place, and I'm hoping that we do. You know, last month there were 30 demolitions, permits in east Austin alone. Almost all of those were -- were granted. Eight in my neighborhood, in Govalle. And so -- and so then when we deal with this issue about the Negro school -- and isn't it a terrible thing to say "The Negro school"? That just illustrates that we are, hopefully, with all of our collective efforts, leaving a racist legacy in Austin, Texas and coming to a legacy where everybody is important, everybody is taken into account, and everybody is a viable part of our community. So as

the previous speakers have said, have indicated to you, there are remedies that you can do to prevent this unjust event from happening, like many others, and, mayor, I would look forward to having a conversation with you, individually, with the undue -- representatives of undue racism Austin because this issue has reached critical mass, and we're not going to back away from it, and we need to find solutions, and we cannot find solutions without having dialogue with you, because you seem to be a champion, and I'm hoping that that is a reality and that we can work hand in hand with that.

[12:37:20 PM]

So thank you, members of the council, for your time and all your efforts. Mr. Zimmerman, thank you for your service over your tenure here. Thank you so much. Thank you very much. I appreciate it.

>> Mayor Adler: Thank you. Thank you, speakers. Ms. Houston?

>> Houston: Mayor, before everybody sits down, councilmember Renteria and I have been working with the developer and he will not be demolishing the property which gives us more time to look at options. We've also sent e-mails to the Travis county commissioners court because we all have a history in the Montopolis Negro school, the city, the county, and Austin independent school district. We've also sent e-mails to the superintendent and board of trustees of aid so that we can come together and partner on how we can do the best job that we can to preserve and reuse the old Negro school. So I didn't want you to leave here today thinking that the owners are going to demolish. They are very interested in preserving and making sure, and they said even though it's behind the tin, that has even helped it be preserved even better than if it had been just left out in the open. So they're very -- they want to work with the community, and I just didn't want you to leave here thinking that, like in some other demolitions, you go there one day and it's up, and that same afternoon, it's gone. It will still be there. And we will begin to work very closely with you all so that you have input. Mr. Griffin, it's always good to see you.

>> Good to see you.

>> Mayor Adler: Ms. Steen, thank you for coming.

>> Thank you very much.

>> Tovo: I really appreciate hearing that update. Thank you, councilmember Houston. I had a question for satisfy staff but I think I'll just take it up afterward. I think this happened at a meeting of the landmark commission. I just want to acknowledge some of the comments that were made about the work we need to do with regard to demolitions more generally. Please understand I have not abandoned my resolution that I hope will effect some changes with regard to that because it is, as we heard, just a few days ago, the caseload is -- is increasing for our city staff because the number of demolitions has increased at such a rapid rate.

[12:39:39 PM]

And structure by structure, we are losing the history of people in this community, especially within the African American community, and it's of great concern to me, and I hope that as we begin our new year, we can look at different ways of handling demolitions so it does not become the easiest and cheapest option. Thank you for the advocates who came down understand a great thanks to my colleagues for talking and working with the developer. I think that's great news.

>> Mayor Adler: Ms. Pool?

>> Pool: Thank you, mayor. I also wanted to offer to the citizens that came here today, we watched -- I watched the special called meeting of the historic landmark commission and watched what was going on. I was dismayed to see how that played out, and it was -- it felt wrong to me. So my staff the very next day got in touch with councilmember Houston's office to offer our assistance to see what we could

do. I'm also in support of and working with the mayor pro tem's office on cutting down on the number of demolitions of homes that are happening. We absolutely need to look at that. So we have a lot of -- we do have a lot of efforts that are going on behind the scenes here in acknowledgment and recognition of the concerns that you are raising, and they are shared so thank you for coming here today to continue to make the issue a larger, more public one. Mr. Zimmerma N?

>> Zimmerman: Thank you, Mr. Mayor. So I also want to acknowledge Mr. Llanes, a lot of hard work. He's been in my office before. We've had a lot of spirited discussions on this and I've said from the dais before that the city of Austin was implementing institutionalized racism in the 1920s and '30s with the zoning laws and segregation through those zoning laws, but that's a generation ago. And I'm deeply concerned that there's a push here in this city to, quote-unquote, end institutionalized racism by institutionalizing racism again like we used to do in the '20s and '30s.

[12:41:45 PM]

So when I get off the dais I'm going to continue to watch this and look for legal avenues to stop any kind of institutionalized racism through mu policies of the city. So just to put you on notice, thank you for your activism. I'm also going to be involved in some activism. And finally, our supreme court justice, John Roberts, said the way to end -- I'm paraphrasing, but the way to end discriminating on the basis of race is to stop discriminating on the basis of race.

>> Mayor Adler: Okay. That gets us through all the speakers. Council, it is 12:42. There is no items for executive session today, which is item number 90, so that's being withdrawn. Do we want to come back in an hour at a quarter to 2:00, at 1:45?

>> That sounds good.

>> Mayor Adler: Then we'll come back. We'll take a recess now, coming back at 1:45.

>> Kitchen: Mr. Mayor, can I request when we come back, item number 71 was set for -- item number 71 was set for 1:00 P.M., so if possible, if we could take that up when we get back? I know we'll have some -- we have some speakers for it, so ...

>> Mayor Adler: We have several things that are coming up. We were postponed in the middle of that conversation, but let's come back and try to get these things done.

>> Is it possible to come back earlier?

>> Mayor Adler: Do you want to come back earlier than 1:45?

>> 1:30?

>> Mayor Adler: All right. We'll come back at 1:30. We stand resisted. Recessed.

[12:43:50 PM]

We stand recessed.

[12:48:42 PM]

[Recess]

[12:59:37 PM]

[Recess]

[1:12:32 PM]

[Recess]

[1:35:50 PM]

[Recess]

[Recess]

[1:50:20 PM]

>> Mayor Adler: all right, council. I think we have enough folks here to move forward. We are back after our morning recess. It is 1:50. Today is Thursday, December 15, 2016. We are still in the city chambers in city hall. Let's work through some of the items that we had. There was open that we laid on the table, item 56. I think there was a -- item 67, that was moved and seconded. Ms. Houston, you had raised some issues about timing. Do you want to speak to that

>> Houston: Yes. Thank you, mayor. We've been in touch with the drivers who have either been disqualified or are about to be disqualified because of the issues that we raised and everybody is okay with the vote. I have one person that wanted a statement read -- his statement read into the record so if I have your authorization I'll read that. I've been successfully driving for eight years. There was some things that I have done in my past ten to 11 years ago that now don't define me as a professional. The service I provide is to the handicapped community, who need wheelchair-accessible rides and I've been doing that since day one. They know me, and I know them. They all know that I will take care of them and they depend on me. I take care of my wife and my grandchildren based upon what I make. I just want the opportunity to continue to take care of them. Please support this item, and thank you for your consideration. And that's Ron Bacon, who was a taxi driver

>> Mayor Adler: Thank you for that. Ms. Garza, did you say you had an amendment on this issue?

>> Garza: Yes. It was in the pile that was at everyone's seat. It's -- doesn't really change any of the substance.

[1:52:21 PM]

It's just part three in the back. It's the red part. And this is -- it says, you know, go forward with the appeals process, let the director -- his direction. And then but directing the city manager to present a process that would shift that authority from the director to the Austin municipal court and to have that back to council by March 2017. So that's the amendment I move.

>> Mayor Adler: All right. Mr. Casar

>> Casar: Mayor, since this would not ultimately change the ordinance but is really just direction to the city manager to bring back a different kind of process, I think it could be acceptable. My own concern is this seems very -- like a very specific process that we're asking the city manager to come back with. If we could find some way of giving this direction and giving enough flexibility to the city manager to think through or come back with other options that the city staff may think are more workable operationally, maybe H.R. Would be better, maybe the court would be better. I feel like this is one potentially good idea, but I just would be comfortable accepting this as friendly if we leave it open for the city manager to come back with other options to put before us and we can consider all of those.

>> Garza: And I could agree to that. I guess I would be concerned about the -- my motivation is that these are very fact-specific cases and instances, and I feel that a -- at least a lawyer or, even better, a judge is best prepared to make that call. And so that was the intent of this. I would feel better about it at least being a licensed attorney. And if there's someone in H.R.

[1:54:22 PM]

That's a licensed attorney that does that, I'm open to the options that could bring us a process like that
>> Mayor Adler: How about language to this, that allows for the city manager to bring us that option but still requires her to bring at least this option? Which I think we might be able to achieve by -- in front of the second sentence, where it says the city manager. We could add the words that says "Among any other options, the city manager would deem appropriate, the city manager is directed to bring back this proposal."

>> Garza: Okay

>> Mayor Adler: Which means that this one at least will come back, but it gives the manager the discretion when she gets into it to bring back others that she deems appropriate. Any objection to that change being made? Without any of those words incorporated, again, among any other options the city manager would deem appropriate, the city manager -- Mr. Casar?

>> Casar: And with that incorporated I have one more amendment. Legal just printed it out, but I will read it, which adds a part four, having -- which would have this ordinance go into effect immediately rather than in ten days, so it reads that, part four, council finds that with the impending holidays and weather hazards, a need for qualified ground transportation drivers to serve public constituents constitutes an emergency because of this emergency this ordinance takes effect immediately on its passage for the immediate preservation of public peace, health and safety

>> Mayor Adler: Is there any okay, to that part -- objection to that part four being added

>> Garza: I don't have objection. I don't know if that's necessary but that was the goal of the first sense in part three

>> Casar: That would have to go into effect immediately within ten days. We would need this for it to go into effect --

>> Mayor Adler: There has to be a finding of emergency in order for that to happen.

[1:56:22 PM]

This is the finding of emergency. Without objection that also is incorporated. Any further discussion?

Yes, Ms. Troxclair

>> Troxclair: I just want to ask if this is intended to be temporary until I guess we come back and address -- do the -- address the issues in the code or is this intended to be a permanent change? Because if we have data, you know, that certain offenses after a certain time aren't applicable to the kinds of crimes we're trying to prevent, et cetera, et cetera, it would be easier if we could just -- I understand that an emergency solution is needed now, but in the long run it would be better to adjust our code so that we didn't have to have a appeals process that so many people might be going through. Having to deal with. So --

>> Kitchen: Mr. Mayor

>> Mayor Adler: Yes, Ms. Kitchen

>> Kitchen: People have referenced and we've been talking a while about a review of the ground transportation ordinances, and our staff is working on that, and we understand that we'll be taking that up sometime later next year, and so we could certainly have that discussion as part of that. I don't think it's -- we don't have the information to have that discussion right now.

>> Mayor Adler: Mr. Casar

>> Casar: And also to this point, I see this as a -- ultimately as a compromise solution because my preference would be for staff to have some more discretion for it to not be such hard lines, but I think that having an appeals process is a way of sort of getting in between where the ordinance currently

stands and what that preference is. So I think it's a good holding place until we come up with something better. Fully

>> Mayor Adler: I think the record will reflect, though, Ms. Troxclair, that obviously there's perhaps more work that's going to be done and this can still be included in that conversation. Any further discussion? Ms. Houston

>> Houston: I just have a question about -- for those people who have lost their licenses already or who are about to lose them, how will they know about the appeal process that we're about to set up?

[1:58:33 PM]

>> Mayor Adler: Ms. Kitchen

>> Kitchen: I would assume staff will be notifying them

>> Casar: Can we ask the transportation staff to clarify that?

>> Mayor Adler: I guess the question, Mr. Spillar, is people who have already gone -- been rejected will now be informed that they can come back and participate in the appeal process and going forward how do we make sure that people know there's an appeal process?

>> Yes, mayor, Robert spillar, department of transportation. We will reach out to all of those applicants that have been rejected and notify them that there is an appeals process. We had an appeals process beforehand with the taxis and so we can use that until we come back with a better methodology for council is what I would suggest.

>> Casar: Thank you.

>> Casar: Thank you.

>> Mayor Adler: Let's go ahead and take a vote.

>> Excuse me. I just want to be sure I have the intent of council clear when I codify this particular ordinance. Generally the ordinances are proactive, proactive, so -- as set out here with these criteria being applied to those already rejected since July.

>> Mayor Adler: Yes.

>> Yes? Thank you.

>> Mayor Adler: Anybody disagree with that? All those in favor of this item please raise your hand. Those opposed? Unanimous on the dais. With councilmember Gallo off the dais. Next item, we talked about bringing up close to 11:00 the issue on immigration, know what their rights are under the law.

[2:00:36 PM]

Mr. Casar, do you want to -- set up that for us?

>> Casar: I prefer hearing from the speakers.

>> Mayor Adler: This is number 66.

Let's call. Let's go to the public testimony first is Justin Estep. Robert Painter is on deck. Followed by Walter Monroe. Mr. Estep you have three minutes.

[Mr. Estep] Good morning Mayor, good morning City Council thank you for having me here to speak on behalf of item 66. My name is Justin Estep. I'm the director, of Immigration Legal Services Catholic Charities of central Texas. We currently serve over 1,400 immigrants in the Austin community per year with consultations and low cost immigration services. I'm here to support item 66 and ask the City to expand and assist those immigrants in our City. Especially those who are vulnerable. At Catholic charities our mission is two-fold to enact and re-unite families to keep them healthy and together and also to lift those who are in poverty and out of poverty. Our immigration legal program provides access for families to stay together and through family based immigration, asylum and assorted amount of visas.

by work authorization for hundreds of people a year. So they can lift themselves out of poverty. I believe that this item should take immediate consideration and be put into practice as soon as possible. Especially considering the anxiety that many immigrants both documented and undocumented are feeling. After the recent election. We at Catholic Charities believe in Catholic principles is welcoming a stranger and that Jesus was the original refugee. So we feel it's in our best interest as a City, a State and a Nation is to embrace immigrants no matter what their background. As long they are not committing crimes or otherwise deteriorating society. We feel immigrants as a whole. CONTINUE TO BE BENEFICIAL TO

[2:02:52 PM]

THE CITY AND TO THE STATE. THAT COUNCILMEMBERS, MAYOR, YOU WILL CONTINUE TO SUPPORT CATHOLIC CHARITIES OF CENTRAL TEXAS AS WELL AS THE OTHER ORGANIZATIONS HERE IN AUSTIN THAT ARE WORKING DAILY TO GET PEOPLE INTO HOMES, GET PEOPLE JOBS AND TO ALLOW PEOPLE TO STAY REUNITED WITH THEIR FAMILIES. THANK YOU FOR YOUR TIME AND I APPRECIATE ALL THAT YOU DO.

>> Mayor Adler:
MR. ZIMMERMAN.

[2:05:35 PM]

>> Zimmerman: THE OVERHEAD, PUT THAT UP NOW. I'VE SEEN THIS BEFORE. I JUST WANT TO RUMINATE ON THAT. I ASKED THIS QUESTION BACK IN, I BELIEVE IT WAS MAY EARLIER THIS YEAR AND I SAID HOW DO WE KNOW WE'RE NOT VIOLATING FEDERAL LAW BY GIVING LEGAL IMMIGRANT SERVICES TO PEOPLE IN THE COUNTRY ILLEGALLY AND THE ANSWER WAS WELL, WE DON'T ASK. >> NO, I'D BE HAPPY TO ADDRESS THIS. >> [INAUDIBLE]. >> THANK YOU, THANK YOU. I BELIEVE YOU ARE REFERRING TO THE HARBORING SECTION, [INAUDIBLE] TRYING TO HARBOR OR CONCEAL ANYONE. SOME OF YOU MIGHT REMEMBER US AS THE POLITICAL ASYLUM PROJECT OF TEN. IN 2017 WE'RE GOING TO BE SERVING 30 YEARS OF SERVING AUSTIN'S IMMIGRANT COMMUNITY AND WE'RE GOING TO BE CONTINUING TO PROVIDE THOSE SERVICES FOR QUITE SOME TIME. OUR CLIENTS ARE OUR DREAMERS, THAT IS.

[2:07:44 PM]

>> Recognize measurable contributions that the immigrant community make to this city, be compassionate being a city -- involves more than -- it requires assertive measures like this one to ensure that the among us have the voices heard and the right to protect it. I thank you for bringing this up and encourage you to support this measure.

>> Mayor Adler: Next speaker is Jennifer long.

>> Walter Mauro, director of foundation communities. Thank you for putting this item on the agenda. I'm really worried -- some of those families we serve are part of this Austin community, they live here, work here, they may or may not have documentation or are in a mixed status family. Now is the time to invest in the legal help to help residents in Austin that have immigrated here. Many of them have legal rights and deserve that support. So I really encourage your support of this measure and hope funding can be found and we're able to come back in January. Thank you.

>> Mayor Adler: Thank you. Jennifer long.

>> I've been working with immigrants in Austin for 30 years. I am very grateful to the city of Austin for always having had compassionate and reasonable policies toward the immigrant community, and I really want to thank you for considering this measure. Our attorneys are currently participating in know your rights activities every weekend to work with the many people who are afraid in our community and finding as many as 40 cases a week of people who need representation who do not have representation.

[2:09:52 PM]

I want to thank the city of Austin because I feel that our cooperation with the city has made us a stronger organization because we do undergo a tremendous amount of oversight and reporting as part of our contract. I'm really grateful to the city for that and I also wanted to mention councilmember Zimmerman that we do cooperate with immigration control and enforcement. They release people to us, we help people participate and go to court so we are not harboring, we are cooperating. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers we have, we're back up to the dais, Mr. Casar, do you want to make a motion?

>> Casar: Move to pass.

>> Mayor Adler: Ms. Garza seconds that motion. We're on the dais to speak. Do you want to speak first?

>> Casar: Well, I greatly appreciate council's support of this couple and thank you to those folks providing those really necessary services out in the community. Our city has a history of doing incredible things and urgent times of crisis for people and there are lots of folks in my district and across the city who have been facing crisis and fear that the crisis is only going to get worse. And so I greatly appreciate that we would be looking for fund to go help people be able to 5:00 -- access legal rights that they already have. The city is -- so you can have access to your basic legal rights is too difficult for many people so I appreciate the city manager and our budget staff's work to hopefully bring us back necessary actions at our next council meeting to be able to help out how we can. I know that in other cities they are putting together significant amounts of funds both public and private and I hope our contribution can help leverage private dollars and help as many as we can.

[2:11:53 PM]

>> Mayor Adler: I want to indicate my support for this as well. In break I was approached by some members of the media that asked the question about whether or not this was because of some concerns that had been raised by others watching what was happening here in Austin, that we're using public funds to seek to inhibit federal laws and federal enforcement. And my understanding that's not what this is. This is real simply helping people understand the rights they have under the law, and in many instances it's being done with the -- in a way that assists and facilitates the work that national immigration offices do. In any community I think all citizens knowing what their rights are under the law is something that benefits us, benefits us all as a community, and I think that we have both a health and safety and economic basis for us ensuring that we have educated constituencies in the cities. Ms. Pool.

>> Pool: Thanks for this councilmember Casar and also mayor for your comments. It's not only Austin looking to help educate and raise awareness on what the laws are and to make sure that those immigrants who are in our community are -- are treated properly. I was up in pflugerville at one of the elementary schools that are in my district right before Thanksgiving and the trustees, the president of pflugerville schools trustees asked if I would be willing to get together with her and some of the other jurisdictions in her part of the city to talk about these very issues, primarily with the pflugerville school district.

[2:13:55 PM]

And the idea would be to help raise awareness and educate everyone including myself about what the laws are and where the protections are and what to do if you feel like your rights are being violated. And so I was more than happy to engage in that conversation. So the point I want to make is that we are leading the way here in Austin like we do on so many things and the ripples are also touching our adjacent jurisdictions. And folks in other parts of the state and as we know in the country are also concerned about this and stepping up to the plate to do what we can to make sure the laws that are applicable are properly brought to bear and enforced and protections that are in place are also properly respected and recognized.

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

>> Zimmerman: Thank you. A quick point of inquiry. I want to speak briefly on behalf of the taxpayers who were born here and who emigrated legally who paid fees and waited in line and passed all their interviews, people that emigrated here legally and people born here. Let me just call on the taxpayer community. Is there any city of Austin effort to educate and raise awareness of the legal rights of the taxpayers in this city who don't want to support illegal immigrants? Is there any effort to raise awareness with the people who don't support illegal immigrants? It's not a rhetorical question. So taxpayers know what their legal rights are to not be forced to subsidize illegal immigration?

>> Mayor Adler: I think if you wanted to bring a motion, I join you in making sure people know what their legal rights are if you see an additional need somewhere else.

>> Zimmerman: Well, that obviously would not pass the council so maybe it is a rhetorical question.

[2:15:55 PM]

It seems there's no compassion for the people who pay the bills and no awareness and education for people who don't support illegal immigrants. Again, -- illegal immigration. I'll be voting no on this item.

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

>> Houston: I will be voting to support it but can you tell me what kind of dollar amount we're looking at? There's nothing about 100 additional austinites per month and expand the contracts of -- of nonprofits that we're already doing business with. I know casa -- there's no range what we're talking about, asking the city manager to find.

>> Mayor Adler: I read this, Mr. Casar in a second, to identify what the hope would be of capacity. But this would come back to council. We would see a number, we would see sources. We're not committing or locked in to this issue but that kind of gives in order to achieve this, how would this be done is how I read it. When it came back, we might see we could do twice that, half that. But it gives the manager a bench mark to try to address. Mr. Casar, anything further on that?

>> Casar: I think that is the intention is to give our staff the flexibility to provide us with what the potential is and the options. The reason for that number is because right now that's partly what's being reported as 25 cases a week coming in that are being turned away and then that surge is coming now. And just in response to councilmember Zimmerman's point, it is often great misconception immigrants in our community including undocumented immigrants in our community don't pay taxes and indeed they do and it's my belief that it is oftentimes the working poor in our community that are the greatest philanthropists in our country because they work oftentimes for the lowest wages to provide the greatest returns to our society and to our community and so we owe it back to them they should at least have this level of services in exchange for the services they provide to us.

[2:18:11 PM]

>> Mayor Adler: Okay. Ms. Garza.

>> Garza:, mayor, I'm going to miss our software engineer opining on legal matters and federal statutes, but I also want to reiterate that immigrants pay taxes, they pay sales taxes, they pay property taxes, and if they are working and shouldn't be working, they pay all taxes and they will never get the return of the Monday they put into social security. So I felt it necessary to also state that many of our immigrants indeed contribute to us in many, many ways.

>> Mayor Adler: Okay. Item 66 it's been moved and seconded. Those in favor please raise your hand. Those opposed? Troxclair and Zimmerman voting no. Gallo off the dais. The others voting aye. This passes.

[Applause] Council, had we set anything else for a time certain or no earlier time?

>> Kitchen: Item 71.

>> Mayor Adler: Do you want to bring that up?

>> Tovo: Mayor, just as reminder, we have one item pulled from consent and we do have representatives from the police department.

>> Mayor Adler: Oh, that's right. Let's do that one first.

>> Tovo: I don't believe it will take long.

>> Mayor Adler: What item number was that, mayor pro tem?

>> Tovo: Item 64.

>> Mayor Adler: Item number -- was 61 pulled? I don't think it was. 64, is that the one, the gun safety issue? Okay. Let's do 64, then Ms. Kitchen we'll come back and do yours.

>> Kitchen: Okay.

[2:20:28 PM]

Citizen to speak. Do you want to address it or go straight to --

>> Tovo: I believe councilmember troxclair pulled it and --

>> Mayor Adler: Is Michael Cargill here? Michael Cargill? He's not here. Ms. Troxclair, do you want to lay out why you pulled this?

>> Troxclair: Yeah, I was going to ask about the fiscal impact, but I believe -- and I'll let mayor pro tem address that. I know -- I know that when you buy any gun in Texas you are -- it's federal law that you are provided with -- every handgun comes with a lock that is similar to what is being provided in this resolution. And I also wanted to point out to anybody that was at a community meeting that had a concealed handgun also would have been through a conceal carry class that talks about gun safety, but I'm certainly supportive of distributing information on gun safety and I know the NRA has a similar program that provides locks to people who might need them. So I really was just interested in the fiscal impact and who was paying for them and et cetera.

>> Tovo: Mayor, it's my understanding that our Austin police department has received and will continue to receive the locks free of charge, but I would invite our Austin police department representative up to talk about that and our project with project child safe. I'll say by way of introduction this is an item that we've been talking about with the Austin police department since last spring and in the process they've received those locks and kicked off the distribution of them in August. And so thank you for moving forward with that. But if you would just verify that indeed we're receiving those locks for free.

>> Good afternoon, everyone. Is this mic on?

[2:22:29 PM]

>> Mayor Adler: It's not turned on yet. We neat the mic turned on.

>> Sorry, it's my fault.

>> [Inaudible].

>> How about this?

>> Mayor Adler: That works.

>> Good afternoon, everyone. I'm Todd Smith, I've been one of the project leads with this gun program and initiative and so working with mayor pro tem tovo we have been receiving not only gun locks but also flyers and information to try to get the word out for gun safety. As you know, there's hundreds of thousands of gun owners in the nearby area and so so far there's been no cost to us and we've been told that there will not be any cost to us. And so we currently have been 500 locks as well as the informational pamphlets that go with them and it's our commitment that any time we have public meetings, commander forums, anything that we have our district representatives attend that we will have these gun locks and informational pamphlets on hand to be able to hand out.

>> Mayor Adler: Okay. Ms. Troxclair, did you have something?

>> Troxclair: So the organization -- what is the organization you are receiving the locks from?

>> It's called -- there's been several that we've been talking to, but recently it's been project child safe. And they are funded through the national shooting sports foundation.

>> Troxclair: Okay. And it's a privately funded organization?

>> Correct.

>> Tovo: I would like to move approval.

>> Mayor Adler: Mayor pro tem moves approval of this item number 64.

[2:24:33 PM]

And it's the amended motion as handed out on the dais that strikes one of the whereas clauses.

>> Zimmerman: Point of -- can I ask who authored this?

>> Tovo: That would be me.

>> Zimmerman: There's no name and number.

>> Tovo: Apologies. We were trying to do it quickly. It's identical to resolution posted in the backup. In going over the numbers, that is the -- the source of that was an NBC analysis but we couldn't verify that number independently and decided to just drop it from our resolution. So that whereas will be struck under the motion I just made.

>> Mayor Adler: Item 64 has been moved. Is there a second? Ms. Pool seconds the motion. Further discussions? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I would like to speak against -- I appreciate the fact that this one line on what I'd have to call problem began today, 75% of children killed with guns this career have been under the age of 12. Just to point out that --

>> Mayor Adler: That line has been stricken.

>> Zimmerman: That line has been struck. To me it reads like an anti-gun piece of political material. The council has the right to pass that, but it just looks like a political advocacy statement for gun control. I'll just be voting no.

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

>> Troxclair: You said you've already received the locks. You coming to council or I guess -- what -- what was stopping APD from doing this on their own if it's not costing any money and you feel like you have the staff and resources to spend time on distributing locks?

>> We have had these gun locks for quite some time. I think with national night out that happened on October 4th and in meeting with mayor pro tem we've just decided to amp up our efforts and make sure every region has these gun locks and make sure every time we meet in front of the public that we make it a point to mention gun safety as a reminder not only to gun owners but to parents of children who may visit households where gun owners reside, and so it's just an all round safety effort.

[2:26:48 PM]

>> Troxclair: So and I guess the point of the resolution is just to support the efforts that are already ongoing with the police department?

>> Tovo: I'll be happy to address that. We were in conversation and have been for months and the police department said they would move forward and do it. It's important to me to see that this isn't a one-time initiative but that this is an ongoing continuous process and as a council that we endorse and encourage our police department to continue this program. I think you said you had 500 gun locks on hand.

>> Correct.

>> Tovo: I hope when you have distributed all of those if there is continued need that you will order more or if necessary come back and talk to council about how to continue this program because I do want it to be a deliberate, ongoing effort that we as a city take seriously and continue. And so that was the reason for the resolution, to make sure this isn't a one-time effort. Also, and I believe you just spoke to this, Mr. Smith, or officer Smith, but the -- in addition to distributing information about the proper storage for gun owners we're encouraging the police department to distribute literature about how to have conversations with -- with others about gun use. And so there is some literature that's been prepared and I've referred to it in here by the be smart campaign, be smart kids.org that has a pamphlet for parents about how to have what can be a very awkward situation with the parents of your children's friends about do they have firearms in their house and if so how are they stored. So my hope is that we can use this opportunity to really help ensure the safety of children in our community. And I want to just note that this has been in process for a long time and we shifted the dates when we were going to bring it and then this week because I was out of town last week and I realied it coincides, unintentionally, but does coincide with the horrific murder of school children and adults at sandy hook elementary.

[2:29:00 PM]

And so, you know, that was not a situation that could have been prevented by gun locks, it was not an intentional shooting, but it was, you know, a very intentional massacre. But it is just a reminder to me that we need to do everything we can as a city to protect the safety and health of the children within our midst. We are -- I'm looking at the data from -- from Texans -- we may have all received this from Texas gun sense about the numbers in Texas. 40% of Texas households do have guns and the estimate is that nearly 200 -- an estimated nearly 200,000 children in Texas live in households with guns that are loaded and unlocked. And so again I think there really is a need to take this seriously. I applaud the police department for their proactive work on this front and I would encourage our city manager to see what other departments might also carry this literature with them as they go out among our community. I look forward the having a conversation with the fire department, perhaps with other departments as well and our neighborhood centers. I think the literature that the police department will be use in many of those other areas and if necessary I would be happy to sponsor a followup resolution to encourage that work. But my hope is that it can happen organically on its own, but I do think it's a real need. I would also just suggest to my colleagues, there's a media piece that interviews chief Dixon, and he actually talked about the fact that when he was 8, a schoolmate of his was killed in an unintentional gun incident with a gun. So this does certainly touch many, many people in our community.

>> Mayor Adler: Thank you. Item number 64, further discussion? Those in favor?

[2:31:00 PM]

>> Troxclair: If it's possible to divide the question, I'm happy to support the be it resolved clause but not comfortable supporting a few of the whereas clauses. I would like to support it without the whereas clause if possible.

>> Mayor Adler: I'm going to vote first on the resolve includes, then the whereas clauses. Those in favor of the resolve clause raise your hand. Those opposed? Mr. Zimmerman votes no. The others voting aye. Say.

>> Tovo: I'm enthusiastically voting for it.

>> Mayor Adler: Those in favor of the whereas clauses please raise your hand. Those opposed? Zimmerman and troxclair voting no. Gallo and Casar off the dais. The resolution -- Casar was here. He voted no on both motions. It passes.

>> We'll move to the next item. Ms. Kitchen.

>> Kitchen: I've let my colleague know next to me if it's okay with you since it's only going to take a minute or two, we could do 2 and 3.

>> Mayor Adler: That's fine with me. Okay with the dais? Mr. Renteria, do you want to tee up 2 and 3?

>> Renteria: Yes, I was kind of alarmed when I read about the next firms that got selected on -- especially on item 2 where the pipeline, they did one of those in -- I think the last one was done in 2010 where we had -- we had 14mbes and WBE firms that responded, and three mbes and one WBE firm selected.

[2:33:15 PM]

Mbe firm selected and I just wonder why there was so few that got selected in this process.

>> Good morning, mayor and council. Rolando Fernandez. Thank you for the question, Mr. Renteria. So I wanted to provide some context in terms of what we're asking for today versus the existing rotation list. As you know item 2 and 3 are for two rotation list for the large and small pipeline. These are replacing some contracts we've had in house for Austin water utility that were procured and contracted for in 2010. At that time we did select ten firms. Let me provide you numbers in terms of submittals. We put the requests for qualifications for consultants to look at and ask them to respond to that and we ask that they provide sort of the resume, statement of qualifications in terms of why are they the most qualified firms. And something that's to consider that's really important, I think, previously to the 2010 solicitation we used to only select one rotation list, we only selected ten firms. What we did at that time was work with Austin water utility to figure a way to separate that one contract into two contracts, and the idea behind that was to provide more opportunities for folks to get on contract with city of Austin for these services. So that is where we came up with the large and the small. So rather than having just ten, we're now having 20 firms. So what that does, it provides more opportunity for folks whether they are nonminority firms or not. We're just looking for more participation at that level for city of Austin contracts. At that time we had -- apologize. My allergies have been beating me up.

[2:35:17 PM]

We had 59 respondents for that station. Of those we had 14 minority business firms submit responses. In 2017, this one that we have in front of you today for your approval, we only had 37 respondents. Of those 37 respondents, we had only five minority owned firms. There's a difference in number of responses and conversely there's a difference in the number of firms that are minority owned firms. And so I say that because I think we started off already just evaluating a lower number of firms, right? So -- as I stated earlier, we had four minority firms in the existing contract. We're only recommending one. That consultant is also on the existing contract. I will note another firm that was considered a minority

owned firm in 2010 is also being recommended in this contract, however, they have removed themselves from the certification process so they are not counted as a minority firm. They were counted in 2010. They are no longer counted today. Of the staff recommended firms today for the large pipeline rotation list, you are correct, sir, there's only one minority firm and that is our staff highest ranking or recommended firm. We're only looking for ten. That's the way we put the solicitation on the street. That's based on the workload that we have projected, based on the authorization we have projected for this work. I will want to speak to the things that we do in terms of to encourage participation at any level. Our goal is to have maximum competition for these contracts, hence why we separate one station for two increased participation. We go out on the street and talk about these opportunities to anybody that wants to hear us out. We also on a quarterly basis working through our partner department, the small minority business department, we convene meetings and advise of all the work coming up and try to educate them on our processes to, again, ensure that folks when they compete for our contract they know what we're looking for and understand our processes.

[2:37:35 PM]

And finally we have what we call our db process. What that means when you compete with a contract and whether or not you are successful or not, we invite to you come back in and sit down with staff and we look at the overall submits and some of the competitor submittals so hopefully down the record will help you prepare a better response to the rfq. We're doing a lot more of that up front, especially when we see a lot of new firms come in, we want to educate them on our processes so they can be better competitors for their work. I want to high something something also important, of the ten firms we're recommending on that large civil, five of those are new firms on that rotation list. And so we didn't see as much competition like we did in 2010 this time around, but of that competition it's new competition. And so that's pretty important. That tells me that the stuff that we're doing in terms of communicating out to the stations, our processes is working.

>> Renteria: So that's the reason why I think there's about five of them there that's not certified at mbe or WBE firms? Because they are new here? What's the procedure that you go through to make sure that they are certified?

>> There's a couple of things that happen. In order to do business with the city of Austin you have to be a registered vendor and you do that online. Purchasing office with the city of Austin manages that process, but we're always a resource to help educate folks about how to go through that effort. And then the second thing if you are a minority firm, you can go and work with small minority resource department to become a certified firm and that specific ethnicity or gender. And then based on the type of work that you do. And so something I want to highlight as well is our close relation with smbr, small minority business resource department.

[2:39:43 PM]

They are partnered with us on these efforts. When we have a kick I don't have meeting that we're going to have this hills, they are side by side and explain the rules of our minority business enterprise ordinance. When we do the evaluations, they are there. They review the compliance part of the submittals. So there is a lot of attention given to the fact we want mass competition, but also that we want folks that are minority owned firms and women owned firms to be doing work with the city of Austin.

>> Renteria: Okay. I just hope that, you know, next time you bring us a list of -- that you would really tell us that, hey, we really made an extra effort to reach out to all these groups, these firms, the minority groups so that -- I know you did on this one too. Unfortunate there might be situations out there where

they already have work, but I'm just hoping that this doesn't become a trend, you know, that just one firm is -- because -- that gets in the rotation list. I'm hoping more minority and women firms get --

>> I understand that, sir. Just to summarize my response, my department gets it and we don't want to circumvent our process to get minorities on board, but we want to educate them on the work we have ahead of us and we want a lot of competition. We want folks to be educated in our process. I am the final approval and also my directors that we work with on a daily basis that are overseeing capital improvement projects to approve the evaluation panel. And our goal is to always have a diverse panel. So we're looking at ethnicity, gender and representation of folks across the city of Austin who understand, who are experts in these kind of works.

[2:41:44 PM]

And so that's another thing we do to ensure we are doing all we can to ensure at the minority and women owned level.

>> Renteria: Mayor, I move that we approve both of these.

>> Mayor Adler: Mr. Renteria moves approval of items 2 and 3. Is there a second to that? Ms. Pool seconds. Ms. Garza, do you want to talk?

>> Garza: I had similar questions, but I know that y'all are really trying to help folks work through the process. And so of the -- we worked out the percentages of the two, items 1 and 2 and it was like 13% of the people that applied for 2 were mbe, WBE, and 23% for item 3. So I appreciate the work that's been done to try to educate folks and get them on these lists. And then I think I heard last time when this conversation was had that after the -- after the bidding process, you also reach out and ask, like, why didn't you apply or -- is that still part of the process or reach out to groups that would have been qualified and ask -- get feedback on why they didn't bid?

>> So that's a good question. What we do is sort of a call-back. We don't have a terminology, when we notice there's a lower response of submittals, for example we have a previous response meeting. We invite folks that do this kind of work and talk about what this project is all about. In an effort to educate them and ensure they respond to our request for qualifications. So we usually have a good turnout there, 30, 40 firms. And then if we only see maybe of those 30 or 40 firms two or three submit actual statements of qualifications, their resume, we will call those other 28 or 38 depending on the folks that showed up and get feedback about what was it, what was the reason why you are not submitting fall if I indications.

[2:43:48 PM]

We get many responses. We're too committed with other projects. My key personnel, the people doing the job are already overloaded with other projects or just didn't feel like we had the interest. In this case we didn't do that particular feedback -- not as strong as used to have before, but we still had a good number of responses submitted as part of the request for qualifications. So I hope I answered your question.

>> Garza: You did, and I guess that's good to hear they are not applying because they have work, which is great. I noticed on number 2 though, so we're awarding the top 10, the 11th is a mbe, WBE certified femur. It would lower each person's allocation to 909,000. Can we add that 11th firm to the rotation?

>> I would say that's a council decision. From my perspective, I want to be -- as an office we want to be clear in terms of what our need is and we communicate our position in terms of we're looking for ten firms, that we do ten firms based on authorization, based on workload. And we are clear on -- we're looking for ten because sometimes the scoring is really close. If you start looking at that, when do you

make the stop. If you look at number 11, firm number 12, that's not a minority firm, they are neck to neck in terms of the score. So what is -- when do you make that stop is kind of what I would point to.

>> Garza: And I understand the predicament, but I guess if we are trying to show a commitment to awarding contracts to minority -- to mbe, WBE, I would think that if it's within our prerogative, it doesn't affect your operations, I would like to make the motion to add that 11th to the rotation.

[2:45:50 PM]

>> Mayor Adler: Okay. I'm going to take that as a motion to amend this to add the 11th firm to the rotation list on item number --

>> Garza: 2.

>> Mayor Adler: 2. Is there a second to that? Ms. Kitchen seconds that.

>> Zimmerman: I have a point of inquiry on that. Tell me again what's being proposed? Sounds -- I thought I heard we wanted to show a commitment to award contracts based on ethnicity status. Is that legal? Like I said, I don't understand the motion.

>> Mayor Adler: The motion is to have 11 firms. The top scored 11 firms be listed on the rotation list on item number 2.

>> That's correct.

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

>> Zimmerman: Thank you, Mr. Mayor. I guess my concern is there's been quite a bit of discussion here already, but to me the whole point of this is we're supposed to be getting the best services we can for our taxpayers, for the people that somebody's gender or ethnicity. The focus ought to be on getting value to our dollars and I have not heard a single question or a single concern about getting value for our money. Should be our one and only concern is getting the best service we can for the least amount of money to the taxpayers. So I guess what I just have to do is vote against all of this because I don't see that as a concern. It wasn't raised and when we approved \$10 million, we might be getting great services, we could be Gettinger is I believe services and we have no way to know as a council who is voting. If, so maybe that's -- I'll just vote no on all of this.

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: I understand the justification, but I hate to put our staff in a position where this is going to be a recurring kind of issue.

[2:47:52 PM]

So that if there's somebody that's just under the cutoff, then their expectation will be that they will come to council and we will also require that they be included in the solicitation or the awarding of the contract. I'm just asking, is that something that we want to do or do we want to say as a blanket process statement that we will take the top 15? I mean we've got to limit it somewhere because we don't have infinite amount of money. They said 10. That's what you sent out in the solicitation, right?

>> Yes, ma'am.

>> Houston: Now we're adding 11. What is the next is also a minority or women owned business? Do we also add 12? I'm asking the yes because that puts them in a difficult position. When this comes back, it's not going to be the city council made the decision, they are going to think it's something going on in purchasing. So I'm just saying there's going to be some -- perhaps will be some issues with us just making that change on the dais without having a policy discussion about whether or not we should include more people in the ask. So that we can reach further into the minority owned, women owned businesses.

>> Mayor Adler: Further discussion? I'm going to support this consistent with the work we had done earlier. I understand staff setting a bench mark of 10 and having set the bench mark at 10, you are reporting back to us the results consistent with where you started off, which is what I would expect you to do. There's precedent already with this council taking a look at how people respond to these contracts. We did this earlier where we chose for other reasons to extend the depth to which we reached. In this instance one of the reasons why this particular 11th didn't fall within the top 10 is because it didn't have the same experience working with comparable-type projects.

[2:50:03 PM]

It's hard to get the experience if you don't do the work. So in this instance consistent with the earlier work we had done, I'm comfortable extending it to 11. If you don't think that will be disruptive on the total workload now that dividing it among 11 as opposed to 10, so as to create problems for contract administration. Are you comfortable working with 11 or does that present a problem?

>> Council, if your decision is to go with 11, we will make it work in terms of authorization and workload. We will work to ensure that happens.

>> Mayor Adler: Thank you. Any further discussion? Let's vote on the amendment.

>> Garza: I just want to add it doesn't make -- there's 10 million finite dollars, it doesn't change that. And if you look at the difference in scores, the 11th firm scored higher than some of the top 10 firms in several areas. So it's -- it's not that we are adding a less qualified firm. We're -- these are -- you know, criteria can be assessed in different ways. So I think if we are committed to WBE, mbe, adding them to our rotation, that this is one way that we can do it and it can be done on a case-by-case basis.

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

>> Houston: I just hope we all remember that so when other issues come up we don't divert back, so if they ask for 10 and in order to reach to the women and minority owned businesses that they made that decision and not the staff because it will come up again.

>> Mayor Adler: Those in favor of the amendment please raise your hand. Those opposed? Zimmerman voting no, troxclair abstaining.

[2:52:05 PM]

Houston abstaining. The others voting a. Aye with Ms. Gallo off the dais. The amendment passes. We're going to consideration of 2 and 3. Further discussion? Those in favor of items 2 and 3 please raise your hand? Those opposed? Mr. Zimmerman votes no, the others voting aye. Ms. Gallo off the dais. Items 2 and 3 pass. Ms. Kitchen, do you want to take us to the next item, which I think is 70?

Zacarias>> Kitchen: It's 71. I'll lay this out and we have a number of speakers. And so -- first off, this is coming from the mobility committee on a vote of 3-1. I want to thank councilmember Garza and Gallo for moving this forward and expect who was -- councilmember pool. And this has to do with vision zero and our approach to speed limits and safety for people in the community. I'd like to start by recognizing today as we take up this resolution furthering the vision zero plan, the passing of long-time activist and volunteer Shirley Johnson earlier this morning. For those of you who had the pleasure of knowing her, Shirley brought her firsthand experience from years of getting around town on foot and by bus to any gathering there were decision makers and public officials. She made certain they heard concerns including the crosswalk light and traffic speed and access reminding them of the necessity of safe mobility to our community's quality of life, particularly for seniors. I think it's particularly important that we remember her today as we move forward with the action plan.

[2:54:05 PM]

I might also mention that this is particularly appropriate for her as a senior. We also adopted the age-friendly Austin plan which mentions safety. Let me also say that vehicle speed is a key determinant in crash outcomes, especially for people outside of a vehicle. Lower speeds improve safety for all road users, encourage the use of active transportation and have a minimal effect on travel times. Especially for shorter trips. And as you may all remember on May 19th, the council adopted the vision zero action plan which articulated a series of strategies aimed at eliminating traffic deaths and serious injuries on Austin's roads. So what we're taking up today is a resolution that supports recommendations of four items related to the vision zero action plan. The first is to support legislative efforts to lower the prima facie speed to 25 miles an hour. The second is to incorporate target -- to incorporate target design speeds into our plans and our manuals for transportation. The third is to systematically evaluate arterial speed limits citywide for appropriateness. And finally the fourth is to establish a neighborhood slow zone pilot. And as we discussed at the mobility committee, the intention there is to work with the neighborhood that is interested in and would like to embrace this pilot to see how a slow zone pilot might work in a neighborhood. So with that, I would like to move passage of item 71.

>> Mayor Adler: Ms. Kitchen moves passage of 71. Is there a second? Mr. Casar seconds that. Do he you want to take the public speakers?

>> Kitchen: Yes.

>> Mayor Adler: On item 71, we have seven people signed up to speak. Indicatey delotes would be first. Katy. You have three minutes.

[2:56:06 PM]

>> Thank you, mayor Adler, mayor pro tem tovo and council. My name is Katy delotes and I live in district 3. I would like to thank the committee for recommending this and the efforts of various community groups some of whom will be represented here today. During last week's congress for new urbanism luncheon, keynote speaker and urban planner Jeffrey Tumlin encouraged to focus on Austin's values when designing our ever evolving city. He got me thinking about Austin's values chief of which is its people. Their peace, health and safety. Councilmembers who vote to approve this resolution are actively demonstrating that the lives of your respective district members are valuable. The lives of Austin residents and our guests, see of whom may be immigrants, matter. Lowering the default speed limit to 25 miles an hour, intentionally designing streets for slower speeds and initiating slow zone pilots are great starts. I want to make emphatically clear this is in no way a us versus them debate between people who choose to drive cars and those who choose or maybe have no choice to use other forms of transportation like walking, cycling or public transit. This is an opportunity for austinites. My husband and I have lived car free for several years. I'm a personal trainer certified by the American college of sports medicine, a league certified instructor with the American league of bicyclists and Texas state certified teacherment my family members and I walk, bike, commute, ride the bus, and my daughter is an avid unicyclist. We do this every day. I teach my children not just to look both ways when they cross at an intersection but to look over their left shoulders so they won't be hit by a person executing a right hook with her vehicle.

[2:58:10 PM]

I don't want my children to be injured or killed quickly due to a preventable crash. I also don't want them to suffer injury or death slowly due to preventable disease brought about by a lack of physical activity. We are facing an obesity energy efficiency epidemic. Texas employers are paying 9.5 billion annually in obesity related costs. 27% are too fat to serve in the military. There's a direct correlation

between obesity and academic achievement. Upwards of 80% of individuals obese as children will remain so for the rest of their lives. This is especially true and disproproportionately true. You will be making Austin safer for people, to be physically active whether eight or 80, affluent or living in poverty. [Buzzer sounding] Thank you.

>> Mayor Adler: Thank you. Next speaker is Hayden black walker. Jay is on deck.

>> I was just -- thank you. I was just told Jay had to leave.

>> Mayor Adler: Okay.

>> My name is Hayden black walker. Thank you. It's nice to see you all today. I serve on the city's pedestrian advisory council and the multimodal community advisory committee. I'm not representing either of those officially but I do those jobs. I'm recently appointed to task force that txdot set up to create the Texas strategic highway safety plan. We had a kickoff meeting at txdot and a lot of new information was brought forward by the Texas transportation institute. They've done some real deep dive into txdot's crash information that they have over a number of years. So I just wanted to tell you a couple of things I learned that day.

[3:00:13 PM]

One is that in Texas traffic crashes are the number one killer of young children and young adults ages 1 to 24 in Texas. And we marked a grim anniversary on November 7th, 2000, more than 16 years ago now. That was the last day in Texas we didn't have at least one fatality on our Texas roadway testimony is it. We talk about fatalities, but Texas keeps records on what are called serious or incapacitating injuries. There are a lot of injuries and they change lives forever. I wanted to give you an example of one of those injuries. A little boy was in the Mueller neighborhood going home and he was struck by a truck going the legal speed limit of 30 miles per hour. That's the default speed in the state of Texas. He sustained multiple broken bones, a traumatic brain injury and spent weeks in a coma. Three weeks after that incident he is still in a hospital bed, he's still unable to speak and he was unable to help celebrate his 10th birthday. It'sed kind of injury we talk about when we say incapacitating. What we have found is for every one fatality in Texas that are five of those kinds of incapacitating injuries. Fatalities and incapacitating injuries come with a staggering cost for emergency response and for medical care, and as Katie eloquently just pointed out, there's also a staggering cost to our society when our streets aren't designed so people with safely walk or exercise or shop or go to school, then they're significantly healthier. Last week many of you there were when transportation expert Jeffrey Tumlin spoke in Austin.

[3:02:14 PM]

I thought he summed it up well when he said it is inexcusable that the most dangerous thing we do is drive or walk on our streets. I really want to thank the mobility community and all of you for what you're doing in moving this forward.

>> Mayor Adler: Thank you. The next speaker is Jay is not here, so we'll go to Lauren press well. Robert Anderson is on deck.

>> My name is Lauren Chriswell, I didn't get a chance to do this, but I wanted to thank mayor Adler, other councilmembers for the event that atx walks put together in November to commemorate world day of remembrance for everyone who has lost their lives or critically injured in traffic. I also wanted to say that I'm grateful to H.E.B. Staff that has supported vision zero efforts, specifically the recommendations that they put forward to the mobility committee last week, which are part of your resolution that's in front of you today. I'm in full support of those recommendations as they are part of your resolution. The specific item about legislative support is most timely. As you know, we'll need to join up quickly with other Texas cities in order to be involved with the legislative campaign this session.

I'd also like to express support for the speed reduction on north Lamar between 183 and Braker lane that goes from 45 to 40 miles per hour. And this reflects requests made by atd staff and the north Lamar neighborhood association. Finally I'll satisfy say that speed limit reductions is an important first step, but lowering is not enough. It needs to be one step of many towards effectively creating slower and therefore safer streets. We can't simply change signage and then have enforcement for behavior change and increase safety.

[3:04:19 PM]

There are clear negative impacts associated with that approach and not the least of which are issues of equity. The first step creates an appropriate momentum towards rethinking how we design our streets, how we assess their of chassis and who we are creating the streets for. We will all make mistakes no matter if we're driving, walking or biking. This functions to ensure that the mistakes never have to cost someone their life. Addressing speed is critical to this and I hope that council and staff continue this important momentum. Thanks.

>> Good afternoon, mayor and council. I'm Robert Anderson representing walk Austin, though I also serve in capacity on the pedestrian advisory council as well as on the board of atx. I am here because we have reached a crisis with the number of people being seriously injured and sighing in our streets, although in my particular role and expertise I want to speak to the pedestrian crashes and fatalities which are happening. I think we can say very safely that it has reached crisis level since at least 2012 when the federal highway administration designated Austin as a focus city due to the high number of people dialing dying on our streets. That threshold was set at 20 people dying on our streets and in the last four years we haven't gotten better. We've gotten significantly worse. Last year we had 30 people dying on our street. We're not making the progress we want to make. The reason I make these connections is because we know that speed is one of the most significant contributing factors for why people are dying and injury and it's why the people, the coalition are speaking to the issue and why they are addressing speed as one of the first actions coming out of the vision zero action plan that was adopted. And we are very thankful that staff and the mobility committee and councils taking unthe issue, we're thankful for that and we support the recommendations by staff today.

[3:06:27 PM]

I also want to speak to this very personally. I mentioned this last week at the mobility committee. In my last 36 years mostly as a car-free individual, I've been struck by drivers four times. Once as a child on a bicycle, once by a driver entering a roadway going the long way, once in a parking lot and most recently by a driver failing to yield the right waive on a left turn, one of the most frequently occurring moving violations that result in crashes. That resulted in a broken bone, but all in all these were relatively low speed crashes and I'm convinced that's the reason why I'm still alive today. Our city envisions a walkable community so as we try to develop that idea we want to encourage and build out safety as one of those factors. Katie spoke very eloquently to fact that because it's so scary to be out walking and not achieving the level of walkability we want in a community, and I made the point last week tea mobility committee as you walk down south first or on many of the major arterial roads, right along the sidewalk right along busy car traffic, drivers going 30, 35, 40, 45 miles per hour, capital metro bus mirrors overhanging the sidewalk whizzing immediately within mere feet of your head it's terrifying being out there. We really want to lower the speed limits to make the streets feel safer for individuals out walking. So speed matters and the reality is the speed limits have a major factor for people wanting to get out and walk. And also the last point I want to make is that a major tenet --

[buzzer sounds] If I can finish up this point. A major tenet of vision zero is when individuals make mistakes that they shouldn't be fatal mistakes. We need to lower the speed limit so when mistakes do happen they're not killing individuals in our streets. Thank you very much.

>> Tovo: Thank you very much and thank you for your work on this. Councilmember Zimmerman?

[3:08:27 PM]

>> Zimmerman: A quick question before you go. We have a big problem in Austin with crazy people, for lack of a better word. People that are not coherent, not rational, abusing drugs, drunk, high, whatever. And they seem to like to cross I-35. We even have cases where people are killed within a stone's throw of a bridge, a pedestrian bridge, that you could walk across safely, they choose to try to cross I-35. So what would be your recommended speed for interstate I-35? It's close to zero now. Traffic executive session, but what would you set the legal limit at?

>> Thank you, councilmember. I think that I-35 is a very significant issue and I hope we get to that at some point. But the issue today is very much directed at neighborhood street speed. So I-35 is a somewhat separate issue.

>> Tovo: Thank you very much. I appreciate your comment on that.

>> Zimmerman: I'm not quite done. To the point, though, vision zero's goal, I'm reading from vision zero, what this is about, Austin, [texas.gov/vision zero](https://www.austintexas.gov/department/vision-zero). Vision zero's goal is simple, zero traffic deaths and serious injuries in Austin by 2025. All of that is true except you need to change the word simple to crazy. It is a crazy goal. It's not accomplishable. It's impossible to accomplish.

>> Tovo: Thank you for your opinion, councilmember Zimmerman, thank you. Jury regard Kinney is our - Gerard Kinney is our next speaker to be followed by Mateo barnstone. Mr. Kip any I do not see -- Mr. Kinney I do not see. Mr. Barnstone. And then our last person signed up on this item does not wish to speak, Patricia Schwab, signed up in favor, but not wishing to speak.

>> My name is Mateo barnstone, a resident of Austin. I would like to thank the transportation department for their leadership on this item as well as councilmember kitchen and the mobility committee for their leadership and support as well.

[3:10:30 PM]

As the people who have been involved in vision zero efforts and others in the community for their work on this, it's an extremely encouraging to see the city take this definitive step to be a better city for all our residents. I fully support this item and certainly encourage you all to vote in favor of it. The fourth item is to establish a neighborhood slow zone pilot and I'll offer a couple of friendly suggestions. First I think it would be a good idea to establish several slow zone pilots in a variety of different kinds of neighborhoods, perhaps urban and suburban and maybe neo traditional neighborhood designed neighborhood such as Mueller or the grove. This way you can track different methods for reducing speed in the different neighborhoods and make an assessment of what kind of changes will work in different neighborhoods and different neighborhood streets. Second, I would urge you to set the study speed at five miles below the prima fascia speed for urban residential streets. And this way if there is a change in state law the utility of the slow zone study isn't negated. I won't belabor the issues others have spoken to with regard to loss of life and life altering injuries caused by collisions with cars traveling at speed. As important as those issues are, instead I would like to talk about why this matters for all your constituents, including those who have never or will never be in an accident. Cars traveling at speed on residential streets are not just a safety issue. They negatively impact the quality life for residents. The problem with cars on neighborhood streets isn't really one of volume of traffic, but the speeds at which they travel at. I have no problem with sharing our streets with anyone passing through traveling in a

calm and rational speed, but cars traveling at high rates of speed make me want to ask for crash Gates. Our neighborhood streets are where people should feel safest and most comfortable choosing any mode of travel.

[3:12:35 PM]

Cars traveling at speed are loud and they feel aggressive and they make the experience of being a pedestrian, a cyclist, extremely unpleasant. Unpleasant streets turn what can and should be short walks to the park, to the corner store, to the neighborhood cafe or bar or to the bus stop into car trips. And doing so takes eyes off the street and makes them less safe places for everyone to be. Neighborhood streets that are pleasant to walk on and useful are magnets for pedestrians and converting short trips to walking trips will help ease the overall congestion levels and make room for all the longer trips that do require cars. Finally, I'd just say I hope that this is the start of a process for reducing car speeds and not the end, ultimately it will require making changes to the design of our city streets. Appreciate your support on this.

>> Tovo: Thank you, Mr. Barnstone. Councilmember kitchen, do we have a motion on this?

>> Kitchen: Yes, we have a motion on the floor.

>> Tovo: Great. Is there any discussion up on the dais?

>> Houston: Mayor pro tem, I have a question for councilmember kitchen. I was not at the mobility committee meetings so could you tell us how much community engagement went in to coming up with these four bullet points?

>> Kitchen: Okay. That's a very good question and I'm not certain I can speak very definitively to that. We may have to ask staff. But these -- my understanding is these recommendations came out of the vision zero plan. So as you and I have discussed and I think that moving forward it will be important that our advisory councils like the pedestrian advisory council, are councils that are very representative of the community and so perhaps we can talk about expanding those or we should talk about expanding those. But at this point in time this came to us through the vision zero process. And so I don't know if we -- do we have a staff person?

[3:14:37 PM]

Great. If you could come and speak to that.

>> Thank you, councilmember kitchen, councilmember Houston. Lauren deerfield with the Austin transportation department. The vision zero action plan was put together by the vision zero task force, those put together the direction of city council, which did come up with a number of actions, one is to address posted speed limits, action 44 and many of these recommendations stem from that direction in the plan. As well the pedestrian advisory council did weigh in on these four recommendations and did come forward with a recommendation to support all four. And then the Mueller commission also reviewed these strategies and came forward with a recommendation to pursue the efforts at the state level to reduce the prima fascia speed. We would propose further community involvement as criteria for a pilot we're finalized to bring back to key stakeholder groups and would welcome further feedback as to which groups might be most appropriate to share criteria and further develop that as we move forward.

>> Houston: I'm not sure. So there was hardly any community engagement prior from vision zero except for those groups that you named, the pedestrian advisory. What other groups did you name?

>> In terms of the specific recommendations offered here today, the Mueller commission on the pedestrian advisory council have considered those. As to the vision zero task force, that's comprised of

upwards of 30 to 40 different organizations throughout the community as well as city departments that put together the plan itself.

>> Houston: Okay. So are any of the members of those groups appointed by or nominated by members of this council or are they an ad hoc group that came together to work on these issues?

[3:16:43 PM]

>> I can't speak specifically to the Mueller commission, as to whether they're nominated or not. I'm just not familiar. The pedestrian advisory council are governed by laws where they vote to -- they vote in their members on an annual basis. The -- as to the members of the vision zero task force, it's a combination of agencies, regional agencies related to transportation and community groups that have various methods for nominating board members and so forth. And to my knowledge I don't think there's any members of the task force that have council appointed members.

>> Houston: Is that the usual way these ad hoc committees are formed is that they form themselves and then there's no appointment or to make sure that now that we're in a 10-1 system that there is geographic representation or demographic representation? It seems to me and I'm just trying to understand, because I know there are people in district 1 who are very much in probably support of some of these ideas, but there's some people that are not, and yet they've had no opportunity to weigh in or to give their input into those. So where is that disconnect and when does that information be more broadly disseminated so people that do have some concerns about lowering the prima fascia speed zone to 25, where do they get that ability to speak?

>> Well, I think by bringing it forward through the mobility committee that would be one method. As to representation on ongoing efforts related to transportation safety through the vision zero task force, I think any recommendations for groups that might better represent certain parts of our community would be welcome suggestions from any member of the council but I think it's a combination.

[3:18:58 PM]

>> Kitchen: Mayor pro tem?

>> Tovo: Councilmember kitchen.

>> Kitchen: I would recommend working with councilmember Houston and others to look at each of our groups and come up with the best way to make sure that their representative, whether we decide to move forward with council appointments or if we decide to move forward with some other type of mechanism. We did talk -- with regard to the slow zone pilot, as you mentioned earlier at the mobility committee, we talked specifically that both the selection of the neighborhood and the design of any pilot within a particular neighborhood would only be done of a, you know, thorough participation by neighborhoods. So we would not be imposing a slow down pilot -- we wouldn't be doing that. It's something that people wanted. That's only one piece of the puzzle, but that goes to this. The other thing, you know, the third bullet that's system atticly provide a speed limit for appropriateness, that would automatically come back to us. There would be a public input process for that. But finally, I think the -- I think that perhaps the underlying or very significant item that we needed to pay attention to know as a 10-1 council is the groups that we have in our community that are not board appointed commissions. And we have a number of those in the mobility arena, that we have the conversation about how we help make those more representative.

>> Houston: Thank you. And I'm more than willing to work with you on that because I think we miss a whole segment of people when everybody is like minded folks and things get passed and nobody knows that the mobility committee is meeting so they don't know to come or even engage in a conversation about what's going to ultimately may impact the way they live and drive and walk.

[3:21:10 PM]

>> Tovo: Councilmember troxclair?

>> Troxclair: I think I had a question for staff as well, if you don't mind coming back. My question is just kind of general. In my experience at least dealing with txdot roads a lot of times is the speed limit is set by doing a speed study and seeing how fast people are driving on the roads already because the street is safest when people are all driving around the same speed, the dangerous situations come up with somebody is driving significantly faster or significantly slower than what the average car -- than the speed the average car is moving. So how does -- it seems like coming in and aiming to set speed limits lower in neighborhoods or certain streets might be kind of counterintuitive to the way that I've understood traffic planning to work. Can you just expand on that a little bit?

>> Eric bole lock, Austin transportation department. The state does provide guidelines on how to set speed limits. I think what you're referring to is traditionally we look at what we call the 85th percentile speed. That's usually a lot more applicable to arterial streets. We also look at crash history, number of driveways, the context of the street. Some of these measures we're looking at are more for the neighborhood level streets where there probably was a designed speed for these streets, but a lot of these the prevailing speed is really set more on the width of the street, how much parking is on the street. So I think there's a different mentality, whereas arterials are designed to move more people and cars at generally a higher speed in the neighborhood setting, we really don't feel the focus is always going to be on speed getting out of your neighborhood. It's really -- it's looking in all modes.

[3:23:12 PM]

I think your question is more how do we set it. The law does allow us to set a prima fascia speed that's more appropriate and safe for the context of the street.

>> Troxclair: But I guess to your point of people often drive the width of the street feel. If it's a wider street people drive faster. If there's curves people will drive slower, et cetera. So I just don't know enough about coming in and setting -- and setting a speed limit lower than people might be traveling. How many people actually then reduce their speed or do they continue to drive 30, 35 and it makes it ultimately more dangerous because then you have some people driving more quickly, some people driving slowly.

>> Right. What wasn't mentioned today was as part of the pilot I look at not only changing the speed limit, but also look at traffic calming features and a street design to go along with changing the speeds. And we found that that's what other communities around the country did. In addition to just changing the speed they said, well, can we look at the design of the street. In the neighborhood setting neighbor we can look at the streets to accompany and then study the results.

>> Troxclair: Okay. Following up on community's comments on -- councilmember Houston's comments on public engagement. Sometimes it's and we want to keep people safe and reducing traffic fatalities and encouraging walking and biking and all those things. I represent a lot people who don't have -- they drive cars because that's the only option that they have. We don't provide effective public transportation. We don't have bus service really in many parts of my district. And their only option -- they don't have the luxury of being able to walk or bike to work. Their only option is to take the car. So they turn around and are on owe when they're sitting in traffic.

[3:25:12 PM]

They're frustrated that they can't get around as quickly as they would like in their cars. So it's difficult for me to support lowering speed limits when a lot of people in my district depend on their cars and depend on being able to get around our city. So that's just my thoughts for the day, but thank you for answering my questions.

>> Tovo: Councilmember kitchen?

>> Tovo: And yes. We talked to the mobility committee about the concerns that people have. And those are all valid points. I think it's important to remember that this is more narrowly focuses, as you mentioned, on neighborhood streets. So when we're driving through our neighborhoods where kids might be running out in front of the car or when wire going between parked cars and whatever, this is just an effort to take a look at that scenario and determine if there are ways, as you mentioned, to appropriately slow down traffic. And I don't think that -- I think all of us when we drive through a neighborhood, safety is top of mine, and to my mind safety is more important to me than getting somewhere on time when I'm in a neighborhood. I'm more concerned about speed when I'm like on an arterial. So I think that this is a good effort for us to do the best that we can and look at things like a pilot in the neighborhood.

>> Tovo: Councilmember Houston.

>> Houston: Thank you, councilmember kitchen, I appreciate that. I live on a neighborhood street and it's been posted at 25. It's between manor road and martin Luther king with the cross street of chestnut. So because of the congestion on manor road, especially whenned red line goes through it backs up even more to Dean Keeton, people then use the neighborhood street to come through. Even though it's posted, they still go through maybe 30 miles per hour.

[3:27:19 PM]

So how will this change human behavior because the posting of a sign and lowering it to 20 is not going to change people cutting through neighborhoods, and that's where the danger is is when you cut through traffic is they're not paying attention and cats and dogs run out and kids are playing. So I don't see that lowering the speed is going to change that -- that's just a personal observation from a real life situation. They pay no attention whatever to the speed signs.

>> Kitchen: And I would agree you can't do just one thing. It's never about just one piece, it's about a combination of pieces. So the road design, the traffic calming and the speed limits all work together. So I think this is a recognition that speed limits is one piece of it. And we need to use all the tools in our arsenal for that.

>> Tovo: All right. We have a motion and a second, so I'll call for the vote. All those in favor?

>> Zimmerman: I would be like recognized to speak against?

>> Tovo: Councilmember Zimmerman and then I'll turn it back over to the mayor.

>> Zimmerman: My appointment to the urban transportation commission, which this was heard sometime back, Dan calastrak. He's an engineer with the American society of engineers. He's worked for txdot before. Extremely well informed on the issue. He spoke out against this with a lot of really powerful, rational arguments for why vision zero was a really bad idea. The point I want to make here is that people like Dan are not welcome to the discussion. The city wants vision zero and they're going to get it. And they will invite in parties that support the agenda and they will exclude rational engineers like Mr. Calastrak who ha have an opposing point of view.

[3:29:22 PM]

So the opposing point of view is not heard and not welcome. He's not here today because frankly it would be a waste of his time. So I just resent the way business is done here because we don't get a fair

representation from rational arguments against this kind of policy agenda. It's a bad idea and I'm voting no. And again this is more about process. This city council, if you want to make rational decisions, you've got to invite smart people to disagree with the city agenda. Vision zero is a crazy idea. It's not going to work.

>> Mayor Adler: All right. Let's go ahead and without objection we'll take a vote. It is number 71. Those in favor of 71 please raise your hand. Those opposed? Zimmerman, Troclair voting no, Gal off the dais. It passes. That's 71. Let's go ahead and hit now how about sum number 6 -- item number 6. Ms. Garza, you pulled this one.

>> Yes, mayor. This is from -- I believe this is the money that originated with the negotiations with the Mac and the developer next door and the amount that they agreed to pay for the pocket park and the design of the next phase of the Mac. So this is allocating some of that money. I've heard from members of the community. I know some of them are here to speak about concerns about that high upper limit because that only leaves about 40,000. If the amount from the developer was 400,000. I thought I saw him here, I don't see him now. I just wanted to ask I guess staff or if the -- if the architect is here, what the scope of this process will be. And I also wanted to make sure that the Mac board is part of that scope as well as I've talked to parks staff and I believe they are okay with just negotiate and leave out execute.

[3:31:30 PM]

>> Hello again, councilmembers. I'm going to talk about the scope and I can handle any questions regarding the contract and the process.

>> Hello, my name is Kim McKnight and I'm a project coordinator with parks and rec and I've been shepherding this project since about January or February. You spoke of a developer who was funding a pocket park. I just want to clarify the characterization as I understand it, which that the developer is leasing city land to stage his residential development. And the funding -- the revenue from that lease is something the city has chosen to use for the Mac property. And the Mac board has chosen to move forward with master planning as well as park improvements. The Mac board also gave direction that they would like to contract with the original architect for the master plan, Casabella Architects. They did the first master plan in 2000 and then also were the architect of record for the 2007 phase 1. So because this is a direct contract we're only able to do preliminary negotiations. They're not really negotiations, but preliminary proposals. So we haven't really negotiated at all with the contractor. What we did do was get a scope of work from the Mac board and it's actually a joint committee of the parks board and Mac board that we were able to try to get an idea of sort of a window. So that's the upper window, but negotiations would not begin until we get authorization from council. So that's potentially an explanation for why you might see it hasn't been negotiated yet because we don't have authorization yet from you to do so.

>> Garza: Is there any issue with just authorizing negotiation?

>> I have no issue. I think anything that makes people feel more comfortable about the process, that brings more transparency, can only benefit the process.

[3:33:36 PM]

So from our perspective there's no problem at all. I don't believe there's any issue from the capital contracting office, so I think it's a good suggestion if there's any concerns, we have no problem with it at all.

>> I just want to emphasize a key part of the process is after we go to council and council awards the authority to negotiate, that's our next phase is negotiation. So it's not typical. We do this -- atypical. We

do this every time. We have a general idea of the scope and a general authorization of what we have in the bank and we're asking you for permission for that. When council awards us the authority to move forward with them that's when we negotiate the scope and the fee. So that would be our next step. Typically the Normal request would be negotiate and execute. As Kim said, we can come back and after we negotiate and share that with you and ask for permission to execute that contract.

>> Garza: Okay. And I appreciate the clarification on the funding. Will there be -- because I thought the agreement was that revenue from the use of the right-of-way was partially for the pocket park and potentially for the architect.

>> That's a good question. So I wasn't part of those negotiations. The developer was negotiating with our real estate office. I understand that there were a lot of conversations about an innovative way to funnel the lease revenue to the mac board, but if you look at the agreement, the agreement does not bind the city to do anything other than it just specifies issues related to the staging. It's the city that has chosen to take that money for the mac and the idea -- \$400,000 is the total. I will say that I think there may have been some ideas that that \$400,000 could both do a new master plan and create a park. And it's unfortunate that there were expectations that that funding could do so much. It's my hope that the contract would not -- we haven't negotiated, but the 360 again is a top window.

[3:35:40 PM]

It's my hope that we would be able to do a good -- a master plan and we have a lot of reasons for doing a master plan given the change to that district since 2000. But also have some funding left over for additional improvements. But as far as how the additional funding would be spent, we would consult with the macc board as we do with all issues related to the mac.

>> Garza: And I guess I would have to go back and look, but it wasn't just some staff negotiating. There was a council meeting.

>> No, there was a council resolution. But if you look it says master plan and park improvements. It says both.

>> Garza: Okay. I just -- I remember direction that it would be both.

>> It is both, you're correct. I think the concern that I'm hearing from the developer has expressed concern to me that the funding that he is -- the expenditure to lease city land adjacent to his development, he was hoping that more of it would be available for a park. And that he's stressed that so much is going to the master plan. So we're explaining that we're going through a process and that we'll -- we understand his concern and, you know, this is -- so you are correct, but that's my understanding.

>> Garza: Okay. I guess I just heard from -- I haven't -- I mean, I think my staff has talked to the developer, but I've also heard from community members who were also concerned about that higher limit.

>> Yes, they are concerned and we've explained, you know, typically you do an rfq and when we come to you -- yeah.

>> Again, this is our next part of the process is to negotiate a fair and reasonable agreement between us and the consultant that's selected, in this case casa Blanca. So that's what we want to do next. And then we'll come back to you and if that's the direction that council gives today is just to negotiate and come back and share the contract with you all for execution and we can do that.

>> Garza: Okay. And that's the motion that I'll be making, but it looks like you have some more questions and I think there's some speakers.

[3:37:46 PM]

>> Mayor Adler: Ms. Pool and then Mr. Renteria.

>> Pool: I do remember the conversations and the negotiations with Mr. Sackman and the mac board, and this does -- the piece that I remember most clearly is that we want to get the input from the mac board as to how they wanted to see that money spent. And there was hope that there would be must be to improve the park, but the master plan for the mac was the primary driver. That was my recollection and then a grand entrance. And also a way to connect the park to the mac because there was concern that there was a private park and connected to and only available to anyone who might live in the really tall condo tower built at I think 70 Rainey, if I'm right. So a lot of the conversations that I had with the community was to ensure that what was developed using that money was at their -- that they would have a really strong voice in that direction. Is that correct?

>> That's correct. And again, you had asked how we feel about changes changes to the proposal. I do want to point out that we have been working with the macc board since manner. We took their scope of work that they gave to us, added some public engagement requirements to make sure it's a robust process. That the item before you was voted on by the parks board, the concession committee and the parks board. I understand you're hearing from people, by I want to be clear that the advisory boys or council appointed bodies have voted to support the item.

>> Mayor Adler: Prep. Prep.mr.renteria?

>> Renteria: I donated funding for the canopies that needed to be put up in the courtyard there.

[3:39:47 PM]

So I agreed to delay that so that the study can go in first so that we can use that money later on to see what design will come. My understanding also is that we're abandoning that alley there and they're building their road right next to their units so we can have more access to the macc center there. So that's going to be part of the master study also. Now, when it comes to that pocket park, there's a lot of divisions there. I personally, my group believed that it should be used as a welcome center to the mac. It should have one of the homework homes that was there and they could use it for arc sales and stuff like that. So we'll make that decision when that comes. But I really want to see this study done because we're wasting a lot of time not having those canopies out there so that it can protect the people from the elements, especially the sun during July, and June through August. We were not able to use that facility during the day because it's so hot. And one prime example was also deiz Y seis event down there where it was so hot that no one wanted to even get on the stage. So I hope that y'all really get this study done as quickly as possible so that we could get this center done. And especially with the opening of waller creek park. We have some big plans for that whole area. So I want to thank you for doing the study for us.

>> Great.

>> Mayor Adler: Ms. Garza, did you want to make an amendment to this?

>> Garza: I just wanted to change it to negotiate and take out execute.

[3:41:48 PM]

>> Mayor Adler: Okay with that? It's been moved to take out execute and make it negotiate. It's been seconded by Mr. Zimmerman. Any opposition to that change? We can make that change? Any objection to making that change in the ocean motion? So the motion will now read just to negotiate but not to execute. And now we'll go to the public speakers.

>> Renteria: Mayor, is this going to delay the project, the study?

>> So our next step would be to start the kickoff process with the firm, to begin negotiations on the scope. Typically we would be looking at a five-week posting period for the council agenda. So we'll look

at that and work with pard to not to delay this item because we are adding a couple of weeks to the process. So we'll try to do it as fast as possible.

>> Renteria: I'm going to go ahead and make a motion to do the canopy part of it even though we're not executing. Because I negotiated with staff, park staff, that I was going to delay putting the canopy out there, and hold the money that I had allocated for it back until the study gets done, and I'm very concerned if we're -- this takes so long that we're not going to be doing it, I'm just going to make my recommendation to go forward with the canopy.

>> I am aware that you have been working hard to try to find funding for the mac and that you were specifically interested in some shade canopies. And I think that our staff had suggested to you that perhaps we could undergo a master plan process first, but you were concerned that that might take too long. So what I'm hearing from you is you're concerned about delay. I'm not particularly concerned about delay, but I also want to honor your desire to have that happen as soon as possible.

[3:43:51 PM]

I think, you know, we can have further discussions about that.

>> Mayor Adler: Okay. Let's go to the public speakers. Mr. Renteria, if I can help with that moving forward on the canopy, please let me know. Cj sagman. Is Mr. Sackman here? Next speaker we have is Juan arvedies. Blanca Valencia is on deck.

>> Merry Christmas councilmembers. Juan Riveras. I just wanted to be here today to be supportive of the going forward with Mr. Beeman and casa Bella architects. It's a natural choice. It's a great choice. And it's a logical choice. And so the community really likes it and we don't have any problems with any of that at all. We're very enthusiastic about it. And I also want to say as far as splitting the motion for today, nothing wrong with that either. I think that's great. I hope we can go forward and see about getting the best price we can get possible. That's it. That's all I had for today. Thank you.

>> Mayor Adler: Thank you. Is Blanca Valencia here?

>> Thank you for the opportunity. My name is Blanca Valencia. I also sit on the advisory board for the mexican-american advisory board as its co-chair.

[3:45:52 PM]

I do want to state for the record though that I'm not here in representation of the mac board, but I am here as a private citizen. And I'm happy to inform anything about the discussions we've had at the macc board about the item we're speaking to right now. But I would like to say too that I'm here in support of this item as well. And I do like the idea of splitting the item. Mostly because I think Kim and the team that's been working with Kim has done an amazing job of keeping this process transparent and getting input from a variety of stakeholders, not just the mac board members. I do want to state that for the record. Kim has made sure to go to many groups and talk about the scope of work of the master plan of the mac and get input from as many places as possible and as many stakeholders as are relevant. I will say that yes that upper part of the 360,000 that's being proposed was of concern. I'm not here to say that, you know, we should say no or to delay this process, but I'm curious if there's a way, and it sounds like there is, to ensure we can have a time frame where we can look at what's being negotiated or be in communication with Kim and the negotiation team to talk about maybe some reprioritizations if that's necessary and if possible, which will assist us with the pricing. So that's all I have to say. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers. That brings us back to the dais. Item number 6 as it reads right now authorizes negotiation only. Any further discussion? Those in favor of this item please raise your hand? Those opposed? It's unanimous on the dais with the mayor pro tem off. What about

item number 10. Item number 10 was pulled by speakers. This is Texas state university. Let's see if those speakers are still with us.

[3:47:55 PM]

Is Gus Pena here? Is Tavo Perez here? Is Stewart Hirsch here here? no public speakers. That gets us to the dais. Is there a motion on this item number 10? This would otherwise have stayed on the consent agenda had it not been pulled. Ms. Pool makes the motion. Is there a second to this item number 10? Ms. Garza seconds it. Any discussion? Mr. Zimmerman.

>> Zimmerman: Just a point of inquiry. I couldn't tell exactly what is this? Somebody from staff --

>> Mayor Adler: Is someone from staff here to speak to item number 10?

>> Zimmerman: And I guess it's anticipated that there will be a budget impact to this. It says negotiation and execution. If there's money involved I'd like to make a motion to strike execution so we know what it is we're voting on.

>> Sure. Mary and council, Rodney Gonzalez, director for the development services department. The item before you is a contract with the development services department and Texas state government of innovation. And it is to help us analyze a couple of processes within the department. One we had mentioned to council back in July in response to a council resolution looking at duplication of services between both Austin code and the development services department. In particular we had isolated two processes that could overlap. And one is work without permit and the other one is expired permits. And so we have committed with Austin code to look at both of those areas, which are currently handled by Austin code, analyze the amount of work involved and transfer those back to the development services department. Along with that, of course, will come an evaluation of the resources that are needed. And should we proceed we will put that in the fiscal year '17-'18 budget request.

[3:49:58 PM]

The other element is from a Zucker representation, which asked us to look at both the document sales process as well as the site plan correction process. Both are handled by the development assistance center. So the Texas government of innovation office is going to come help us analyze both of those processes to help us identify where the efficiencies are that can be created. And there is a budget implication for this and it is currently funded within our fiscal year '16-'17 budget.

>> Zimmerman: So there is an agreement in the backup material. Is that the one in question? Because I didn't understand why the negotiation was this there because it's quite detailed and it does have about \$70,000 of expenses detailed. I mean, is it anticipated that that's going to be changed and that's why you want to negotiate instead of execute it?

>> There is no anticipation for it to change. I think it's just a matter of posting the way that it gets posted.

>> Zimmerman: Then would you be okay just striking the word negotiate and just say execute the agreement?

>> I would be absolutely okay with that.

>> Zimmerman: Okay. Thank you for those answers.

>> Tovo: Councilmember, I just want to be sure I understand. Typically you want to strike the execution, but -- can you help me idea why you want to strike the negotiation?

>> Zimmerman: Sure, because there's an agreement here and a dollar amount affixed to it. So you know what your costs are. They're listed here on page 2 of the agreement.

>> Tovo: I guess my only concern is what would be if there are other tweaks that are necessary even if they're minor, then that might -- I certainly don't want to have the language be so print active that you can -- prescriptive.

>> Zimmerman: Then I would say keep the negotiate and bring it back if you like for discussion and approval. So we should do one or the other.

>> Tovo: I'm going to recognize the city attorney. I agree you should do one way or the other. If this is an agreement and if there's any change, even minor, we would have to bring it back to council if you were just to execute it.

[3:52:04 PM]

So you might want to do it the other way.

>> Tovo: The other way being keep the language as is for negotiation and execution?

>> Zimmerman: Because right now it says -- \$72,200 is the amount listed. That's pretty specific.

>> Tovo: Did we have a motion on the table on this item? City clerk, do we already have a motion on this item and a second?

>> Yes, you do. Councilmember pool made the motion and councilmember Garza seconded it.

>> Tovo: Thank you. So councilmember Zimmerman, it sounds like you're making a proposed amendment to strike the word negotiate.

>> Zimmerman: 82nd, correct, I'd like to make an agreement to just negotiate the existing amendment.

>> Tovo: Is there a second on that motion? That fails for lack of a second. Are there any other comments on this item? All right. Councilmember pool.

>> Pool: I'll be voting for it obviously, but I just wanted to point out that other things could be tweaked. For example, not just the dollar figure. There could be some problem with the language that we don't know about that turns up at the last minute. So I think we need to continue to provide Mr. Gonzalez and staff with the appropriate amount of maneuvering room that we normally would provide. So I -- I think we just go with what it says.

>> Tovo: And we're back to the original motion, which would affect that. All right. All those in favor? That is councilmembers Garza, Renteria, kitchen, pool, da Gallo, mayor Adler, councilmember troxclair, Houston. All opposed? Councilmember Zimmerman is opposed and councilmember Renteria is off the dais. Mayor, we've completed 10 and have not gotten to the Austin housing finance corporation agenda, but maybe that would be an appropriate one.

>> Mayor Adler: I think we'll take that up next. We're trying to take the ones that we can go through before we get to the time certain stuff.

[3:54:07 PM]

I guess we're close to bringing up the grove, close to getting to the grove if legal has those documents ready they should start moving this way. But let's go ahead, is the housing folks here?

>> Tovo: Mayor, while they're coming up, we still have quite a few people here for 52, 23, 62 and some - - 52, 53, 62 and some other items. What is the order in which we're going to get to these?

>> Mayor Adler: We're going to keep going through the numbers.

>> Tovo: We're going to continue through the consent agenda.

>> Mayor Adler: We'll continue through the consent agenda until I get a high sign that we're ready to move to the grove and then we'll probably try to move that way and work on that. Let's to the Austin housing finance corporation stuff. Council, I'm going to recess the city council meeting here today at 3:54. I'm going to call to order the board of commissioners meetings for the Austin housing finance corporation meeting. The time is 3:55, Thursday December 15th, 2016. We are in the city council

chambers. We have a quorum of the board present. You want to take us through what we need to be doing here?

>> Yes. We have one item before you today, Rosie Truelove, the swim director of neighborhood housing and community development and the treasurer of the Austin housing finance corporation. We have one item and that's to authorize an increase of \$992,000 to an existing loan to the Chestnut Neighborhood Revitalization Corporation for a total loan not to exceed \$4,954,417 for the construction of mixed use affordable housing ownership located at East 13th and Chicon streets.

>> Mayor Adler: Okay. Is there a motion to approve this item?

[3:56:09 PM]

Mayor pro tem so moves. Councilmember Houston seconds. Any discussion? Mr. Renteria?

>> Renteria: Yes. I'm very concerned about this -- this loan -- this section of the loan is forgivable also?

>> Yes.

>> Renteria: And why -- why the high cost? We just give them over two million somewhere, last year, to complete this project. What's causing the high cost? Overrun?

>> There's a number of factors that have influenced this contract or this agreement. And Sarah Andre with the developer is here to answer some specific questions if you would like her to come up, please.

>> Renteria: Yes, please.

>> Hello. Sure, so Councilmember Renteria, the cost factor, there are a number of things. Number of things involved in the high cost. First and foremost as you may be aware, construction costs in general are skyrocketing. I have a very similar development on Oak Springs Drive that is at something like 212,000 per unit. Second, the infill site has higher cost factor than an apartment building, for example, that would be built in a green field in kind of the suburbs. You have restrictions on the depth of the site, the width of the site. The zoning does not allow for greater density. If we were -- we're restricted to 15 units per lot. If we could go up to 30 units, that cost would come down because we don't have efficiencies of scale. Those are all issues. I think you all have been apprised of the issues with our electrical utilities that were unforeseen.

[3:58:12 PM]

Now some of those costs have been reduced thanks to a great cooperation from this department and Austin Energy. That actually was amazing. But in general costs are -- I mean, the high cost, I agree they are high. It's very painful, but I can also tell you just from my experience in developing multi-family, this isn't unusual at all for this product type or this kind of location. These infill sites are very difficult to squeeze a building in and get any kind of scale.

>> Renteria:

>> Renteria: That really concerns me -- because, I mean, are we really gonna be doing these kind of projects. You come to us saying this is what we need to finish our project and we fund it, and now you're coming back almost for another million dollars to complete this project. It's as that gonna be the last time you come over here asking us for more money on your project? I mean for that kind of money we could have built a lot more further out there. I mean, I'm really concerned that someone didn't do their homework very well when we're having all these cost overruns that -- because unforeseen, we didn't know this, didn't know. You know, that really is concerning me because, you know, we're taking a lot of money that we could use to build affordable housing in other locations and we're spending it on this project and you're saying how many, 15 in one unit and how many in the other unit?

>> The total is 43.

>> Renteria: 43 units, wow, that's a lot.

>> Mayor Adler: Ms. Pool giant --

>> Pool: Hanks, mayor. Ms. Ms. Truelove could speak to us about one of the issues she wrote in a minimum today. Is this pertinent to this particular conversation? It said earlier this year while applying for construction financing beyond ahfc's contribution the proposed new lender discovered a title issue.

[4:00:20 PM]

Did that affect the amount of money that is a part of the loan and that is why we have to come back and ask for additional funding? Or is this a separate issue entirely?

>> They are intertwined. It completely halted all ability to close on that loan. No lender that cannot get clear title to your laundry in the event of default is going to proceed with a loan so that was in April. And it took many months to unravel that and it was one of those issues with we were told it would be a couple weeks and then it was, you know, four, five months, and that is time that we could have been demobilized and not spent money. But, you know, hindsight is 20/20 on that sort of item. It cost money to demobilize, costs money to remobilize so you're per pet tilely every week wag the proand con, do we stop work or keep going? Unfortunately, we kept going when we probably should have stopped.

>> Pool: Is the \$992,000 amount that -- what this request is, does that represent the piece that didn't get the original funding because of the title loan issue? Or the title issue?

>> No. It's much more complicated than that in terms of how all the dollars fit together, although that was a contributing factor to the tune of about \$400,000.

>> Pool: Okay. Thank you.

>> Mm-hmm.

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

>> Houston: Thank you.

>> Mayor Adler: Then Mr. Zimmerman.

>> Houston: Thank you all so much. Please assure them that we've had these same conversations, and I even said could we sell the property, make a profit and then that wasn't something that we could do. So I think this is the last time. I think the money that we would grant, if you all choose to grant it today, they could use to leverage some additional funding to be able to complete the project without coming back. Is that correct?

[4:02:21 PM]

>> That's absolutely correct. There's \$2 million loan coming from the Texas state affordable housing corporation and a \$4 million loan coming from frost bank that will round up the balance of the construction costs for this project but both of those are contingent on this funding copying through from the city -- from the Austin housing finance corporation.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'm looking at the backup material here for what you might call the capital stack, and I believe with this additional 992,000 it will be up to about 12.7 million is that right?

>> The total development costs, yes.

>> Zimmerman: Yeah, total costs. You're proposing to add 992,000. So in the stack, I don't have an overhead of it, but the 992 is a line item and right below that is the frost bank loan that you mentioned for \$4 million. Do we know what the interest rate and the terms of that loan -- is that 25, 30 years? Is it 3%, 4%?

>> No. That is a short-term construction loan. It is -- so 24 months and I have a letter stating the terms. I don't want to misrepresent the interest rate, but it's in the 5% range, I think 5.25.

>> Zimmerman: Okay. It's a construction loan then.
>> Yes, sir.
>> Zimmerman: Okay. But the 992,000 would be joined with about the 3.9 million. And that is --
>> Yes, sir.
>> Zimmerman: That's the grant disguised as a loan? Because it's not gonna be paid back, right? There's no interest rate. There's no term, and there's no penalty for default. Is that correct?
>> Correct.
>> Zimmerman: For the 4.8 million?
>> Correct.
>> Zimmerman: Okay. So I'm gonna be voting against this. This came up almost two years ago when I started to really investigate these deals, and it just seemed -- to me it seems very, very misleading if not dishonest to say something is a loan when there's no intention to collect any interest, no intention to have it paid back, and no default provision if it's not repaid, so it's really a grant.

[4:04:27 PM]

It's not a loan.
>> Mayor Adler: Okay. Any further discussion on this?
>> Renteria: I have one quick -- where is this money coming perfect?
>> It's coming from general obligation bonds.
>> Renteria: What?
>> General obligation bonds. And through this we will get 33 permanently affordable units.
>> Renteria: At what mfi?
>> 80% or less.
>> Renteria: And can you give us the breakdown?
>> No, sir, I cannot give it to you. I do not actually have our home buyers financial information. A third party wheel house verifies their income for us.
[Indiscernible] Layperson is no longer allowed to do the . I can't give you the breakdown of one is at 65, one is at 72, seven are at 78 because I don't have that information. It's not -- I don't see any of their financials. That is all under community wheel house, but we can generate a report from them that does say what the break-out is.
>> Mayor Adler: Any further discussion? Take a take. Those in favor of approving this item please raise your hand.

[4:06:29 PM]

Those opposed? Renter votes no, troxclair, Zimmerman, both vote no. The others voting aye. This item passes. Thank you. I think that's the last item we had on our agenda.
>> That's the last item.
>> Mayor Adler: We'll adjourn the meeting with the board. And then the time is 4:06 we're adjourned and now we're back into the regular meeting. I think the next item we have on the extent agenda -- consent agenda is the biosolids issues, which is items 52 and 53. They were both pulled. They were pulled by Ms. Houston, 52, and Houston -- troxclair, 53. We also have citizens to speak on these issues. We want to hear from speakers first? Ms. Houston? Ms. Troxclair, do you want to hear from speakers insist do you want to say -- introduce it first? Let's speak on 52 and 53 both at the same time. We'll begin with Mr. Greger, if he's here. Is Ryan Hobbs here? Is Adam Gregory here? Is Paul Gregory here? Is Gary newton here? Mr. Greg refresh your recollection you have 15 minutes if you want it.
>> I don't need that much.

>> Mayor Adler: All right.

[4:08:34 PM]

>> I'm Bob Gregory, president CEO of Texas disposals systems. My brother is here, he and I own the company, we have about 900 employees and we've been in the business here for almost 40 years. This is a very unique issue and hampered by the competitive circumstances which exist between arrtds and other companies. I'm speaking particularly about item 52. As you may know, my company filed a complaint on -- that you're considering today. There may be other issues that I don't know because those things have been dealt with in executive session, which is fine. I just don't know if there are others. But I am here to urge you, city council, to vote yes on item 52 if it is amended to waive the restrictions and penalties of the anti-lobbying ordinance for future city solicitations for biosolids and composting and disposals and ideally that it be expand, probably not on this agenda item but with another one, ideally it be expanded for all solid wastes and recycling, processing and disposals so that the anti-lobby ordinance would not apply to any of these issues dealing with biosolids, solid waste, composting or recycling issues. This is appropriate and indeed urgent given the singular circumstances of city-licensed operators, private haulers and processors like tds being forced to complete directly with their own regulator, arr, Austin resource and recovery department. Just as the associated items 46 which you delayed until the second of February and 53, which is also being heard right now, propose to do.

[4:10:37 PM]

Respectfully, the minimum requirement for adopting item 52 must be the simultaneous rejection of item 53, the synagro contract in order to appear a sanction of the anti-lobbying ordinance, violation that's occurred during the rfp process. In this circumstance, a new rfp or ifb, innovation for bid -- invitation for bid should be issued only after policies have been clearly established by the council with the new solicitations designed to achieve clear policy goals of the council. What has been happening has been the opposite of that. Tds otherwise you do not the council to vote no on item 52 if city staff's intention in bringing forward the term is, as it appears, to tro actively waive the ordinance in order to forgive violation that's occurred for any reason. To do so would be to abandon objectivity and consistency in the application of what amounts to a limit on free speech. Please be reminded that in 2010 city staff charged tds with a violation of the anti-lobby ordinance associated with a solicitation to which we had not been yet -- we had not even yet responded. City staff refused to withdraw the violation and tds was forced to file suit against the city. A federal judge ruled that no violation had taken place and ordered the disqualification removed from tds records. Stenographer's demonstrated misapplication of the anti-lobby ordinance, including strategic staging of rfps such as we're dealing with today to maximize limitations on contractors' ability to communicate with city council and the commissions along with a conflict of interest of being forced to compete with our regularity, who is also -- regulator, who is also our competitor, is the reason tds has been unable to respond to the recent city solicitations.

[4:12:48 PM]

Although I might add under this circumstance the biosolids there's a provision in a 30 year contract where staff can negotiate this entire contract without us responding to it. Would you like me -- can I -- should I go straight into my comments on 53? Okay. Regarding item 53, that's the biosolids and reuse of biosolids, beneficial reuse of biosolids, tds you do not -- by the way, what I've handed you is what I

emailed you yesterday, and it includes a breakdown of three of the items. One, as you know, has been delayed, number 46, and then 52 and 53 in the email up front. Separately, going back into it, there's a memorandum of the tds -- of a legal opinion on different issues on how the -- or master contract allows this negotiation, flow control issues, some issues that staff has given legal opinions on, and a confidentiality of information to keep it from coming to you and the commissions before it gets voted on by the council. And there's also a memo in there on this very issue from last month when it went into executive session. Tds you do not the city council to vote no on item 53 and to instead direct staff to create a new rfp or an invitation for bid that is reflective of established city biosolids management policy, that requires the continuation of the diliter program, that is reviewed by the zero waste advisory commission and wastewater commission prior to publication and ideally that does not collide the anti-lobby ordinance restrictions. Please recall that on August 11, 2016, city council did not act on this same request as item 53 but rather directed that a detailed policy review of the contract -- the contract and the solicitation be undertaken by the wastewater commission to ensure that the contract was in compliance with city policy and did not create new policy not considered by a city council prior.

[4:15:14 PM]

A limited policy discussion was held by a joint work group of zwac and wastewater commission over the course of three private meetings and some policy commissions were formulated by this working group. However, no review of the proposed synagro contract took place. The contract was only supported by the joint working group based on staff's stated intent to reflect whatever those policy goes are in the contract. We have not seen any evidence that that has been done. The full water and wastewater commission did recommend approval of the contract before you in 53 but without being able to fully review the contract documents. The full zwac was prohibited by staff from even discussing the contract and were only allowed to recommend policy preferences. Overall, it's plain that city staff prevented the commission from adequately fulfilling what you, the council, set them out to do on August 11 directive. Further despite synagro's public commitment on August 11 to release a complete version of their contract in their rfp response, only a portion of it has been released and all of it was never released even up to this point, including very important parts of it involving a location where material will be processed and composed, who those partners are that will do that, whether that location is in compliance with tcdq regulations, whether it's in compliance with Travis county citing ordinance that limits where a solid waste facility sited. While it appears city staff has made some of these changes and posted documents, even the limited policy statements adopted by commission have not been adequately addressed it seems. Based on the available information this contract will still result in the termination of the diliter program as there is no requirement for synagro to produce any amount of diliter and no prescriptive method for diliter or any other type of compost for that matter that we can see.

[4:17:26 PM]

Indeed the draft contract states that synagro's entire composting process will take 3-4 weeks and as the area's largest composter I'm here to tell you you cannot compost in three to four weeks. The bugs don't work that fast. So whatever this product that would be shipped off the site in three or four weeks it would not meet any definition of compost. I believe it's a partly cooked class a biosolids sludge that would be restricted -- certainly be restricted by the county siting ordinance and would not be allowed without a waiver, and I don't believe it would be allowed by the tcq because something like this has never been done in Texas. It's done in California and Florida. It's not been do done in Texas yet that we know of anywhere, and we know a lot of people in the industry and certainly the people at the state

agency. Be met in the contract, the portions that we can see. We can't see all of it, which the contract contemplates. Also, if approved, city staff can use this contract as the basis to implement flow control of organic material to a facility designated by the contract or a city-owned facility such as Hornsby. This is of huge concern to a large group of haulers in town who rely on those recyclables for their own composting operation and also rely on the hauling for that. So flow control is of just most concern to us -- utmost concern to us. Synagro has a well documented history and record of corruption, bribery, scandals. You can find this on the internet. And just since the issue came before you last time in August, there has been one suit in Philadelphia over a hundred plaintiffs that I believe is its exact same land application of this same type of material that we're talking about here.

[4:19:28 PM]

So we're asking you to stop and take time, send this back for a public process that has not yet been done, and devote -- to vote no on it and require that the continuation of diliter program and that it be reviewed by the zero waste advisory commission and wastewater commission prior to publication and when it does come through in the finished amount, something done to allow the finished contract to actually be considered before a commission rather than having no consideration. Those are all my comments. I'll be happy to answer questions, mayor, if you would like.

>> Mayor Adler: At this point doesn't seem like there are questions, so we'll go on to the next speaker.

>> Thank you.

>> Mayor Adler: Thank you. The next speaker that we have is -- sorry, Andrew Dobbs. Andrew bosinger is on deck.

>> Hello, David king give me time on this one?

>> Mayor Adler: I'm sorry.

>> Do I have minutes from David king also?

>> Mayor Adler: I don't show that in what I'm looking at. Is Mr. King here?

>> He's not in the room so I'll move quickly. Andrew Dobbs, Texas campaign for the environment. I sent a memo yesterday I hope everybody got a chance to look at that lays out a lot of our positions on that and I'll reiterate and talk about things I didn't get a chance to do there. Our basic position on this right now is that you've got the -- is that on 52 you have an -- we have an anti-lobbying ordinance in this city, in effect on this contract.

[4:21:29 PM]

There was a charge leveled that this ordinance was violated. That has to be adjudicated weather. If -- one way or the other. If there was a violation we need to start over. If there was not a violation then we can move forward and deal with the contract but the one thing that is certainly not acceptable under any circumstance is to say we're gonna change the rules in the middle of the game, especially when in other instances companies have been disqualified for being angle to do business with the city because they -- because sustained allegation of violation on the anti-lobbying ordinance. That's basic common sense and would be terrible precedent for us to say we're gonna change Riles in the middle of the game whenever we want to. Don't Dallas my Austin is what I've been saying on this because that's what we deal with up there, to be honest. Love them though. Great city. What I would say is -- so that's our basic concern on that. If they are -- if you believe -- if you find -- and I don't know what mechanism you're use to go determine this, but if you have found and can sustain that they didn't violate the anti-lobbying ordinance then the issues we have with the contract are, one, we have said that -- from the beginning we want to see all redactions. There are concerns we have remaining about that. Number 2, there are elements of the contract that delegate some of these elements, namely dust and overcontrol,

emergency land application to city policy. We need to direct that those -- we need to you direct that that policy would come back to you before it's enacted and go before the water and wastewater commission and zwac commission. You know, the basic concern here and the basic thing we believe -- that I believe determines this and has created this situation where what should have been an easy thing has become very, very difficult is the fact that we have staff making policy without council oversight. And this is a \$20 million contract, privatize a major city service.

[4:23:32 PM]

This is something when it was in the contract phase there was a proposal to land apply 100% of our biosolids in rural communities in bastrop and fayette county. That's how I got mixed up in this, those people called us, we need help stopping this. So, you know, the fact that these decisions are being made without a council committee, without a commission, without y'all, without a stakeholder process, brought us to this point. Had all that happened we could have the exact same contract and it would have been months ago and it would have been put through easily, right? We cannot have the policy -- excellent, thank you. We cannot have the policy shoehorned in after the contract has already been negotiated. To their credit, synagro has agreed to every change that we've asked for to this date, except for those redactions I mentioned, but they have agreed to all contract protections that we've asked for, and so the policy is to a large extent in the contract, as it stands. Once again if there's an anti-lobbying ordinance violation that has to be dealt with. In my memo yesterday it says officers of synagro were implicated in corruption. That is a misstatement. This is an employee of synagro that was involved several years ago. There are other concerns that we've had about them other places in the past but in this instance the folks we've dealt with on this contract have been very helpful so I do want to mark that. To summarize on that, the anti-lobbying ordinance needs to be a judge indicated. If they did do it then we immediate to start over. If they didn't do it, we still want to see those redactions and need to make sure that the policies indicated in the contract are reviewed by you and by our commissions. Last thing wanted to do here if I get a second for this is to thank councilmember Zimmerman and councilmember Gallo for their service to our community and to our city. I will believe it or not miss both of you. You know, I do not -- I consider it a shame when I get up here and I testify and don't get questions from councilmember Zimmerman.

[4:25:37 PM]

It is one of my favorite parts of testifying, is getting to answer those and to have that back and forth. And, councilmember Gallo, I think you are a really good, really good policy maker and excellent elected official and your office has been wonderful to work with. The final person I have to say is director Bob Gerhart who I saw earlier and I doubt he's watching because I'm pretty sure you can't fire him now and so he is -- he has been a hero for our movement, he's an expert, somebody who has provided vision for the city on these issues, and we hope that we can find somebody that shares his commitment to zero waste and moving -- moving forward that can help implement the policies and visions he has set for our city. I'm honored to work with all of y'all. I'm happy to answer any questions. There we go.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, I won't disappoint you today either.

>> Thank you.

>> Zimmerman: Mr. Gregory did send us a long email. You may not have this yet, but I do remember the zero waste advisory committee voting I'm sorrily against extending that --

>> That's another issue.

>> Zimmerman: That's the issue I want to touch on briefly. I thought it was great when we had the zero waste advisory commission I'm sorry all sides, all factions, everybody was against staff and they brought it to council anyway. Do you agree with his contention that a lot of the same fact for our vote against that are present today on item 56?

>> That's not the item -- I'm looking to see. I will say, yes, the issues that speak to that at this time, yes, the issues that were brought up last year remain extant for that issue this year, still need to be addressed, and in fact there were specific things you brought, councilmember Houston, councilmember Casar brought up in that debate not reflected in that proposal today.

>> Zimmerman: All right. Thank you for that. I wanted to verify that because, again, it sounds like we're on the same page on that item. So thank you.

[4:27:37 PM]

>> Mayor Adler: Here's what I'm wrestling with on this. This is very confusing. This whole thing. And, Mr. Gregory, I may give you an opportunity to come back up to address this later, not now. Let me get to the rest of the speakers. This issue came up, it was confusing when it come up back in August because there were citizens what we were heading for didn't reflect the policy that we had so the city council in kind of an extraordinary, by that I mean extraon the one hand looked at staff and community and said let's pause this for a second, have a true-up on what's happening here. And we talk about how generally the issues that we wanted to have addressed so we created in the middle of the contract process a stop by a council that was asking for the community to vet policy and policy in relation to the contract. Which seemed to have happened at some level in the community. What resulted from that, in trying to accommodate what the council request was in that process, there may or may not have been a violation of the anti-lobbying ordinance. And I think that I feel and maybe some others on the dais feel some sense of ownership of that confusion, if there was any confusion, associated with that. As people in the community were trying to accommodate the request for information and the analysis that the council addressed. So I see item 52 as looking -- as the council looking back and saying, hey, if people were trying to accommodate what it was that the council asked for in the middle of a process, highly unusual, would run afoul, we don't want anyone to be penalized for that because we feel like we in part created that. And then one possible action is then not to approve 53 but just say to staff, now go do a new rfp with same or similar scope.

[4:29:46 PM]

And then the only issue associated with that would be whether or not we waive, going forward, the anti-lobbying ordinance.

>> Right.

>> Mayor Adler: Which is also confusing to me because I hear some people and perhaps even Mr. Gerhart now saying that that anti-lobbying ordinance is not something that is on balance constructive.

>> Right.

>> Mayor Adler: And if that's the case then, we probably should get rid of the anti-lobbying ordinance. But if the anti-lobbying ordinance is right, then I'm not comfortable waiving it on an ad hoc basis. So one course of action available to council would be to say, look, if there was a violation going back in an effort to accommodate this extraordinary request that the council had made, we're not gonna hold anybody responsible for that but because that may or may not have happened we would say to staff, go ahead and reissue the rfp on this and let everybody who wants to then participate at that level. Does that work?

>> That would be fine with us. We are agnostic as to whether or not it happened or not. It's not our place to necessarily determine that. That process would be fine, and, like, it's not like I love the anti-lobbying ordinance. It is created -- it has created a lot of problems in a lot of different scenarios. It certainly needs changing and I'm hoping councilmembers will take leadership on changing that in the future. If we do do a new process it would make sense to have that suspended. It would also make sense to take the policy developed in this extraordinary process, especially the one ultimately determined by the zero waste advisory commission, to take that policies as the foundation for the new rfp so we don't have to entertain proposals of land applying 100% of our biosolidses, et cetera. That's an area that you described would be amenable, would be acceptable to us.

>> Mayor Adler: Okay. Any further discussion?

[4:31:46 PM]

Ongoing. Thank you.

>> Thank you.

>> Mayor Adler: Mr. Gregory, do you want to come down for one more second, please? I have another question. Take your time. Do you understand what I was saying?

>> Yes, it is very confusing. It's very frustrating for all of us. I will tell you for what it's worth there was a violation before this council acted on Thursday, August 11. It was on -- after the meeting on October 10. This is a problem. It's a major problem. There are four contracts moving almost simultaneously. The biosolids compost, the sale of unscreened dilidirt, y'all may remember that one, then there was the one today, the republic contract, and then a processing contract for the third cart, the single -- the curbside recycling food waste and yard waste. All of those were happening at the same time. It has gotten so bad with staff's interpretation with the Alo that you -- you, the policymakers, or in the case of zwac, the policymakers, really only have one time to ask questions, to interface with a respondent, like synagro here today. You don't have time -- you can't see them out in the haul, you can't call them for meetings, you can't do that under the anti-lobbying ordinance. When the zero waste commission met in October, on the front row here in this chamber was respondent for the composting contract, a man, local guy, man and his wife. They were here seemingly to present themselves to answer questions because their issue was on the agenda to be addressed. Members of the commission were asking them questions. Staff stood here and said don't answer that with their hands like this.

[4:33:50 PM]

Don't answer that question. Would not let them ask, would not let him answer, because the anti-lobbying ordinance is not only to protect y'all so you don't have to be hassled but also to keep a level playing field. But that's the only time you can ask, when it comes on a posted public meeting.

>> Mayor Adler: So the question isn't before us today -- do we want to have the anti-lobbying ordinance.

>> No.

>> Mayor Adler: But I certainly see that's something that we should pick up and take a look at.

>> Hopefully let me finish my point. The anti-lobbying ordinance taken to the scheme as a policy maker you can never get the truth of the matter other than what staff wants to give you, even to the point of coming to a posted meeting like right now, this one, if you can't ask questions and get straight answers how can you possibly make the decision other than the information that comes from staff.

>> Mayor Adler: That goes to the question of whether we should have the anti-lobbying ordinance.

>> You should have it and I think it's fine on everything else except where the city is a competitor of those it regulates.

>> Mayor Adler: So --

>> Austin energy, others --

>> Mayor Adler: With respect to where we are right now, on this issue, 52 has us looking back and saying -- and -- do we waive any violation if any violation occurred without finding whether a violation occurred or not in part because council did something in the middle of that process that sent back and precipitated a conversation?

>> Our communication on the complaint is specific enough that it went before that action. However, I still stand before you advising you and asking you to waive it as long as you send the issue back through the process.

>> Mayor Adler: So what I -- speakers] In what I scribed a second ago if this council were to take the action, look back and say we're waiving a violation that occurred in the past if any violation occurred in the past and second we're instructing the city to restart the rfp process here, do you have -- is there an issue with that that I'm not seeing?

[4:36:04 PM]

>> I'm asking you to do just that, to waive the process -- to waive the anti-lobbying ordinance for this --

>> Mayor Adler: So there are three questions. Three questions. First --

>> As long as you send it back.

>> Mayor Adler: Three questions. First one is, do we waive the ordinance going back as to any violations that might have occurred?

>> Yes, if you send it back.

>> Mayor Adler: Second question, do we restart the rfp process?

>> Yes.

>> Mayor Adler: Which the third question is, do we waive the anti-lobbying ordinance going forward as concerns this matter?

>> I think you should.

>> Mayor Adler: Right. And I think those are the three issues that we have in front of us. Those are the three issues. Do we waive it going back, which is what 52 is. Do we keep a waiver going forward, also in 52? And do we not pass 53 and just say restart the rfp process? And where I'm sitting here right now, for me, I would waive it going back because I think we precipitated any problem that might exist. I would join, if my colleagues are to inclined in saying to staff restart the rfp process. I am uncertain as to the next one, which is waiving the anti-lobbying ordinance going forward because that has me deliberate deliberating on the anti-lobbying ordinance and I'm not prepared or ready to do that but I think that it is something that we need to pull out and take a look at the anti-lobbying ordinance.

>> Please.

>> Mayor Adler: And decide whether or not it's good. I'm not sure this is the vehicle to do that.

>> I don't -- I did not -- my company did not respond to this solicitation for all of the reasons that I named, as well as we have a contract that allows them to negotiate, we don't need to respond to it to get the work. Okay. But there were bidders who have been bound by the anti-lobbying. If this is not waived going forward, those bidders would not be able to put their 2 cents -- they would continue to be bound, whereas were --

[4:38:06 PM]

>> Mayor Adler: They could participate. Everybody could participate.

>> They could participate.

>> Mayor Adler: Everybody could going forward because we would say start it over again.

>> Just be aware of that.

>> Mayor Adler: Got you. Mr. Zimmerman.

>> Zimmerman: Hang on. Before you go, I think I followed all of that, except it sounded like you wanted the first two connected, the first two are connected, the point you kept making, the mayor -- kept making, the first two are connected about the violation in the past and whether the company is allowed to rebid, for you they're connected, don't stand separate.

>> Y'all are the ones that vote. I don't vote. But my recommendation is yes, waive it, as long as you do send it back.

>> Zimmerman: The point, they are connected, okay, thanks.

>> Mayor Adler: Okay. Next public speaker that we have on this is define because we're calling 52 and 53 at the same time would be Andrew Bosinger.

>> Good morning, Mr. Mayor, councilmembers, thank you. My name is Andrew Bosinger --

>> Mayor Adler: Before you start, I'm sorry, is Jorge

[indiscernible] in the room? Alex [indiscernible] in the room? No. Is Nicole media in the room? You have nine minutes sir.

>> Thank you. My name is Andrew Bosinger, with Synagro. I have been accountable for the work that we do here as the city's biosolids management partner for the last eight years. I'm here to ask you to put forward item 53 today. I've been in the business of public contracting with government agencies across Texas and across this part of the country for 23 years. I have never seen a contract that I think has been more fully vetted and recommended to a council than this one.

[4:40:11 PM]

Purchasing department, your subject matter experts and Austin water utility staff, your appointees on the water wastewater commission have twice recommended this contract, the organics subcommittee, the joint work group of the ZWAC and the water wastewater commission and the ZWAC all have opined on this, injected policy considerations and recommended this contract to you. I think that's a really loud voice that I think speaks in this area. This is the first time that you've gotten to hear in any material way from Synagro because of the anti-lobbying requirements. This is, you know -- we went into this contract eyes wide open because we've competed in this arena before. And we knew that what was gonna happen has happened and that means there's been an ongoing systematic campaign of lobbying and misinformation, frankly, provided to you, just in Mr. Gregory's testimony earlier. I can't even list you to the number of things that were factually incorrect about Synagro and our proposal. This is the first time you get to hear any of that, but I hope that the voice of all those appointees and staff members that -- that are trusted by you and charged by you for coming to you with these recommendations are heard above that. I would ask you to look at a track record. Synagro has been here for eight years doing biosolids management projects. The city of Austin has a flagship biosolids management program in the state and nationally. I can't imagine that you've heard one single negative word except from our competitors or others with an interest in the work about the biosolids program.

[4:42:13 PM]

I will tell you that there is nothing that we've proposed that is fundamentally different than what's going on right now than what we've been doing scuffily for three -- excess fully for three years, refusing compost, marketing compost. There will be no more land application, that's a change, unless directed by the city. That is still allowable. There's outsourcing on the Hornsby Ben site. You have a private partner working there now. The only thing changing is an element of who is doing what pieces. It's fundamentally the exact same highly successful program and the difference is you're gonna save a million dollars a year. That's the big difference. And, you know, we've been called shoddy operators in

communications that have come to you. Our performance history at Hornsby bend says very differently. We are the only private composting company in the United States to achieve platinum certification from the national biosolids partnership, water environment foundation, that means we have industry-leading operating requirements. We've been audited by third parties to verify that. And no other company, including our competitor here today, has been able to achieve that operating standard. So I do think it's un40 that this is the -- unfortunate this is the first time you're hearing about this, but we aren't unique to Austin. We do business in 600 cities around the United States and virtually every one has some sort of quiet period around a procurement. They're there for a reason, to help ensure equitable outcomes. And the markets function just fine with those. They really do. You know, we're quite comfortable with it. As far as, you know, anti-lobbying goes, I would say I do feel like I need to address that.

[4:44:17 PM]

There's been a consideration and it's been thrown out in very heavy kind of terms that synagro violated this or synagro violated that. I haven't heard anyone up there say that, in fairness. But what we're talking about as I understand it is whether a meeting was adequately posted or not. This isn't something that synagro did to, you know, buy us a project or buy us a procurement. You know, the city council has at its discretion and the authority to move forward with this contract and, you know, I think look past or get us past those kinds of potentially minor procedural issues. You know, I think if it is determined that you -- you determine this must be rebid, synagro will be harmed in that. We followed your recommendation to disclose our proposal in its entirety. The only thing that is -- remains unredacted is the names of potential, not actual, but potential subcontractors. They don't want to be named because the competition in this arena creates a toxic environment for them. If you were a small business, would you want to put your name out there and subject it to kind of scrutiny and this kind of baseless allegations when you're trying to grow a small business? And you don't even have a contract. You have a maybe contract. I don't think most of us would want to do that. So we've taken heat for it, but in fairness to our potential partners, we remain -- and actually the work -- joint work group concluded we had provided every material piece of information required for them to make a lemmings. So I hear the issues, and -- but, you know, I think we've been open, honest, fair.

[4:46:19 PM]

We've worked extremely hard and rigorously to follow the requirements of the anti-lobbying ordinance. We've sought approvals at every stepping to speed at meetings or to make presentations or answer questions when necessary. A rebid would be punitive to us in this, and I don't think in the city of Austin's best interests because contractors watch how these things proceed in cities, and it informs how they want to proceed in doing business with a city. So, you know, we respect your decision, whatever it is, and we want to be your partner going forward. We've got a very successful relationship. We hope that I'll give consideration to our efforts on this and the way we have approached this project. So thank you. I'll answer any questions.

>> Mayor Adler: I'm going to begin with again on the same line that I was talking before. Obviously you know there are claims that there was a violation.

>> Yeah.

>> Mayor Adler: In the past.

>> Mm-hmm.

>> Mayor Adler: And if they exist, they would exist in part due to the request that this council made in sending things back and how that was implemented. One resolution for that is to pull down that process and say start again. But to waive any violation, if it occurred, without determining whether or not a

violation occurred going back, so that anybody who participated in that process would be able to participate in the process going forward. And then to ask the staff to reissue it with same or similar scope with the rules that the city has in place. And is there a -- other than what you mentioned a second ago, is there any other issues associated with us doing it that way?

[4:48:22 PM]

>> Mr. Mayor, I think it would be equitable and in the city's best interests to waive it retroactively in this case and say, however, this situation was created, whether or not a violation occurred, you know, we, synagro, has the -- you know, is the recommended bidder on this, was acting at the city's instruction, has worked within a well-defined procurement process to try to comply and has put forth --

>> Mayor Adler: You say it waive it going backwards.

>> Right. And I said before that I think that the market operates just fine with anti-lobby kind of requirements.

>> Mayor Adler: Right. Your issue goes to whether or not we would reissue.

>> Yes, sir.

>> Mayor Adler: And I understand that. If we don't do that, then some people will complain about a process that might have had a violation in it.

>> Well, our competitor will complain, sir.

>> Mayor Adler: I'm sorry?

>> Our competitor will complain, sir. There were multiple other bidders on this project. We fairly submitted with them. They were all evaluated. At the were the highest ranked bidder by far and lowest cost.

>> Mayor Adler: I understand.

>> None of them are here complaining.

>> Mayor Adler: I understand. Any other questions for this witness? Mr. Zimmerman.

>> Zimmerman: Yes. Thank you for being here.

>> Yes, sir.

>> Zimmerman: The American national standards institute, various standards bodies, right, that define technically what things mean, but, I mean, in terms of what compost means technically, are there any standards you can point to that help me understand how you can compost something in three to four weeks? Because normally it takes a lot more calendar time to sufficiently --

>> It does, you're correct.

>> Zimmerman: Okay. So under your proposal here that's proposed to be voted on, the \$20 million project, what kind of composting are you proposing in three to four weeks?

>> Well, that's one of the misstatements that was made. That is known, yet was made as a factual statement today. Our proposal collides a description of the compost process. The basic process is three weeks to four weeks.

[4:50:24 PM]

That's just the basic process to meet the -- meet the federal and state permits. That's not finished compost. It meets the definition of compost, the best standard I can refer you to would be the U.S. Composting council's definition and you will hear today from the president of the U.S. Composting council, who is here to speak on this item. And, you know, that -- and everything that will meet the definition -- everything we produce will meet the definition of compost per the U.S. Composting council. That's the most, you know, neutral kind of weights and measures, if you will, kind of standard that I could refer you to.

>> Zimmerman: Thanks for that because I mentioned ANSI because I have engineering standards but I don't know that business. Thank you. Second quick question, the operating locations for where you would get this process completely done, Hornsby Bend is kind of downwind if the northern wind blows through it will blow into our airport as you probably know. Can you tell me where the locations are.

>> You've hit on another point misstated earlier but known to be fact is that all composting will be done at Hornsby Bend.

>> Zimmerman: Thank you.

>> Mayor Adler: Okay. Thank you very much.

>> Thank you all.

>> Mayor Adler: Next speaker is Laurie Iortirositer. Michael Whellan is on deck.

>> Good afternoon. Thanks for your time today. My name is Laurie Iortirositer. I'm actually a former employee of Synagro and I am currently the United States Composting Council president. I was an employee for Synagro for 20 years, and I've been a member of the Compost Council since 2009. First let me applaud the city in your recycling efforts for organics. I know you guys are leading the nation in everything you're doing, and Director Bob Gerhart really needs a round of applause because your city has actually set the stage for many cities across the nation that our organization, like, to work with to help keep food wastes and organic materials out of landfill and put them back to soil use so I applaud all your efforts there.

[4:52:49 PM]

I actually support Council's approval of 53, with approving that consider with Synagro. They've been in business since 1986 composting. They've been awarded Composter of the Year through the U.S. Compost Council. They have their NVP EMS program in force at their compost facilities, which is very similar to ISO 14001 standards. I know that there was some question of what is compost. Compost is defined -- biosolids compost is defined by the EPA regulation that's take you through the process to further reduce pathogens and vector attraction reduction and you can do that within that three weeks, three to four weeks, typically about 22 days. I just encourage the council to approve the contract with Synagro today. This actually will allow the city to have two high quality vendors to manage all the many organic materials that y'all are producing and to continue to move that material back out into soil and productive use. Thank you so much.

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

>> Zimmerman: Quick question. I'm on the composting council.org, U.S. Composting Council. I'm happy to have that website here and information, but I've scanned through and I don't see -- nothing jumps out at me yet as to where the standards links are. Could you point me to --

>> It's called the Seal of Test Assurance. We follow the federal guidelines for composting biosolids, and those manure facts for food safety regulations so we encourage folks to follow the standards to meet the fecal and Salmonella.

>> Zimmerman: Again, I'm trying to find that and I don't see a reference --

>> Is it under programs.

[4:54:50 PM]

>> Zimmerman: Programs, okay.

>> Might be under programs, seal of testing assurance.

>> Zimmerman: Thanks.

>> I might have to speak to my staff or have them move it forward more on our website.

>> Zimmerman: That would help, thanks.

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: Ma'am, excuse me? Could you come back just a minute because I'm interested in the 3-4 weeks and 22 days. All of the biosolids that y'all collect can be broken down and are ready to be put into dilidirt or put in my flower beds in 22 days?

>> So the regulation requires temperatures of 131 degrees fahrenheit or higher for 14 days. If it's wind row it's 15 days, it's a 15-day period to put that material through the composting process. And you temperature that compost every day. Through that process. So you may not get temperatures those first three days. But the next 15 days, that material, once you blend nitrogen with carbon, t crtes the compost process. So biosolids compost typically is gone through the federal regulations and state -- Texas state regulations for composting to meet environmentally and public handle safety standards.

>> Houston: So this is a new field for me. How do you get the temperature up that high and maintained that high 15 days?

>> It takes carbon, nitrogen, water, and oxygen. Just nature. You mix those components together at a specific recipe, and the organisms just take over and generate heat.

>> Houston: Hmm.

>> Now, once you've gotten through the pfrp process or process to further reduce pathogens through that federal and state guideline, now you have a composed product. You can then screen it to a size to meet the needs where you mark it.

[4:56:55 PM]

So you're gonna run it through -- very much like a window screen and size it. To the sizes that you need for a golf course grade or a landscape grade or an agricultural grade.

>> Houston: And those larger pieces you re--

>> They go back into the process.

>> Houston: Back into the process? Thank you so much.

>> Thank you.

>> Mayor Adler: Thank you very much. Michael whellan.

>> Michael whellan on behalf of Texas disposals systems. First before I make a few comments about the anti-lobbying ordinance, councilmember Houston, it would have been fair for you as if you were in deposition to say, objection, in response responsive. Your question was can I put something sitting out for 22 days in my flower bed and I can assure you the playing of flies and stench would send you running.

>> Houston: Mr. Whalen, I'm not one of the lawyers.

>> I know you're not. You've got plenty of them up there. So I had a few points about the anti-lobbying ordinance. And really one things that troubling and I'm glad that there might be a movement to look at it more broadly, is it becomes an anti-information ordinance when people sign rfps and aren't able to provide you with important information especially in the area of Austin resource recovery. And I point to that specifically because when you look at energy, water, aviation, public safety, those are all monopolies. They are entering into contracts for particular items, teasers, typewriters, et cetera. With Austin resource recovery, in addition to being the regulator, they are also a competitor and some might say a predator. They are moving in some -- some have expressed this concern, we've expressed this concern to try and consolidate and ultimately monopolize this industry and take away all competition through flow control. We would actually urge that you seriously consider eliminating the anti-lobbying ordinance from any related bids altogether, perhaps after this hearing in the new year.

[4:59:00 PM]

I think the egregious cases of the misapplication of the anti-lobbying ordinance in the past hurts the city because those episodes create less competition. I'm gonna give you a very specific example of why you get less competition because of the anti-lobbying ordinance. When somebody is dis-- somebody has a contract with the city and they are disqualified two times, they can then be barred. That contract can be voided. Nobody is gonna take that risk when they have in the case of Texas disposals systems a 30 year contract to handle trash for the city. In fact because they were disqualified inappropriately, they went to federal court, as Mr. Gregory already certainly we agree, mayor, the anti-lobbying ordinance should be waived and the biosolids contract should be denied and rebid after the council adopts the policy or a policy after reviewing and considering the biosolids policy. I think that would be in the best interest of the city. I would point out also that the -- it's interesting they said that the contract had been the most vetted ever and yet there were major portions of it that were redacted, including the locations. And I think that was your question -- somebody's question, Zimmerman, about where they're going to be putting this three to four week baked material. So --

[buzzer sounds] That would be my request, thank you.

>> Mayor Adler: Thank you. Those are all the speakers that we have listed. We're now back to the dais. Someone want to make a motion on item number 52?

>> I have a motion.

>> Mayor Adler: Ms. Houston.

>> Houston: It's been passed out on the dais on the yellow sheet of paper. It has number 52 on the top.

[5:01:01 PM]

And the motion is to strike past and future, and to remove part 3 on the second page of two and to change part 4 to part 3. Approximate.

>> Mayor Adler: There's been a motion to approve item number 52, but with the changes that Ms. Houston has made basically taking out part 3 so that the waiver is retrospective and not prospective. Is there a second to that motion? Mr. Casar. Any further discussion on this motion? Could we naught on --

>> Zimmerman: Could we put that on the overhead for a second so everybody can see what we're talking about? Just one other quick thing as a point of inquiry. That is the back side and that is the part struck on the other side, there is a striking of the words past and future. If you want to show that quickly. Be you see the strike at the top that says the city code regarding past and future. That's struck out. And thanks. If you could flip it back over. Thank you. I want to make sure we know what we're talking about here.

[5:03:03 PM]

>> Mayor Adler: All right. The motion is to approve item 52, striking part 3. Further discussion? Then let's vote. Those if favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair off. In a gets us to -- that gets us to item number 53. Someone want to move to withdraw 53?

>> Zimmerman: I'll make that motion to withdraw or would it be more appropriate to deny or just withdrawing it, does that serve the purpose?

>> Mayor Adler: I think withdrawing 53 and asking staff to reinitiate an rfp process.

>> Zimmerman: I think we close -- I'll make that motion.

>> Mayor Adler: We're just going to withdraw 53, take no action on it, giving direction to staff to reissue the rfp.

>> Casar: Mayor, to clarify, that motion to reissue the rfp with the environmental stipulations and others agreed by the stakeholders in the new rfp.

>> Pool: And I can offer those up. We want to present the rfp to the zero waste advisory commission, water and wastewater commission and then to the council for review and approval before issuing to vendors.

>> Mayor Adler: Is there any issue with that? To go through the process.

>> Pool: This may not be the standard city language, but the point is zwac, water and wastewater and then back to council for review.

>> Mayor Adler: We're asking city manager to resolicit for the same, similar services to include the recommendations of the vision zero advisory and water and wastewater commissions. So I think that's what that is. Okay? That's the motion from Mr. Casar.

[5:05:05 PM]

Directing the city manager -- not taking action on 53 as proposed, but instead asking the city manager to resolicit same or similar services from the vision zero advisory and the water and wastewater commissions. Is there a second to that? Ms. Pool seconds that. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with Ms. Troxclair gone. That takes care of 52 and 53. Are we ready to handle the grove matter? Ms. Pool, do you want to make a motion on the grove?

>> Tovo: Mayor, we still have items on the consent and I think we're entirely unlikely to get to the grove before 5:30, don't you?

>> Mayor Adler: I think we can lay it out and if we don't it will give people an opportunity during the break to take a look at it. We'll have Austin oaks coming up. So Ms. Pool, do you want to make a motion?

>> Zimmerman: Point of order. Quick point of order. What happened to item 46?

>> Mayor Adler: I'm trying to manage the people here and the crowd --

>> Zimmerman: Fair enough, thanks.

>> Mayor Adler: 46 was postponed.

>> Zimmerman: Okay. Ms. Pool, do you want to make a motion?

>> Pool: Yes, thank you. Thanks, mayor. I'll just go ahead and make the motion and then I'm sure folks will want to speak. I move to approve items 29, 30. I think 31 is going to be handled separately. 75 and 100 as they reflect the mediated agreement with a number of consensus amendments to item 75 that should be on the yellow sheets that my staff has just passed out and you've just received. Most of these consensus amendments are just housekeeping items to incorporate the finer details of the mediated agreements into the draft ordinance.

[5:07:09 PM]

And I'll go through that in a moment. The only two items that are not housekeeping are first the negotiated agreement between arg and the workers defense project, and that goes to the better builder program. And reinstating a multi-family unit cap and setting it at a higher amount of 950 units. I've included in these two -- these two in addition to the housekeeping items in order to simplify my motions. So on the first the agreement between arg and the workers defense project, that item will provide employee protections for the commercial construction on this site and that is an issue that is important to this council and we have acted on in the past. And on the second the multi-family unit cap of 950, I believe that item came from our city staff who were uncomfortable with taking the cap off the mount completely, so we reinstated a cap and set it at a higher level to be very specific about what we

expect on the units. I believe the cap was set at 650 units before so we've raised that to 950. Those are the two non-housekeeping items. The housekeeping items are basically just clarifying language and finer details, including a correction to the idled set back that is in the draft ordinance and finer detail on the traffic demand management program language.

>> Mayor Adler: Okay. Ms. Pool has moved a motion which encompasses items 29, 30, 75 and 100. With housekeeping matters, I think everybody is in agreement on, with the exception of some additional items as councilmember pool has outlined. Is there a second to that? Ms. Gallo seconds that.

[5:09:09 PM]

So that has been -- that's been moved and seconded as those elements. Mr. Casar, do you have an amendment to this?

>> Casar: I do. I would like to make an amendment to increase the amount of affordable housing to the depth of the affordability in the pud. And I've handed out a motion sheet along with an updated version of the chart that I handed out on. I have an updated version of the chart from work session along with a motion sheet, so my amendment would be to amend part 8 to increase rental of affordable housing to 13.45% of the total with 11.85% at 60% mfi and 1.6% at 80% mfi, to increase the owner-occupied affordable housing to 7.9% entirely at 80% mfi and require affordability rental in owner-occupied units to have the same minimum and average sizes as market rate units and to increase the incentive amount on the city side from 10.2 million to 13.5 million. And the motion would include amendments to part 5 to clarify that the pud development bonus provisions don't apply to this pud and to leave the baseline since without the bonus provisions the baseline is unnecessary since we will be requiring a strict percentage of affordable units regardless of whether or not the developer goes into the density bonus area. And if I could get a second to that I'm happy to explain the chart and put it in more laymen's terms.

>> Mayor Adler: Okay. There's been a motion. Is there a second to that? Ms. Gallo seconds that.

[5:11:10 PM]

So we have a motion amendment. We're going to have full discussion, but I want to get things out on the table so that people can see where this conversation is at least beginning. Ms. Kitchen?

>> Kitchen: When you're ready I have an amendment to 75 also.

>> Mayor Adler: Why don't you lay out that amendment. Yeah -- well --

>> Kitchen: It's a companion to 31. I have to do it in both places. I can do it then or now.

>> Mayor Adler: The problem is we have an amendment to that motion. So the order at this point would be to amend that motion.

>> Kitchen: It's not an amendment to that motion.

>> Mayor Adler: Why don't you hold off on that a second.

>> Tovo: Mayor, I'm going to have a good number of questions about the amendments that councilmember Casar brought forward. It may be that there's overlap with some amendments I intended to make and there are others. I thought our intent here was -- I just don't know how much of this conversation we're going to be able to do before 5:30. I wonder if we could kind of go down the dais and lay out our possible amendments without having a motion and a second because otherwise then we have to dive into discussing those. So I guess we just need to pick a path, are we going to lay out all of our amendments before the break so we can all go forth and think about them or are we going to actually get -- begin discussing some of them? Because I'm not prepared to discuss -- I'm not prepared to take quick action on the amendment we just heard without some more substantial discussion.

>> Mayor Adler: And I wasn't intending for us to take the action. I just wanted us to lay this out so we would have a place to start from, but I think the suggestion now to discuss that is the right suggestion.

And your suggestion of kind of going down the dais, if people want to do that to lay that out I think makes sense as well. Where we are procedurally is we have a motion by Ms. Pool that basically tracks the mediation agreement with the changes and particulars that were made. We have a departure that is pretty substantial with respect to the affordable housing that comes from Mr. Casar.

[5:13:17 PM]

That's where we are procedurally. I think it would be appropriate now to have conversation about where it is that we are and I think it's very probable, in fact, not likely that we will take an action before we break. Ms. Houston?

>> Houston: Thank you, mayor. Since we won't be taking an action until after we come back from break, would it be possible to get some copies of these documents or whatever other amendments that are being proposed on the dais so that people who are out there have an opportunity to at least review them before we come back?

>> Mayor Adler: Yes. I think there are copies down here of all those if people want them. So let's have a conversation. My understanding of this as it's laid out, Ms. Pool, and Mr. Casar, and correct me, is that what is before the council right now generally follows the mediated suggestion that came to us by some of the neighborhood folks and by the developer in this case that includes -- that includes the cap on office, that includes the cap on retail, it includes certain specifications with respect to the parkland and agreements, flooding and drainage. It has all of those issues as were contained in there. My personal view on that is I don't consider the mediation agreement to be binding on the council. As we talked about early in the process, but I think that it is instructive and in this particular case I'm going to vote to support it because I think that it finds the right balance as existed, recognizing that there are stakeholders here that could argue significantly on different sides.

[5:15:27 PM]

So I'm going to support that. I joined other councilmembers with respect to a greater need for housing, and I think that many of the councilmembers were engaged in that, in conversations with folks. And I would like and will support what Mr. Casar is offering that takes the total units up to 160 and focuses on 80% mfi for home ownership and focuses 80% on 60% mfi for rent tall.

-- For rental. So as we go down the dais I'll support those. And I understand there will be an additional amendment with respect to archaeological looks and with respect to the employer pilot that Ms. Kitchen has talked about and I'll probably support those as well. Do you want to lay those out so people can understand what those are somewhere.

>> Kitchen: I hadn't pass it had out earlier because I didn't want to create confusion. I've got them here and I'll pass them out in a minute. But this is the employer assisted pilot program that I have talked about for awhile. To effectuate that requires different actions. One is the ifc resolution that is item 31 and that lays out what the pilot program looks like. The second item is the amendment to 75, and it simply focuses on -- amendment to 75 to put language in the pud agreement that simply focuses on the responsibilities of the landowner. And it simply says that the landowner has some responsibility of marketing to employers and employees. So that's why there's two pieces to it, and I will be passing those out in just a moment so y'all can look at them.

[5:17:29 PM]

>> Mayor Adler: And you can't make it at this point, but in the nature as the mayor pro tem has of trying just to lay out for people to see what may be coming, do we want to do that?

>> Pool: The other piece that I had we had talked about at the work session, and that was the agreement with the applicant at the request of the neighbors to ensure that we had an archaeological firm on retainer to be on site or available, on call as necessary when the ground is broken. And it is -- it's to add a new part 13 cultural and historical measures. The landowner shall develop an historical and cultural recognition program to be incorporated in the development and programming of public spaces on the property. This program should be developed by the project's site design consultants in collaboration with the Travis county historical commission, surrounding neighborhoods, prosecute parks and recreation and other interested stakeholders. And part 13-2 reads a licensed archeologists should be retained by the landowner during construction and announced to the property to promptly identify any things found on the property. The landowner shall follow all rules and applications for the treatment of any human remains that will be found on the property. And I think that tracks with state law.

>> Mayor Adler: Okay. Ms. Garza, are you intending -- you've handed out something on the dais here? Do you want to explain to the council what's happening there?

>> Garza: Yes. I know that the -- I can't think of the street right now. Jackson. That it be a connection for pedestrian and bike access only is the amendment that I passed out.

[5:19:36 PM]

>> Mayor Adler: This is as concerns the area where Jackson was, that that would be an easement solely for the purpose of bicycle and pedestrian?

>> Garza: Yes.

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: Just to be more specific about that, Jackson will have a loop so that it heads back out so that people aren't -- they can get in and out in one continuous ride. There is an easement on one of the properties that the applicant has purchased and that is the piece that would become unpaved pedestrian and bicycle connection along with the pedestrian hybrid beacon that would be making the crossing at that point on west 45th street, which is almost kind of, but not exactly directly across from chippero.

>> Mayor, can I get in on this too?

>> Mayor Adler: Yes. I'll give you a chance too.

>> I have one proposed amendment from the staff. At last meeting you recall there was a disagreement between the staff and the applicant whether the work spaces would be included in the office and commercial cap. We have reached an agreement with the applicant this afternoon that I believe is also agreeable to the bcrc and that would be to amend notes 4 and 5 -- note 12 of the land plan to say that the first floor of the live work unit shall count against the commercial and office caps as defined in notes 4 and 5 with the knowledge that most live work spaces that the downstairs is the commercial area or the office area and the upstairs is residential area. So we would include the downstairs towards a commercial and office, but not include the residential portion upstairs. I believe that's agreeable to everybody.

>> Mayor Adler: Okay. Any other amendments that people want to alert the dais to? Mayor pro tem.

>> Tovo: Yes. And I'll have, I hope, a completed motion sheet after break. I only have a few of the items on here right now.

[5:21:38 PM]

The first would be to -- the first is not drafted yet so I'll explain the intent with the hope that we're going to figure out how to draft it afterward. As there has been a conversation going on, including on the editorial board of the statesman about investing in home ownership units at 120% mfi. And I did ask the

question through the question and answer, I got the question late last night and thank you staff for doing the work last night. How many units we could get if we removed the 10 units at 120% mfi and converted them to rental units. And it looks like we could get either an additional five or an additional 10 depending on whether we wanted them at 60% mfi or 80% mfi. And so I would like to have that discussion here on the dais. I think that may be the better investment, having units there that are at a lower level of affordability, though they would be rental units rather than home ownership units. The next addition that I would like to make, we also talked on Tuesday about the provision within the pud ordinance that requires at least 50% of the units that are home ownership units to be two bedrooms or more. I would like to have a conversation about whether that should be 75% or more if we're investing substantial affordable housing trust fund dollars in that as well. It concerns me that we would be doing so for 50% -- as many as 50% of the units could end up being just one bedroom. And you know, that is not in concert with our families with children task force report and recommendations and some of the other goals that we've set for ourselves. I would like to see that percentage go up to 75% for the ownership units and I would like to adopt a similar provision for the rental units. Currently there is no -- currently the pud ordinance talks about a proportional mix and I believe we should set some minimum levels for two bedrooms.

[5:23:44 PM]

Minimal numbers. Thank you, councilmember kitchen, you addressed the concerns or the questions that I had raised on the message board about item 31 in that we were poised to adopt a resolution that didn't specify what that funding would be. We were authorizing funding without an amount so I appreciate you providing its amount and also exactly what it would be used for. That takes care of the changes I wanted to see on that. In resolution 29 I do have some language changes to suggest. And we'll propose a formal amendment and I'll read to you what the result would be. The language currently reads the city manager is directed to identify and return to council a recommendation how to fund off site sidewalk and traffic-calming improvements associated with the grove pud in an amount not to exceed 900,000. We had some discussion on Tuesday about this. I expressed my concerns about bypassing our typical way of allocating traffic calming and other side of the break dollars with regard to those I am' approvals. We had a discussion with Mr. Spillar and he said it would go through the regular prioritization process, so that is a good thing. The language in the resolution as it currently reads, though, still suggests to me that there's a certainty that we will identify 900,000 dollars' worth of traffic improvements in this area. And I want to set the expectations clearly that is not what -- that is not what we're doing in resolution 29 so I think the language should reflect that. And the language I would propose is similar, but slightly different. The city manager is directed to identify and return to council with recommendations for how off site sidewalk and traffic-calming improvements associated with the grove pud could be funded up to an amount of \$900,000. I think it captures really our intent a little more closely.

[5:25:53 PM]

And that may be my last amendment until we go to break. I'll just say that again my reservation I expressed on the message board. Last week we received the bullet pointed list of mediated agreement consensus points the day before our special called meeting. Yesterday we received late in the afternoon the latest ordinance. We've got a flood of amendments on the dais. A number of 100 asked us to approve an affordable agreement, it's bullet points that exist in the rca and the conversation, some of which exists in the pud ordinance and some of which exists elsewhere, it makes me wildly uncomfortable to approve after the length of time we've taken to get to this point, it makes me very

uncomfortable to be making a final decision, to be poised to make a final decision today with as many things in flux in these last couple of days and even here on the dais this evening. My strong preference would still be to have this conversation, to have a thorough conversation tonight about all the amendments to see how close we can get to a decision, but to actually take action at a later meeting. [Applause]. There are happy things at play. And I understand especially since no one answered to my message board post that that's not the will of the council, but those are the amendments at this point I intend to proposal. There may be others that arise.

>> Mayor Adler: Okay. Council, it is 5:30. I think we've laid this out. It gives people a chance to look at these things. We have several things on this agenda that may very well take time tonight. Council has to work through grove. We also have the other pud public hearing set. It is 5:30. Music, 6:00 provisions. What time do you want to come back.

[5:27:57 PM]

6:45, 7:00? 6:45, can we try to do that. 6:45. We'll take a recess now until 6:45 with music and proclamations to now happen. We'll be back.

[5:42:48 PM]

>> Mayor Adler: So we are getting to my favorite part of city council meetings. And if you watched the last hour you know why.

[Laughter]. And if you anticipate my next six hours, you know why even better. We are the live music capitol of the world, so it is I think appropriate and affirming that we stop every city council meeting we have at 5:30 so that we can bring a little live music in to this building. I am particularly excited with the band that is playing here this evening. Because this is the band that played at the reception of my wedding.

[Applause]. You guys do thousands of weddings. You wouldn't have remembered that, but we do. So joining us today is ro-tel & the hot tomatoes. The hot tomatoes are three dazzling female singers, decked out in one outrageous costume after another. Big hair, skimpy dresses, see quinn's and leopard pants. In April the band celebrated its 30th anniversary. Named as one of the top 10 party bands in the united States by Harper's bazaar magazine, their shows capture the sounds, the look and the fun of the '60s, the '70s, the '80s and the '90s, through today. Ro-tel & the hot tomatoes are a legendary band in this city that turns any event into an unforgettable experience.

[5:44:52 PM]

Please join me in welcoming ro-tel & the hot tomatoes.

[Cheers and applause]

>> Thank you, mayor /add/(ed)aly, thank you, city council, thank you citizens of Austin, Texas for making this 30th anniversary a blessing. Thank you for coming out today and celebrating with us.

[♪Music playing♪]

[5:47:47 PM]

>>

[Cheers and applause]

>> Thank you.

>> Mayor Adler: An absolute Austin institution. So if anybody here or people that are watching on TV want to book this band, where would they go, what would they do?

>> You can go to ro-tel & the hot tomatoes.com and follow us on all social media, Facebook, Instagram, and we'll have some more public dates coming in the new year. We're just kind of finishing out this year and a great way to finish here. Thank you so much.

>> Mayor Adler: Thank you. Any public debate -- event -- [laughter]. That's my last six hours.

>> He's getting ready for the next half of the session.

>> Mayor Adler: Any public dates at this point that you know about.

>> Not until after the first of the year. Just follow us on Facebook.

>> Mayor Adler: All right. I have the opportunity to issue a proclamation. Be it known that whereas the city of Austin is blessed with many creative musicians whose talents extend to virtually every musical genre.

[5:49:49 PM]

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 to showcase and support our local artists. Now therefore I, Steve Adler, mayor of the live music capitol do hereby proclaim December 15th of the year 2016 as ro-tel & the hot tomatoes day in the city of Austin. Congratulations.

[Applause].

>> Happy holidays, everybody!

[Applause].

[5:53:34 PM]

>> Mayor Adler: All right. We have a proclamation. That I get to present to commander Jennifer Stephenson of the Austin police department. The proclamation, be it known that the Austin police department hired its first female employee in 1950, and its first female officer in 1976. And whereas the city of Austin has employed a female police chief and a female interim police chief and whereas women have played a critical role in policing this city of Austin since 1976, blazing a path for all future officers to follow. And whereas 2016 marks the 40th anniversary of the first female police officer in Austin, Texas. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 15th of the year 2016 as women in policing day. Thank you for your service to the city.

[Applause].

>> Thank you, I'll be brief. The first thing I want to say was it was really hard to follow this act. Were they not great? That was amazing. But on a serious note, thank you, mayor and council for this proclamation. It's an honor and a privilege to accept this on behalf of all the past, present and future women police officers of the Austin police department and I greatly appreciate it. I also know that we will continue to serve and protect this community the best of our abilities, and we are humbled to be working for the greatest city, I believe, in the nation. Thank you.

[Applause].

[5:56:48 PM]

>> Mayor Adler: We have the opportunity to present a city of Austin distinguished service award for her untiring service and commitment to our citizens during a 30 year tenure as a dedicated employee of the city of Austin. Junie plumbmer is deserving of public acclaim and recognition, and this certificate is presented in acknowledgment and appreciation thereof this 15th day of December in the year 2016,

presented by the city council of Austin, Texas, signed by Steve Adler, mayor. Congratulations and thank you for your service to this city.

[Cheers and applause]

>> Thank you. When the city hired me I was unemployed, hungry and Austin was in a huge real estate bust. I was brought on to buy right-of-way for an airport going to manor, Texas, which never happened. When I showed up the first day I was informed I would be assigned by parkland because someone else had been promoted. I needed a job so bad I didn't care if it meant throw out the amdro or memorize where the picnic tables were. I knew I could figure out the parkland stuff. I also didn't know anything about the environment except don't throw your trash out the car window. Looking back now it's clear I was in the right place at the right time for me and our land around us. I feel like I was asked to preserve Eden, Austin, a city of Austin within a park.

[5:58:48 PM]

I'm a negotiator at heart like my dad. And what I can tell you for sure is I never dreamed later that I would negotiate with a property owner named frank Boatright while his goat, shadow, had its nose literally right behind me.

[Laughter]. Prayed on the edge of a cliff with a man on shoal creek to get rid of the devil in the city. I closed that transaction.

[Laughter]. Chap chap.

[Applause]. 17 years I negotiated for four acres on bull creek, consumed some terrible coffee, dodged some rattle snakes, saw a mountain lion, cared about the archaeological sites, helped 18 families save their ranches with conservation easements. I've now become concerned about endangered songbirds. I have an understanding of water quality and quantity. I've closed two of the city's most significant gifts, land gifts. And I've learned something new each and everyday, but most of all I've fallen in love with many of the citizens in Austin. Many have passed away and they will always be special to me. But recently Austin lost a gentlemen named Rupert cedar. And when I meant Rupert cedar his family hadn't sold off land since 1876 until I met him. Now a major part of his family's land is protected as parkland along walnut creek. I've been asked what is the best land purchase and what was the one that got away. Well, I'm like those boys that have never seen an ugly girl. Every tract was beautiful.

[Laughter]. And I would never admit publicly what got away now. Not too many southern girls get to say that they spent a lot of cash in their career, and also leave a lasting legacy of parks, preserves, and open space to enjoy for all, and for generations. I've received so many compliments like the honor of today, but the best of the best was my first with Mary Morsey Wright.

[6:00:55 PM]

She looked up at me, tiny little thing, and said, Junie, do you think those big boys wonder why it was you that cut the deal with me, and not them? I smiled back, and said, "Yes." There are so many people in this room today that I would like to express my sincere appreciation, congratulate to do, and admiration for, but there isn't enough time to call each of you out by anyway. Everyone already knows, though, in this room how I feel about you. However, I would be remiss if I didn't mention Marsha Schultz. Marsha, who has worked side-by-side with me for 25 years. We've had the best of times, we've had the worst of times, but we are one heck of a team, and I wouldn't have made it without her. I would also like to thank all of my family here with me. Public service isn't always family friendly. My sister Christine never wavered in her support and encouragement, and my father gave me a love of the land and the wildlife that has made a lasting impact on my life and my career. In closing, I would like to read a few sentences by Lyndon B. Johnson in a letter sent to the nature conservancy to the members may 9th, 1988. I've had

it in my desk my whole career. If future generations are to remember us more with gratitude than that sorrow, we must achieve more than the miracles of technology. We must also leave them a glimpse of the world as it was created, not as it looked when we got through with it. Just because I'm not Cher at city hall on Thursdays, don't forget about future funding of the city's parks and open space. There's never a better time than now, and in my opinion, there's never a greater need. Thank you for letting me be your public servant all these years.

[Cheers and applause]

[6:03:35 PM]

>> Mayor Adler: We have the honor of issuing another distinguished service award, this one, this distinguished service award is being presented to Brian works for public service and commitment to the citizens of our city. Mr. Works helped establish what pavement operations is today by consistently meeting, if not exceeding performance expectations associated with the asphalt street mill and overlays, sealed coat treatment and cracked seals. His steady leadership has been consistent over the years, even during times of emergencies. Brian works is deserving of public acclaim and recognition, and this certificate is presented in acknowledgement and appreciation of his 30 years of public service. This 15th day of December, in the year 2016, by the city council of Austin, Texas, I Steve Adler mayor, Mr. Works, congratulations and thank you for your service.

[Cheers and applause]

>> Thank you, mayor, city council and all those who are in attendance. I'd like to acknowledge someone who instilled in me to respect all and to help all others, all that you can, and for those that said pray for me, and that is my mother, Georgia Booker, which is in attendance with me tonight ...

[Applause] And with that said, I'd also like to thank public works department, the street and bridge, who allowed me the opportunity to grow and learn and to help others to grow and build upon their skills and to provide a high quality standard leadership and quality of service throughout the city of Austin.

[6:05:59 PM]

To my extended family, thank you. I appreciate you, and much love. B. W.

[Applause]

[Applause]

>> Mayor Adler: We have a -- we have another opportunity, honor to issue another distinguished service award, if people in the back could exit quietly so we can continue to move forward, we'll issue this award. This distinguished service award is being given for untiring service and commitment to our citizens during her 23 -- excuse me -- 23-year tenure as a dedicated employee of the city of Austin. Joann Alejandro is deserving of public acclaim and recognition. Joann began her employment with the city of Austin 23 years ago. She served almost two years in the parks & recreation department prior to receiving a promotion with municipal court, and during her 21 years with the court, Joann has worked within several units within the department as a court clerk and the lead clerk. Joann will be remembered for always delivering exceptional customer service, her dedication, and her integrity.

[6:08:03 PM]

This certificate is presented in acknowledgement and appreciation thereof, this 15th day of December in the year 2016, issued by the city council of the city of Austin, Texas, signed by mayor, Steve Adler. Joann, congratulations and thank you for your service to the city.

>> I just want to say thank you to the city of Austin for giving me the opportunity and the employment back in 1993. The city of Austin is a great place to work, and happy holidays.

>> Mayor Adler: Okay.

[Applause]

>> Mayor Adler: All right. We have a proclamation that I am honored to present to Christopher Stanton. This proclamation, be it known that whereas the ghisallo cycling initiative is a non-profit that provides transformative bicycling education to diverse young people in Austin, teaching them how to ride and maintain a bicycle and how to safely integrate cycling into their daily lives; and whereas the bike club program provides after-school bicycle education classes all over the city, especially in areas where low-income children and youth face disproportionately high health challenges; and whereas the ghisallo cycling initiative helps diverse young people build and use bicycles for independent and affordable transportation and healthy outdoor recreation, while learning leadership and creating self-sustaining cycling communities; and whereas the ghisallo cycling initiative has reached a milestone goal of 10,000 Austin children and youths participating in its programs since 2003 -- 2013, rather; now, therefore, I, Steve Adler, mayor of the city of Austin, Texas do hereby proclaim December 15th of the year 2016 as ghisallo cycling initiative day. Congratulations and thank you for this program.

[6:11:28 PM]

[Applause]

>> Hello. My name is Christopher Stanton. I'm the executive director and founder of the ghisallo cycling initiative, and as mayor Adler just mentioned, we primarily provide youth bicycle education programs. I just wanted to thank the mayor and city council for providing the leadership to help develop some of the facilities in town that allow many of these projects to happen. I don't want to talk about the organization too much. I more want to talk about the kids that participate in our program. So some examples of what this does -- we don't focus on recreation because that automatically happens. You ride your bicycle somewhere, you get recreation for free. We focus on transportation. Navigation, transportation, so the students can get to the parks, pool, the friend's house and school without adult intervention, so they have independent mobility. Some of these outcomes are students at east memorial high school who have never been to lady bird lake before. They had only seen it from I-35. They got to the lake with us. That's elementary school students over in east Austin. They knew there was a city -- city hall somewhere. They had never been there. They got there with us. So these are the sort of destination based outcomes, being all the able to integrate and connect with destinations within your city, you didn't know where they were, you maybe knew they existed, but new opportunities to be part of the city as a whole. On top of the youth programming, we have a program called golden rollers which is actually a senior terrific program so we have seniors between the ages of 50 and 94 who use tricycles in the parkstion to get to lady bird lake. Our youngest rider is 50s, oldest 94, she hasn't written a bike since the 1930s. She's expanding to dove springs rec center and Gus Garcia up on rundberg. So we really hope the city keeps expanding these facilities so we can continue providing opportunities to more youth and more seniors across the Austin area. Thank you so much for the proclamation, mayor.

[6:13:30 PM]

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: And we have another proclamation. This one will be accepted by Stephen Elkins. This is a proclamation. Be it known that whereas during the months of October and November of 2016, city of Austin employees raised more than \$495,000 for local, regional, national, and international charities as

part of the 2016 annual charitable giving campaign. The citywide employee combined charities campaign has a proven track record of showing that city of Austin employees care. And whereas the 2016 city of Austin combined charities campaign raised an additional -- raised \$2,300 for the hurricane and elsewhere, and for more than two decades the charities campaign employees have raised more than \$12 million for charity.

[6:15:54 PM]

Whereas the city of Austin campaigned indicators campaign is one of the strongest payroll contribution giving campaigns in central Texas, both in total giving and percentage of participation, now, therefore, I Steve Adler, mayor of the city of Austin, Texas proclaim December 5th, 2016, as city of Austin employees care day. Makes you proud. Stephen, you want to say something?

>> Thank you, sir. So I want to just do some thank yous and also go over some of the stats from this past year. I want to first start by thanking all the city of Austin employees. The numbers that the mayor spoke about show that the city of Austin is a city that cares, and so of the stats, there were 1155 personal pledges from across the city, and as the mayor said, we raised \$496,335, which is almost \$500,000, and this was done during a period where, fortunately, we did not have a local natural disaster, and so the number is even more impressive considering those things. The top giving departments were Austin energy, who gave over \$77,000, the Austin water utility gave almost \$53,000, the Austin fire department gave over \$37,000, the Austin police department gave almost \$30,000, and my department, communications and technology management, was fifth on the list, giving almost \$25,000. The top participating by percentage municipal court, 95% of their staff contributed to combined charities. The office of the city auditor, 81% of their staff contributed. The city clerk, 71% of their staff contributed. Small minority business resources, 54% of their staff contributed to the program, and communications and public information, 42% of their staff participated.

[6:18:04 PM]

Some of the special events that we had this year included things as dunk booths, auctions, pie throwing, cookoffs, and special events which is always challenging. We raised almost \$30,000. As the mayor said, the majority of this comes from payroll contributions, but the special events -- you know, we did an exceptional job of getting almost \$30,000. And last minute, we were able to add in hurricane Matthew special relief fund which raised over \$2,000. So I want to, you know, start by also thanking the department campaign coordinators who, without them, none of this would have been possible. You know, I was the chair this year. I think I had the easy job. I think the department coordinators had the tough job. They did all the heavy lifting. They had to recruit the department campaign teams, they had to organize special events, schedule meetings, bring in speakers, you know, they had to manage the cash, the pledge forms. You know, again, I would just like to -- if any of the coordinators are here, I would like to, if you're standing already, you know, personally thank you for your -- for your work and being engaged in getting your departments engaged. And, again, I want to again especially thank you guys for your contribution. The executive steering committee, which consisted of Veronica Briseno, who was co-chair with me this years, she is the department director for small minority business; Greg mesares, on the steering committee, is Austin water director. Tony Lambert is the assistant director at Austin library; Anne Morgan, the city attorney. Don berkner, assistant director at Austin code, kahil shlabbe, vice president of Austin energy, Rolando Fernandez, the acting director at contract management, Carl Rann, who's an assistant director at development services, and Kerry o'connor, who's the chief information officer, so that was the steering committee who met frequently and talked about the direction and some of the things we wanted to implement this year.

[6:20:22 PM]

And then I also want to acknowledge the core team who met more regularly and was able to be a liaison between the steering committee and the department coordinators, and that was Fleetwood Jacobs, Paul cook, Rebecca Kennedy, Christy [inaudible], Ralph Warren, and I don't believe she's here, this year we had a logo contest and we want to -- and we changed the logo for combined charities, and so the winner of the logo contest, which we adopted, was from Tatiana Gonzalez, who's a graphic designer with the Austin public library. So, again, I just want to thank the city of Austin's leadership for enabling us, and then I also thank all the city employees again for their contributions. So that's it. Thank you, mayor.

>> Mayor Adler: Good job.

[Applause]

[6:35:15 PM]

>>

[7:01:51 PM]

Mayor Adler: There's no one signed up to speak on item 93, which staff has asked us to postpone until the January 26th matter. 33, staff has asked we postpone 93. There's a public hearing on del valle, 699 apartment limited. 969 apartment limited. If there's -- would someone move so we can let some people go in N please moves to postpone this item. Ms. Houston seconds it. Any discussion in those in favor of postponing item 93 until January 26, please raise your hand. Those opposed. Everyone on the dais with the exception of Gallo and Renteria and troxclair, others voting aye. 93 is postponed. This gets us back to the grove. We are discussion the amendment offered by Mr. Casar as concerns affordable units. I think the chart he had was handed out to folks, widely disseminated at this point. That basically provides for 13.45% of total rental being affordable and ownership at 7.9%. Is there any discussion of this item? Mr. Casar

>> Casar: So I will lay out essentially what I heard at work session and what it is that we have before us here. The first thing that I heard was there was interest in going to 160 units or more, and this provides getting us to 160 units if there is 1495 total units put on the ground, which is the assumptions that were used in the mediated settlement.

[7:04:07 PM]

If there's 1495 total we'll get 160. The unit could do couple hundred more given the 1550 that was in the settlement so we could get more than 160 units that's why the column says greater than 160 units because if it's built out fully the number of units continues to go up. I also heard from folks that they wanted to explore utilizing more subsidy to make up for this as opposed to adding more office, so that's why my motion is this second column that does not add more office. If we added significant amounts more of office we would not have to add additional subsidy, but since it sounds like folks wanted to keep the square footage deals in the mediated settlement, this motion does not change those. I also heard from people they were interested in the developer matching and us leveraging affordable housing funds and subsidy from the other party, and so under this, there's about a \$6 million increase in the cost to doing this from the mediated settlement and it's split virtually evenly between the two parties. Finally, I heard a desire to go to deeper level of affordability and I share that desire so this moves all the

120 marches mfi ownership units into 80% mfi ownership, so there are no 80% ownership -- or no 120% ownership units. It's entirely reserved for 80% mfi. And the lion's share of the -- well, all of the increase to the affordable rental units are at 60% mfi, so you go from 72 to 89, 60% mfi, and that's a reduction of seven of the 80% mfi units. So ultimately this provides 160 units if they build 1495 and if they build significantly more, which they're allowed to do under the settlement in residential units that could go to close to 200, so this is a plan for getting over 160 and at deeper levels of mfi with us leveraging additional subsidy from the developer.

[7:06:29 PM]

>> Mayor Adler: Okay. Any further discussion on this item? Mayor pro tem

>> Tovo: Yeah. And I'm gonna have some questions for staff too, but I want to understand. One of the things I mentioned I was interested in doing was also removing the ten units of ownership which yields about \$1.5 million. As I understand your proposal in this second column you've taken that 1.5 million and put it into the homeownership at 80%.

>> Casar: That's right. We've added ten units of rental housing total and added 13 units of ownership housing total.

>> Tovo: Okay. And so I need to understand where -- how much of that funding tracks to the one point -- are you using the same numbers that we got as a response to question eight?

>> Casar: That's correct. So it is a mix. There is additional funding available to subsidize the 60% mfi units and 80% mfi ownership units through the removal of the 120s but we also are leveraging \$3 million in developer subsidy to do this. Essentially, as we understand, these things are negotiations, and I think that from hearing and understanding that the council wanted more affordable housing, did not want 120 marches mfi units and did not want to be putting skin in the game without the developer putting skin in the game, there is additional money leveraged here so the \$6 million is half made up for by the city and half made up for by the developer

>> Tovo: Okay. So it's an additional \$4.5 million that is funding the increases, six of it more or less comes from half of the developer, half the city, and the other 1.5 comes from losing the units at 120?

>> Casar: And there's a move of seven units out of 80% rental

>> Tovo: Into the 60

[7:08:30 PM]

>> Casar: Into the 60% rental

>> Tovo: Thank you. Let's talk for a minute about whether -- can you talk me through the rationale of increasing the ownership opportunities rather than rental? I mean, I understand ownership is a good -- is obviously something we want to encourage. However, it is true, though, that we could get more rental units if we didn't increase the ownership opportunities. And I think if we're talking about getting -- you know, I think there's a good argument to be made for doing that, so if you could just kind of talk me through your rationale for increasing the ownership at 80 rather than just putting all of that back into the rental.

>> Casar: So the -- ultimately it's by percentage, and so if you look at the percentages that we passed, this is just an example at 1495. So instead of -- we ultimately increased both. We increased the percentage of rental and the percentage --

>> Tovo: Yeah I understand that. I'm not talking about not increasing the homeownership beyond the 36 units

>> Casar: Right. So one option was to not increase ownership percentage, what I thought was important was to increase the percentages of both. So that's what this does. One option would be to not increase

the ownership percentage and increase the rental percentage even more, but this proposal raises the percentage of affordable rental community raises the percentage of affordable homeownership units and deepens the affordability of both categories, and that's to me seems to address the broad swath of housing priorities that I know some matter more to some councilmembers, some matter more to the others. Instead of answering the question why didn't you raise ownership, why did you only raise rental, I think this addresses the -- answers yes to all questions, we deepened affordability, added percentage to rental, added percentage to homeownership and we got guarantees on proportional unit mix across both areas

>> Tovo: Okay. I guess I would be interested if there's any other -- I mean, I just think that's an interesting point to spend a little time on, whether we want to get more rental units on that tract at the expense, it would certainly come at the expense of the homeownership opportunities.

[7:10:43 PM]

You talked about the proportional mix, and I have an amendment on its way down to talk about that. Are you doing something -- I don't see anything on your amendment sheet that actually adjusts the proportional mix. I am missing something?

>> Casar: Can I look at that

>> Tovo: Yeah

>> Casar: So it does clarify that rental and owner-occupied units have, excuse me, the same minimum and average square unit sizes as the market rate units in each building

>> Tovo: That was -- was that not already in the -- it already talked about proportional mix

>> Casar: You're right, proportional mix of units on rental and at minimum 50% two bedroom on homeownership and this adds that you wouldn't want the two bedrooms that are proportional that are affordable to be really small little bedrooms and the other ones being large, so this actually also addresses --

>> Tovo: The size, okay, thank you. That's helpful. Then I have questions for staff. I don't know if others have questions for councilmember Casar first

>> Mayor Adler: Questions before we pull up staff?

>> Gallo: Just I think a comment about the consideration of how to divide up the affordability between renters and homeowners, and I think if you look at the demographics for Austin, it is pretty evenly divided between the two, and as I talk a lot about how we need to increase the opportunities geographically through all of Austin and certainly in high-opportunity areas, that is more difficult because the difference between market and affordability is so much greater. But I think it is important, particularly -- I mean, we just discussed last week or the week before councilmember Garza's resolution that talked about the city really going out and trying to enhance and work on homeownership opportunities for the lower-income part of our population. I think this is a place that we can mirror to what we've done, which is said we want to focus on homeownership opportunities. So I would -- you know, I would hope we would maintain a balance of having both in this, and I think councilmember Casar really has done a good job in trying to do that.

[7:12:53 PM]

So it's always gonna be the conversation that it is -- costs more to provide homeownership opportunities in this community but I think we, to provide balance, need to do that, and it will be the expense of providing more rental, but we are providing those opportunities for the teachers, the employees of the school district that work close by, the employees of businesses that work close by, and I think that is important. So it's a tough conversation, but I think it's important.

>> Mayor Adler: Will staff come up please. Mayor pro tem, should have questions?

>> Tovo: I do. Some of the calculations that you're doing that are part of councilmember Casar's motion sheet, can you talk me through how -- it's not really clear after reviewing these documents how the city's contribution works. It appears that the city's contribution will likely come from the affordable housing trust fund and what we're doing in essence is buying down the market rates. And so, you know, when I got the calculations back from you, that was just a bit different than I really anticipated. I thought we were really gonna be looking at the costs of the construction of those units, and that doesn't appear to be the case. So the city's contribution is gonna be in the nature of lowering -- of paying that differential between the market rate and the affordable rate, and how will you manage that? And so we have a sense of what that contribution will be but I assume at the end of the day it will be determined by what the market rates are that year. Is that accurate?

>> Casar: Well, I think I made the motion. To make it clear the incentive payment is strict and does not change. So if the -- so this amount we pay could not go up.

[7:14:55 PM]

>> Mayor Adler: So the city's contribution is capped but the percentages are also fixed?

>> Casar: That's correct. So if the developer builds more affordable units, which they could build more than that, as is built out, then if they built more apartments, then -- as anticipated here, but they're allowed, to they would have to build more affordable units and we would not have to pay them for it. And if rents go up more than expected we are not paying them for increased spread. This is -- this is the max -- this is the amount in -- my motion does not say we're going to pay them for the spread. It says we're gonna put in this much.

>> Tovo: Can -- and so I'm glad to hear that, but I'd like to see where in the ordinance it actually advertise the city's contribution to a maximum incentive amount. And is -- is it assumed that that last bullet point on a on councilmember Casar's motion sheet to change \$10.2 million to 13.150 million is going to be recognized as a cap?

>> That's correct. It will be recognized as a cap if do the 160 units.

>> Tovo: And so there will be -- you know, I'm sorry, some of -- it sounds like some of you have had a lot of access and conversations with housing and others of us haven't, and I just -- I really don't understand the mechanism by which this is gonna function and having -- making decisions quite quickly about big matters, I want to be sure I'm not in a position later of having to say I didn't well understand the agreement that we considered and voted on.

>> I understand.

>> Tovo: So how long this -- what will be -- how will this function? If you could talk us through the whole thing.

[7:17:00 PM]

The development begins towing. How and when will the city's payment come forward? Who will manage the oversight of those units? If the market rate suddenly goes up by 40% we have language -- this language is going to be recognized as a maximum no matter what, even if the contribution at the end of the day to provide that differential would have been far higher based on the market rate increases?

>> That's correct. And what we envision in the affordable housing agreement, we can lay out additional mechanics, that is an additional item. I think it's an addendum, and we recognize that we will need to add language to the addendum, but we envision that as units are realized, incentive payments would be paid to the developer, potentially at milestones. So one discussion point would be at 20%, and then

another 40% realized, 60%, until we get to the file payment. Payment would not be -- full payment. Payment would not be -- the incentive payment would not be provided to the developer until the certificate occupancy was evidenced and we would work with the developer at those milestone payments. So the agreement would also indicate that it would be when the revenues were realized as well.

>> Tovo: You talked about an agreement and you've talked about an addendum and I want to be really clear that I'm understanding what document you're talking about. Item 100 on our agenda on the addendum, on the council meeting addendum, is the affordability agreement. Is that the same?

>> Yes, ma'am.

>> Tovo: We don't have that agreement in draft form even in front of us.

>> Understood.

>> Tovo: Can you point me to the bullet -- which of the bullets in the rca speaks to the point that you've just talked about about the mechanic of how that will operate?

>> So there is language in the rca, and I will have to -- I have more papers in my binder right now.

[7:19:02 PM]

I need to see if I've got it. I may not.

>> Tovo: That's the struggle I'm having here [overlapping speakers] Before we get too much further than we can both get it in front of us. What is the time frame for having an affordable agreement, and will that come back to council or are we just -- are we going to approve that tonight potentially as part of the P.U.D. Agreement without actually reviewing it?

>> I would like to have assistance from law. We've been working closely with our division manager, so I think that that can be -- I need a little bit of help on that one.

>> Tovo: Okay. So we can go back to that.

>> That is something that we would work with the law department. So I don't want to speak to their time frame, but I -- and I don't believe, necessarily, that council would have to adopt it, but I would definitely want law to weigh in on that as well.

>> Tovo: As I read the agenda, it looks like we're adopting it today without having it. But I guess I would ask city legal to confirm whether my understanding on that is accurate.

>> If we would need to bring it back.

>> As it stands now it is for negotiate and execute so it would not come back to council.

>> Tovo: Are there additional bullet points beyond those specified in the rca? It sounds like some of these amendments require there to be language added to that, I think in fact Ms. Giello referred to language that would have to be added to the agreement to effect some of the changes councilmember Casar is talking about but we don't -- I don't believe we have those -- that language in front of us.

>> That language is not in front of you. We would consider that programmatic, but it is not. I do not have a document right now that lays that forward.

>> Tovo: Okay.

>> And I want to say, do I understand that there is a desire to see that language. So although I can't show that right now, that would be something that I would want to have conversations with the developer about at a practical level, that is what staff has talked about to get to some of the something that we could feel comfortable with, that wouldn't be administratively burdensome, that would also give milestones and regular check-ins on the development.

[7:21:19 PM]

But I recognize your point is well-taken. I don't have anything to show you today on that.

>> Tovo: Okay. I guess then I do want to understand from our city legal department whether this part 8af specifying the \$13,150,000 is going to codify that that's the maximum. Regardless of where the market rates go in the years ahead.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: And I'll of course let law speak to it but if you look at the ordinance all we're doing is changing one number that seems to me to be very clear. It says the incentive amount for the affordable housing in this ordinance is X number. That's all.

>> Tovo: Yeah. I appreciate that. I saw in the ordinance but, again, this is just something I really need certainty around whether that is going to be the way it operates.

>> Casar: I'm not trying to preempt law here. They can. . .

>> So the question is? This is codified at a particular amount. Would there be any way they could increase that amount if it's codified at that amount, is there a way to -- that it would be increased.

>> Without amending the ordinance you mean.

>> Mayor Adler: The question is that number a cap?

>> Yes.

>> Mayor Adler: Is the city's contribution capped at that?

>> Yes.

>> Mayor Adler: Is that how the document will be drafted?

>> Yes.

>> Tovo: Thank you. And then I have some questions that are related to other financial matters that were discussed in the q&a that aren't immediately relevant to councilmember Casar's, so I may -- I can certainly wait and ask those in a bit.

>> Mayor Adler: Okay. Any other questions or comments about Mr. Casar's amendment? Yes, Ms. Troxclair.

>> Troxclair: I mean, I guess this is just more a comment. I was struggling to support this development to begin with, but I understand that there are lots of people with lots of different issues and that there had been an agreement reached and was trying to respect the needs of the community and responsible development, et cetera, et cetera, but I just -- I don't believe that subsidized housing is the way that we are going to get affordability in this city.

[7:23:44 PM]

And \$10 million -- for the city to subsidize \$10 million to begin with, again, was a stretch for me to be able to support, but increasing it by another 3 million, I mean, \$13 million, that's basically -- this money is coming from -- is basically being robbed from the general fund. So we are going to increase the tax burden yet again on everyone else in the city in order to afford \$13 million worth of subsidized housing in one development and I really -- and a really limited number of units and it negatively affects all of the people who don't quite qualify for all of the -- for these affordable units. And I just -- I just see this path as unsustainable. We can't constantly subsidize -- we can't subsidize everybody's housing costs and still have people left over who can afford to pay for it. So I don't know. This amendment puts -- makes it really difficult for me. So I understand that councilmember Casar and I have different approaches of what it means to be affordable in this city, but this is gonna be a struggle for me, and I don't think that I can support it today.

>> Mayor Adler: Councilmember troxclair, let me -- if I could, because the city council has passed in the past the policy decision to take certain amounts of ad valorem tax dollars and put them into a fund for the purpose of subsidizing affordable housing. And that action came to us on the council, and my recollection is that both you and Mr. Zimmerman voted against that at the time but it prevailed. So

there is now created by council action a pool of money that is dedicated to that use. Our staff tells us that they you take that money and they spend that money for the purpose for which it was designed, and on average they spend 120,000 to 150,000 a unit and that's how that money gets spent.

[7:25:57 PM]

Which could be a reason why you -- you know, from where you were sitting that was a policy to have a fund like that, something that you didn't support. But at this point that fund has been created, so the question before the council now is not whether or not we want to have a pool of money spent toward affordable housing but whether or not this is a good use for money that the council has already dedicated. In this particular case, I would argue that if the council were to spend that money on affordable housing in an environment where we're spending 120,000 to 150,000, it is a better deal for all of the taxpayers in the city to spend that on a unit that costs \$80,000 a unit as opposed to 120,000 a unit, especially because it is a unit that's in a high-opportunity area, which means that the subsidy associated with these units is higher because the market prices are higher. So I -- I would urge that the vote here is not a referendum on whether or not we should be spending money on affordable housing because that money is there and it's earmarked for affordable housing, but that the deal that we get here is a particularly good deal because of the price we get and because of the location. Mr. Casar.

>> Casar: And, mayor, I understand from legal that before we hopefully take a moment on this amendment I understand from legal they had to redraft virtually the exact same thing but with some cleanups. Is that the case? Is that true? I heard from my staff that y'all drafted this for us but that y'all have a quick cleanup.

[7:28:02 PM]

>> Mitsy cotton, assistant and I attorney. Your question the changes --

>> Casar: On the amendments.

>> We had missed earlier in that first part a changing the 10% overall to 11.85 and we added that in.

There was also a change for the market rate, the minimum and average unit sizes, that those are within the same building, that they have the same size and average -- minimum and averaging in size and I think those are the only changes.

>> Casar: I think that's what the intent was in what I read but that you guys have redrafted it to make it work so that's the motion.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I think you were just in the middle of explaining this but we're getting a new motion sheet that -- were you just explaining the changes to it?

>> I was explaining the motion sheet for -- on the -- that you're discussing now, these two changes, yes.

>> Tovo: The one we just got distributed, the one we just received?

>> You want those on the overhead.

>> The same as what was handed out earlier with just those two changes.

>> Tovo: If you wouldn't mind showing us those changes on this sheet.

>> Sure.

>> Tovo: I was off the dais for a minute.

>> No problem. It's very small font.

>> Tovo: I'm having some. . .

>> So on the suggested script, I'll see underlined in the same building, that's what we did for that. Also, if you go down on the ordinance language, amend part a to change 10% to 11.85. We had missed that. We had just changing the 2.5 to 1.6 and 12.5 but we missed that tenor% so we added that in.

[7:30:08 PM]

Then I'll see underlined we added that for the rental units shall have the same minimum in average unit size located in the same building and the same further down under amending part 8b2, same minimum and average unit size as the market rate units located in the same building.

>> Tovo: Thank you.

>> You're welcome.

>> Mayor Adler: Thank you. Further discussion on the Casar amendment? Yes, Ms. Troxclair.

>> Troxclair: I guess I just wanted to respond to your comments from earlier. I mean, based on that logic, based on the logic you printed we should spend all of the money in our affordable housing trust fund in this development if this is the best bang for our dollar that we're gonna get, then why not spend it all here? And I would also argue that just because the decision was made in the past about a way in which to spend a certain amount of money, it doesn't mean that we can't take a portion of that money, leverage it the best that we can, and if there's -- and if we don't have to spend it all, then we can take it back to the general fund and use it to offset costs of parks and libraries and all of the other things that we struggle to find money for every year. So I have an amendment that I neglected to pass out earlier but I -- I would just suggest that there's about \$4 million from the 2013 housing bond that's unaccounted for and that could be used in this development, making the total amount that the city would have to 6.2 million. So if we're going to -- if we're going to spend more money on affordable housing or if we're going to spend this money on affordable housing I would say that's the first pot of money to go to because it's the one that voters have approved and set aside specifically for that purpose.

[7:32:16 PM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Couple more questions for staff. I think it's exhibit H that speaks to -- well, I may be wrong. Somewhere in one of these exhibits there is a discussion of the multi-family rental. The multi-family rental unit affordable housing restrictive covenant, exhibit I. Those also have percentages in it and I assume there's a companion one that talks about the ownership. It would seem to me we probably need to amend those percentages as well to reflect the changes that are in councilmember Casar's current motion.

>> Yes, that is correct.

>> Tovo: So what -- councilmember Casar, can you add some language that would make those changes as well? And then on the land use plan, which is sheet -- well, I don't know how to tell to you find it, but it's note two of the land use plan. Let me stop here and say, some of these things happen in multiple places and so the changes you're making are gonna need to happen in multiple places in this P.U.D. Ordinance, and I'm pretty concerned that we're gonna miss one of those places. I don't know since this is third reading and we're making those changes here on the dais, can we adopt some kind of language at some point tonight that says replicate these changes through any of the attachments and exhibits and land use plans where they need to be?

>> Mayor Adler: Legal.

>> Yes, councilmember. As we do when council makes changes in -- you know, at the dais on any ordinances, we make sure that that change is replicated throughout all of the documents. So that's just a thing that we would automatically do.

>> Tovo: Great. And so I think, though, I want to be more intentional about the notes that part of the land use plan because it describes affordable housing, the text says this. I have to read my phone because I had to take a picture of it and then make it bigger because it's really tiny.

[7:34:19 PM]

The number of total residential units on the site is capped at 1515 dwelling units, affordable housing units and congregate living are not included in this cap. Affordable housing units are defined as rental or for sale units that are restricted to 120% mfi or below. So the affordable housing units are gonna happen outside of that cap but I believe that we've now -- I believe we've now taken 120 off the table and so that needs to change to 80%.

>> Casar: I don't think so because the fact of the matter is we are still -- we are requiring a certain number of 60% and 80% affordable housing units so just because it's defined as under 120 -- I mean, ultimately we -- the top line point is that we are requiring 11.85% and 1.6%.

>> Tovo: I think especially since -- let me explain why I would particularly like to make sure that that's accurate to how we're defining affordable housing elsewhere. We're excluding the units from the cap and so then I think there could be an argument at some point that if you're hitting 125 mfi you're excluded from that 1515 and that's not the intention. So if the affordable housing that's now specified in the percentages is now 80% mfi I don't know why we would want language in the land use plan describing and defining affordable housing at higher levels. That is not consistent.

>> Mayor Adler: I think the mayor pro tem is correct on that, now that the affordable housing subsidized housing, it's all 80% or blown, then that should be the universe that's added. There shouldn't be another group added on top of that that's not subsidized so I think the mayor pro tem is correct on that.

>> Casar: I understand.

>> Tovo: And so I guess, councilmember Casar, I would ask Youd that -- I would make a friendly amendment to your amendment that the land use language be adjusted as well from 120 down to 80.

>> Casar: I'm happy to add that and I'm sorry I misunderstood.

[7:36:22 PM]

I thought you meant that definition would allow them to build 120s instead of 80 but I agree so I'll incorporate that.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Point of inquiry. I haven't heard from the other half of the dais. I'm wondering are you guys with us here?

[Laughter]

>> Mayor Adler: I'm not sure that's the right point to raise. Is there any further discussion on this amendment? We'll take a vote. Those in favor of the Casar amendment please raise your hand. Those opposed. Troxclair and Zimmerman voting no, others voting aye. It passes. Let's now do another amendment. Councilmember Garza, do you want to urge bury amendment? Bury -- urge your amendment?

>> Tovo: Mayor, it was my understanding we were doing the first of those two councilmember Casar amendments, not the baseline. I thought we were talking about --

>> Mayor Adler: What do you mean the baseline.

>> Tovo: Councilmember Casar has two amendments on his motion sheet. We hadn't discussed the baseline one already. I didn't realize that was incorporated --

>> Mayor Adler: That's okay. Let's make sure. I have -- you're talking about a and B.

>> Tovo: I thought we were taking up a, which I'm happy to support.

>> Mayor Adler: That's fine. Let's divide them and take that vote because that was unclear. Those in favor on Mr. Casar's sheet please raise your hands. Those opposed. It's the vote I announced a moment ago, 9-2. Now we'll take up section B on the Casar amendment.

>> Tovo: I'd be happy to speak to that.

>> Mayor Adler: Do you want address that.

>> Tovo: Sure. We've talked about it in the past. We have a P.U.D. Ordinance that has two tier requirements and density bonus provisions and I appreciate and am really glad to see that this developer has affordable housing as one of the options among the tier 2 benefits.

[7:38:27 PM]

I think that's good for the community and you've worked hard with your stakeholders to achieve that but I am not going to support removing the code provision that's we have for this one development. We have a planned unit development ordinance that has density bonus provisions if you exceed the baseline. So for all the reasons we've talked about in the past, I don't know why we would -- why we would waive a requirement that currently exists in the ordinance that could yield more affordable housing down the road at 20% -- at, excuse me, 10% of the exist -- of the additional square footage beyond the baseline. I understand that the argument is coming around to, well, there's sufficient affordable housing in this proposal, but in my mind this is the tier 2 requirement and they're doing a good job of meeting it. I agree that it now meets the superiority element for affordable housing at the tier 2 level. I'm not supportive of removing the density bonus provision.

>> Mayor Adler: Mr. Casar.

>> Casar: Mayor, you know, I anticipate that this motion will pass so I won't drag it out too long, but I generally object to having this even in two votes because really it's one proposal. Because the only reason a makes sense is for removing B. A is essentially moving a and removing B really makes this an inclusionary housing requirement where there is no escape area, where there's no affordable units. It just makes it so there's certainty that when units get built there's affordable housing and I think that that's better and generally I would not support a if B was not a part of it. They don't really make sense separately but since I anticipate that B will pass I will just move on.

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

>> Pool: Mr. Casar, is what you are saying is that you worry if we revert to the baseline that the developer may choose not to build X number of market rate housing and thus less than the number of affordable units that we were look for?

[7:40:30 PM]

Is that the concern that you have.

>> Casar: Essentially. We -- if -- in the baseline conversation, there are a certain number of units that can be built without there being affordable housing. And so what we are ultimately doing here by passing both a and B is successfully negotiating a higher percentage and just having that percentage apply to the entire development. So ultimately they're one package and ultimately I think that results in guaranteed affordable housing as opposed to potential new affordable housing. And I understand that if you pass a and remove B that you could get even more, but at that point you might as well just move up your percentages in a. And I think that we already got to the highest percentages in a that we could -- that this council is ready to go to.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Just want to say these would be a guaranteed affordable housing provisions with those percentages in tier 2. So, I mean, we just have a difference of opinion but people to leave thinking

removing the baseline suddenly means we wouldn't have guaranteed affordable housing. It would be one of their tier 2 superiority elements.

>> Casar: Right. It would be guaranteed if you thought to that you could do both of these and achieve this percentage of affordable units and that the deal would work and I think that ultimately what we have done is pushed this to the limits of what we think the deal is that can work, and I understand that you can never really know what that is because we did not purchase this property, we can never really know what it is. And I think that we have pushed this as far as a lot of us are willing to knowing that we can get affordable housing. So I think that if you remove part B you might as well just amend part a to say I want higher percentages of affordable housing and we all do, but this is -- you know, you've got the spreadsheets here. This is a \$40 million affordable housing deal with about 27 million of the cost borne by the developer and about 13 million borne by us and that seems like a good deal. And if you want to increase the percentages even further, I would just increase them in a instead of trying to remove B.

[7:42:36 PM]

>> Mayor Adler: Okay. Let's take a vote. Those in favor of section B please raise your hand. Those opposed? Mayor pro tem, troxclair, Zimmerman, and Houston. It passes as well. Ms. Garza, do you have an amendment?

>> Garza: My amendment is for part five, land use, following conditions application Jackson avenue extension provide an connection for pedestrian and bicycle access to 45th street and then part nine transportation landowner shall construct a public pedestrian and bicycle connection between grove P.U.D. And at or near the corner of 45th street and I'll have to help me with this, councilmember pool. Is she here in I don't know how to stay that street.

>> Pool: It's chiperro. It's a family name.

>> Garza: This connection shall be no wider than necessary for pedestrian and bicycle access, landowner shall provide a pedestrian hybrid beacon to facilitate pedestrian and bicycle crossing at west 45th.

>> Mayor Adler: Is there a second? Ms. Gallo seconds. Any discussion?

>> Garza: I would like to speak to it.

>> Mayor Adler: Ms. Garza.

>> Garza: There's been a lot of discussion about the mediated agreement and whether council is undermining that or overriding that and I just want to be clear, I don't think council ever gave any indication that if there was an agreement this council would endorse that agreement. I never once heard that.

[7:44:36 PM]

If that's what we're gonna do going forward as a council, then I'm not sure what my role would be. We would hire a department of mediator and then you don't need a council to make tough decisions. I would prefer there is a road here. Connectivity is a huge problem for our city. We have traffic issues and there's different ways we can try to approach that but if we continue to have development which we need, we have supply issue, housing supply issue, if we continue to say, you know, not in my backyard, that connection is not good for my neighborhood, I've opposed I believe every crash gate but one and it was a very ear vote I guess I took my hard stance on crash Gates, but we're not gonna solve issues by just, you know, doing it neighborhood by neighborhood. That's a big -- that's -- to me it sets really bad precedent. Because we had -- we have a whole city to think about, and if every -- if every new development shuts itself off to the rest of the city, then we're just gonna be in worse shape than we are now. So for me I really wanted to push for the entire opening this to -- for that connectivity. I'm concerned about -- as a member of the capital metro board I'm concerned about a route that could have

serviced this area much easier, but I don't know what's gonna happen with that route now. I don't know what they're gonna be able to do so there impose some public transit options for this area. I understand traffic. You know, whenever I think of these issues I remember I was a fire cadet while being trained to be emts all these tough decisions we make and one of the best advice we were given was you walk into every single one of those medical calls and that is their emergency.

[7:46:38 PM]

Even though you walk in and you might think why did they call 911 for this you treat them with respect and you say this is their emergency. So that's how I approach these cases and I try to think, okay, this is this neighborhood's emergency. To them, you know, this street cut-through is such a big deal to them but this one was really hard for me, this P.U.D. Was really hard for me to take that side because we have the opportunity to do so much and add so much more affordable housing, but we are -- we're not going to be able to do that. I hope at least people can take advantage of this to at least walk through and bike through but I really hope we as a council going forward stop making these exceptions for, well, this development we're not gonna do connectivity, we're not gonna listen to city staff who have advised us that it is the better -- it will be a better development if there was actually a street cut-through here.

>> Mayor Adler: It's been moved and seconded, this amendment. Any further discussion? Mayor pro tem.

>> Tovo: It's not clear to me how this amendment fits within the conversations that happened in the community. I'm looking to councilmember pool or Gallo, if you could help me understand how this -- it is the -- the concern was primarily about the street, and, councilmember Garza, I agree with you that we don't -- when parties go to mediation we don't give up our decision-making roles. We still have at the end of the day the obligation to make good decisions. But I do want to understand before we vote how this fits within the conversations that transpired.

>> Pool: I'd be happy to take that one.

>> [Off mic]

>> Pool: Sure. There was interest by the neighbors to have pedestrian and bicycle connection do provide connectivity, I think connectivity doesn't always mean laying concrete and it doesn't always mean cars.

[7:48:41 PM]

We are really mostly concerned in putting a bridge over shoal creek so that there's eastern access. That's something I've been working on for at least two years and talking to folks up at the legislature about and I plan to redouble my efforts as I think some of the folks in the neighborhood will, to try to achieve an easement so that bridge can be put across the south end of the library and archives land on the eastern side of shoal creek, the creek. But the -- so the pedestrian and bicycle access is a connection for a concrete trail that is also an extension of the existing bicycle highway, it's part of our bicycle network that goes along the east side and then -- of the site and then through the site. There was tremendous significant concern and opposition among the parties and the neighbors. Against taking down two affordable priced homes that the applicant had purchased in order to remove them to put through a street. I continue to have serious, strong objections to removing homes that are affordable currently in order to put in a road. That road in fact would not provide the release valve that some had touted it to be. In fact it would make the intersection at bull creek and 45th street even worse than if you don't put it in. It doesn't seem intuitive perhaps, but that's actually how the modeling -- the proper modeling shows it. I'm not the best person to talk about the traffic engineering. I would call up one of the coalition folks to talk about it more specifically if you'd like.

>> Tovo: I was just trying to get a general sense from you and councilmember Gallo kind of how this fits within your understanding of the needs that were important during the mediation.

[7:50:43 PM]

So I guess I would ask councilmember Garza if she -- councilmember Gallo if she feels comfortable. I don't want to put anyone on the spot but if you have something to share that would be helpful.

>> Gallo: Well as councilmember pool indicated there's discussion and hope that we can get a pedestrian-bike bridge across shoal creek to connect to shoal creek boulevard, which will help move people towards the east. Everyone knows that 45th street is very busy, and so the ability to also provide a pedestrian and bikeway going north across 45th I think is important to have also. It gives -- it gives health -- it gives help and safety to the pedestrian and bikers going both north and east with the other, and I think it's just -- it's adding to the multimodal capability that's we have in that community.

>> Tovo: Thanks. I really appreciate that.

>> Mayor Adler: We're discussing the Garza amendment, seconded by Ms. Gallo. Any further discussion? Yes, Mr. Zimmerman.

>> Zimmerman: Thank you. Thank you, Mr. Mayor. My question on it, it says this is a requirement landowner shall, so what is the expected budget for this? So we'll hope that the cost is not unlimited. I mean, is it anticipated to be 50,000, 100 is now it looks like it's a blank check saying you're gonna have to build this. Without a cost on it, it doesn't make any sense to me. Do we have any idea of budget what's expected from this.

>> Pool: I think if I could jump in here, I think that is on the property that the applicant owns and so he's -- this is not a -- an item that the city is building. This is an item --

>> Zimmerman: That was my concern. What are we forcing the landowner to --

>> Pool: Mr. Zimmerman, we're not forcing the landowner or the applicant to do anything. He has offered this and it has been accepted by the neighborhood.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote. Those in favor of the amendment please raise your hand.

[7:52:46 PM]

Those opposed. It's I'm sorry on the dais -- oops, Mr. Zimmerman voting no, others voting aye. It passes. Ms. Pool.

>> Pool: Thanks. You have in front of you a motion sheet with my name at the top, and this is the one on the cultural and historical measures. This would add ordinance language to the remaining parts, part 13, and it's there in front of you. Basically it's developing a historical and cultural recognition program to be incorporated in the development and programming of public spaces on the property. And it will be developed by the project site design consultants collaborating with the Travis county historical commission, surrounding neighborhoods, our parks and rec department professionals, other interested stakeholders. Then the applicant has agreed to retain a licensed archaeologist during construction development so that any unmarked graves that may be found will be promptly investigated on the property. And, again, that aligns with state law. The landowner agrees to follow all applicable rules and regulations regarding the proper treatment of any hypothetically remains that may be found on the property.

>> Mayor Adler: Okay. This has been moved by Ms. Pool. Is there a second? Councilmember Gallo. Any discussion? Those in favor please raise your hand. Those opposed. Troxclair and Zimmerman voting no, the others voting aye. It's adopted. Ms. Kitchen?

>> Pool: Thank you, everybody.

>> Kitchen: This is the amendment. I passed out two amendment sheets because there's two parts to it, 31 and 75. I'll do 751st and then if I'd like me to take up 31 I will. So 75 is the -- this is the employer-assisted housing pilot program that I've talked he about several times.

[7:54:47 PM]

As I said earlier it's in two parts. There's a resolution to speaks to the pilot program as a whole. And then the language, that's the amendment to item 75, speaks to the landowner's responsibility, which is basically in two parts. You'll see that. The first part says the landowner will participate in any employer-assisted housing program if it's created, and it clarifies the landowner's obligation doesn't mean a financial contribution to the program. And then the second item states that the landowner shall affirmatively market housing opportunities to the employers and employees. So that's what the amendment is to item 75.

>> Mayor Adler: Okay. Is there a second to that? Ms. Gallo. And is there any discussion? Then those in favor please raise your hand. Those opposed. Mr. Zimmerman votes no, troxclair votes no, others voting aye. It passes. Do you have a second amendment?

>> Kitchen: Yes. This is item 31. Should I take that up now then or do you want to finish 75?

>> Mayor Adler: Are there any other amendments to item number 75? Then let's take a vote. You had one.

>> I have one, to amend note 12 to state that the first floor of a live work unit shall not count against the notes four and five, those are the commercial and office caps, the second floor of residential will not count but the first floor will count towards those caps.

>> Pool: I'll move that.

>> Mayor Adler: Ms. Pool moves that amendment. Is there a second? My Gallo seconds that. Any discussion? Those in favor of this amendment please raise your hand. Those opposed. It's also adopted. Any other changes to 75? Take a vote on 75. Those in favor of 75 -- I'm sorry? Yes, mayor pro tem.

[7:56:47 PM]

>> Tovo: I do have changes to 75 but I'm waiting for my motion sheet. So if you would --

>> Mayor Adler: We'll wait for a second. While you're in front of us item 29 -- I guess we kind of called up these together. While we're waiting on 75 we could probably make your amendment to 29.

>> Tovo: Glad to. Let me say I've gone through about three versions of my motions on 75, some got picked up by Casar, some got made irrelevant by other things. So if people out there are wonder I guess I don't have my motion sheets together it's because we're now on version five. Okay. Motion sheet for item 29 is the language I read earlier. Again, this is just to make sure that our expectations are really clear to the community and as a city that we are -- we are directing our staff to return with options, but it's not a certainty that we'll be able to fund those or that they will be -- that they will rise to the absolute top of the prioritization as we look at needs across the city. And I appreciate and understand that this is a development that is going to impact traffic. I think the community has clearly stated that. We've had this conversation about -- before about making sure the development bears the cost and I know there's a contribution from the developer. If there are additional impacts from this development, they should be borne by the developer. That's not where we are right now. Again, I think we need to desicc with our regular way of evaluating needs, traffic needs, traffic accommodations, needs, and not side step that regular process.

>> Pool: Mayor.

>> Mayor Adler: Okay. So the amendment -- the base motion was for 29, 39530, 75, 100. This is an amendment to 29 with recommendations on thousand fund sidewalk and traffic improvements associated with the grove P.U.D. That could be funded in an amount not to exceed \$900,000.

[7:58:52 PM]

>> Pool: Mayor, I'd be happy to second it and then I wanted to make. This is completely amenable. I thought we had clearly worked that out because I understand that we can't future require the spending in the future. I will say, though, that the sidewalks in question are part of the safe routes to school program or many of them, if not all of them would be seen that way. And I promise through my role in district 7, because it affects my neighborhoods, and in partnership with district 10 councilmember to work on finding the funds that would be necessary for that.

>> Mayor Adler: It's been moved and seconded this amendment to the 29 portion. Those in favor please raise your hand? Those opposed? Mr. Zimmerman votes no, others voting aye. That passes. Ms. Kitchen, do you want to bring your amendment to 31?

>> Kitchen: Yes. Item 31 you have in your backup. There's an amendment to it -- sorry.

>> Pool: Real quick. Item 31 is not part of this motion.

>> Mayor Adler: Okay. We'll have to come back to 31 after we're done with these four that are combined in one. Mayor pro tem, are you ready to bring your amendments?

>> Tovo: I am. I guess the first thing, you know, I know there may be concern about this in light of the response that we received through the Q and a and so I guess I would ask staff to come up and address this. As I mentioned before, we've had some ongoing conversation in this community about ways that this city needs to make sure that we're not losing families and children from our central city. We don't want to end up with a central city that is really homogenous in terms of family unit type. It has an impact on our schools, it has an impact on really the diversity of our communities. So I think it should be a very high priority to make sure that we are encouraging and incentivizing, but really making sure that we are cognizant of the way in which our policy making impacts the kind of housing that's available and children.

[8:01:07 PM]

So I think it is in concert with some of the goals, as I mentioned, that the families and children task force set out for us several years ago to make sure that the housing that's constructed is going to have multiple bedrooms. So my motion would amend the multi-family rental housing to make sure that 50% past affordable rental units condition three or more bedrooms. I don't know if that changes the amendments that councilmember Casar made. Yours were about the size, which is important, and I appreciate it, though I would say as we did research on the families and children task force, that research largely suggests that families with children will live in smaller spaces if they have multiple bedrooms. So I think the space is important in making sure that those units are appropriately sized are really important to -- especially when we're looking at affordable housing, making sure that those aren't just going to be affordable because they're much smaller. But the bedroom count is also a critical component. So the multi-family housing would be at least 50% containing two or more bedrooms and the owner-occupied I would ask that we at least contemplate increasing it to 75% two or more bedrooms so that we don't end up with 50%, which we likely would at one bedroom. And if there's discussion we can ask the staff to talk about it. I didn't completely follow the answer that was returned to us through the Q and a. It sounds as if that wasn't included as a component because the developer -- I would I guess ask them to explain their response to one.

>> Yes. Rebecca giello, director of neighborhood housing. Our response was it was negotiated as a proportional mix. I appreciate the opportunity to respond and I also appreciate recognizing Jeff Howard who I'll defer to in terms of negotiating an increase.

[8:03:14 PM]

>> Tovo: Before we ask the developer to respond I need you to walk us through your answer because it wasn't clear to me what your response was. Your response was arg remains the affordable units net loss -- I guess your response was really about the developer. But from our housing department's perspective, I guess was that -- that was a priority to try to ensure there were sufficient bedrooms in the rental units? I mean, our rental units are a great opportunity to get -- to get families in there who can't meet the targets for home ownership, but want to live in an area that's a high opportunity area with great schools. So in my opinion we really need to make sure that we don't miss the opportunity in those affordable units to get families with children. And the bedroom count will certainly have a relationship to what kind of people come and rent those.

>> The answer is yes, absolutely, it was something we thought about. So with the proportional mix we felt that that covered it, but I can understand how strengthening the language around increasing a percentage would also do that as well.

>> My question about the proportional mix is that it doesn't set any minimums. So we may end up with a project, the market may look different or it may look the same. I mean, a lot of the market rate units that are coming online are not multibedroom. So the proportional mix is -- will work out well for families with kids if you end up building a lot of market rate units with two and three bedrooms. If you end up doing efficiencies and one bedrooms, then our affordable units will end up as efficiencies and one bedrooms and we will likely not get families with kids in there, and that's part of how we've been talking about this project in terms of its community benefits. So that is my concern. I don't think the proportional mixtures a minimum it doesn't guarantee a minimum number of units that will have two and three bedrooms as far as I can remember.

[8:05:17 PM]

>> Mayor Adler: I think I can shorten this a little bit. My understanding is that in response to the question that you're willing to add to this document 50% minimums, is that correct?

>> Yes, mayor. Good evening, councilmembers, my name is Jeff Howard. I represent the applicant, arg bull creek limited. Excuse me. Some context just real quick, mayor. The reason for the proportional mix was we wanted the affordable consumers to have the same access to the units that a market rate consumer would be. There would be no difference. And of course what we see when we talk about rental units or for sale units there is a great need for singles, for for families that also need the affordable housing. So we wanted to provide parity for the affordable consumer on the market rate consumer. On the ownership side the 50% that eve proposed is actually I think unprecedented. I think we talked about or you all talked about the Chicon project earlier today. And the for sale had had just three out of 21 were over two bedrooms. The rest were singles and efficiencies. So we proposed on the 50% side on the ownership is quite unprecedented. We think it's an important balance at 50% because there are so many folks who maybe don't have families, but have need for affordable housing. On the rental side we are willing, mayor, to gray to that. It's difficult because what it does is it basically increases the cost of providing it. Those two bedroom units are more expensive than the one bedroom units and it increases the developer subsidy. Now, you all have done a lot of math so we're not trying to undo your math. We will just accept that burden. But we are sensitive to the issue. We are sensitive to

the concerns. We want families here at the grove and so we will agree to your motion sheet and in part a for the affordable rental units, but we cannot agree to part B.

[8:07:30 PM]

Ed to thank you. And that's --

>> Tovo: Thank you, and that's terrific. I think if we can get a done that's super. Can you talk through why B won't work? Is it just the economics of providing --

>> Primarily the economics, but also we want to make sure we have a generous supply for for-sale units for folks who are looking for -- maybe they're first time home buyers. Maybe they're retired, maybe their single and aren't in a family. We want to make sure we have a generous portion for them as well.

>> Tovo: I know I've asked you for these numbers and we've talked through it, but can you remind me what is the mix of the affordable -- what is the mix of the ownership units in terms of the break down at this point between efficiencies and one bedrooms and larger one bedrooms.

>> At least 50 experts would have to be two or more bedrooms and other than that we haven't done any sort of analysis of what the precise unit mix would be as to which are efficiencies --

>> And which are one bedrooms.

>> Right.

>> Thanks.

>> Mayor Adler: In light of that do you want to urge a and B or a.

>> Tovo: Let's move forward with a, unless there's support along the dais, I still think it makes best sense to try to encourage more units with two or more bedrooms, but I'm a real lift so I'll advance a.

>> Mayor Adler: Mayor pro tem is advancing a. Mr. Zimmerman, did you want to speak?

>> Zimmerman: I do. I'm obviously opposed to both of these. I cannot fathom -- in the complexity of a large project like this and a very complicated market and a very complicated development, where these numbers come from. I don't understand what would make us think as a council that we're qualified to set these numbers at anything.

[8:09:33 PM]

I don't understand. I've been thinking why, why would we think as a council that we're qualified to set these numbers. I just completely disagree so I'm voting against the whole thing. I think this is what's wrong with Austin and why we can't get housing built in the city. We want to sit up here and micromanage how many bedrooms people should have. It bog else my mind, sorry. I'm voting no.

>> Mayor Adler: Mayor pro tem moves to amend part 8-a, that also imposes the 50% minimum. Excuse me.

[Laughter] It's been moved and seconded, this amendment. Is there any further discussion? Let's take a vote. Those in favor of the mayor pro tem's motion, please raise your hand? Those opposed? Troxclair and Zimmerman voting no, the others voting aye. It is passed.

>> Gallo: And mayor to clarify, that was just a. Mayor pro tem it was just a. The mayor pro tem does not propose B.

>> Mayor Adler: Are there any further amendments to these items, 29, 30, 75 and 100? Okay. Then let's go ahead and take a vote. Do you want to say something before we vote, Ms. Pool?

>> Pool: Just for the record I wanted to reiterate on the motion sheet the things that we are doing here. We are reinstating the market rate -- the market rate apartment cap at 950. We're correcting the idelwild set back, clarifying traffic improvements, use of brim fiscal, off site project improvements, traffic gland management and work life protections. And this is all in the document I offered up early on in the

evening. And then just a minute of personal privilege, I just wanted to say thank you to all the people who worked on this project.

[8:11:38 PM]

To our city staff who put in countless hours reviewing this project and hammering out the details to the developer, who brought this project forward and for working with the neighborhood on the mediated agreement that you all brought to us. And especially to the neighbors who spent a whole lot of time after work and on evenings and weekends digging in and helping make this a much better planned unit development. It's been a long road to get here and the road was rough at times. It was rough at times, but at the end of the day I think we all put in a lot of work on this because we realized how special this opportunity really is and we wanted to get it right. I'm sure everyone who worked on this has their own idea about what getting it right means, and I'm sure there are a lot of folks out there on all sides who wish it was a bit closer to their own vision. And I count myself as one of them. I was happy to see movement toward many of the amendments that I proposed several months ago, though I had wished that we could have gone further. But at the end of the day I truly believe that the community and the developer's work to reach a mediated agreement on this process really did move that ball forward. And I thank everyone. Everyone. For the work they put in to get us this better project. Thank you all.

>> Mayor Adler: Any further comment before we vote? Ms. Gallo?

>> Gallo: I will mirror a lot of what councilmember pool said but particularly to thank staff. Staff does an amazing job, against all odds, to bring forth a project, take it through the very complicated city process, and then you input into that very differing views coming from all different places. And the city of Austin has just an amazing group of people that very thoughtfully and professionally and calmly goes through that process and they are certainly to be commended.

[8:13:45 PM]

I also want to say thank you to all of the neighbors. We have a lot of neighbors who live surrounding this development that had very differing views. And what I saw happening with the neighbors with differing views is it became a very difficult and uncomfortable situation. I saw lots of comments that were made in the public media and social media, Facebook, neighborhood listservs, neighborhood associations. And that's just not a good place to be. And I said that before that the community needs to not divide itself between each other and I think the fact that everyone has come together and be respectful and to have good conversation and to keep it moving in the right direction and to really work hard to get there is very much appreciated. And also to the property owners who have spent a lot of effort trying to get this pud to a place where it does provide greater community benefits than we could get from a traditional zoning. So I think it's been a whole community of effort starting with city staff and the neighborhoods and the property owners and certainly the councilmembers. I know councilmember pool's office and my project have worked very hard on this project with lots and lots of meetings and lots of discussions out there. To everyone thank you. And to the mayor thank you for always moving us in a direction that we can get good results and compromise and not always get 100% of what all of us want, but get to a place where we got what most of us want.

>> Troxclair: Mayor, as we were spending towards a conclusion I did have one more amendment that I spoke of earlier. I was just finding a copy for the clerk. When it comes to affordable housing dollars if we're talking about using dollars that have been unequivocally allocated to affordable housing and we want to use them to their highest and best use, I really would urge us to use -- take four million dollars from the 2014 affordable housing bond and apply them to this project.

[8:16:03 PM]

Originally when I wrote this amendment of course we were looking at a 10-million-dollar figure and buying that down by four million dollars, but now since councilmember Casar's amendment has been adopted, I believe that figure would be 9.6 million and buying that down four million dollars. The voters approved it. We can't spend that money on anything else but affordable housing. And I think this would be a good opportunity to use that money instead of existing dollars in the trust fund that could be allocated in another way.

>> Mayor Adler: Ms. Troxclair makes a motion Mr. Zimmerman seconds that motion. Any discussion on this motion?

>> Kitchen: Mr. Mayor, I really appreciate the effort to think about other funding sources. I'm going to have to oppose this one because the housing bond money was passed to cover a range of activities and a range of housing. And there was an entire process set up including an oversight committee specifically for housing bonds. So there's been, you know, a very careful consideration by that committee over the years to determine what those dollars should be spent on. And I don't think it's appropriate for us to just -- just intercede and take those dollars, particularly in light of the fact that we don't know the whole package that those dollars have been spent on, nor do we know what are the remaining needs that oversight committee had planned to use them from. The housing bond when it was passed, I don't think it was just a blanket four million. There was language in that bond that spoke to the different kinds of affordable housing we needed to address. And so I'm not going to be able to afford this -- to support this.

[8:18:04 PM]

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

>> Zimmerman: Thank you, Mr. Mayor, I would like to speak in favor of this motion because we're all talking about subsidized housing here. I concur with councilmember kitchen this is not the usual way something like this goes through, but it's still subsidized housing. I don't support subsidized housing, it's unaffordable for the people that have to pay extra so someone else pays less. It economically segregates our city and I think it's a terrible idea, but the voters did pass, 2013 they did pass a subsidized housing bond and I do agree this is an appropriate place to use it because this is unaffordable and unsustainable subsidized housing so this is where we should spend the money.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I can't support this because we have other housing projects that are already in the pipeline, ready to go. We're just doing some major studies. There's about three or four projects that are going to be financed in the future by this money. We're talking about the pecan grove on [indiscernible] Street. We're talking about a couple other projects that I've been informed on that we're going to be working on. So I -- you know, yes, I would like to see that money. If we had an additional four million dollars to spend, I would support this, but I know that we've got other projects that have been planned for this money. And I just can't support that.

>> Mayor Adler: Ms. Troxclair's amendment has been seconded. Any further discussion? Those in favor of Ms. Troxclair's amendment please raise your hand? Mr. Zimmerman, Ms. Troxclair. Those opposed? It's the rest of the dais. It's defeated. Any further items. Mayor pro tem?

>> Tovo: Mayor, I apologize to take us back through the Q and a, but I did remember that I had one more question I wanted to ask of our legal staff.

[8:20:05 PM]

And also possibly our development services staff. I had asked the question about for additional detail regarding the break down of fee waivers versus the trust fund. And it was that was \$3.3 million for the life of the project for development services. As I remember our conversation on Tuesday at our work session, that is captured -- that figure is captured within the incentive, the total incentive dollars. And I want to verify that.

>> That's correct.

>> Tovo: And then the next line of the Q and a talks about the estimate does not include fee waivers related to construction inspection, construction inspection fees are calculated based on construction costs and we do not have those numbers at this time. Can you give me some order of magnitude? Are we talking about hundreds of thousands? Are we talking about millions? Somebody, I guess. And then my last question on this front is the line that says as the construction inspection fees are waived, the amount of housing trust fund or other lawful funding mechanisms will be reduced. So I would like to have some sense of what those construction fees look like, but also could you help me understand where that last point is codified? That if fees are waived and as they're waived that -- that will come from the 13 million we're contemplated and less will be taken out of the affordable housing trust fund. Will that be in the affordable housing agreement that you're drafting or where will that be or where is it?

>> Misty cotton, assistant city attorney. Both placed. In part 8-f, on page eight of the agreement that's where we talk about the incentive amount and we say that second sentence is that the landowner recovers a portion through the waiver of development fees and the remaining portion through the other funding mechanisms.

[8:22:12 PM]

>> Tovo: I'm sorry, I couldn't get to the right page in time. Page eight.

>> Part 8-f.

>> Tovo: That incentive amount has changed.

>> And also in part G where it speaks to the agreement that's the kind of thing that the agreement will speak to as well on how do we calculate when they bring in documentation, what were the development fees were that we actually waived, subtract that and then provide the incentive amount based on the affordable units.

>> Thank you. And I don't remember seeing that as one of the bullet points in the rca describing the affordable housing agreement, which is why I wanted you on the record to say that would be one of the components of the affordable housing agreement as well.

>> Yes, it will.

>> Tovo: Thank you very much. And I guess is there an answer to the order of magnitude on the construction?

>> Yes, ma'am. I spoke with the applicant and a rough order of magnitude on the construction costs would translate into four hundred to six hundred thousand dollars in inspection fees on today's fee schedules. They're saying -- they're estimated infrastructure citizen million dollars or so and our fees are escalated based on the cost of each project. So an order of magnitude would be in that range.

>> Tovo: And are those fees waived on all of the units or just the affordable units?

>> I'd have to go look at the specific agreement of what we're doing today to know that. I mean --

>> Or does that fall into the category of fees that we talked about the other day which are just going -- the developer has agreed that only fees -- that fees only on the affordable units would be waived?

>> This is one that's all of the units.

>> Tovo: So construction fees would be on all of the units.

>> Yes.
>> The development service fees would be on all of the units or just the affordable units?
>> All of the units.
>> Tovo: But the amount would be deducted from the 13 million.
>> Correct.
>> Tovo: Okay. Thank you.
>> Kitchen: Mr. Mayor, should I bring 31 now? I thought we did.
>> Mayor Adler: We need to take a vote. Those in favor --

[8:24:13 PM]

>> I thought we did.
>> Mayor Adler: We haven't voted? Let's take that vote before anything else happens. Those in favor of this motion as amended, which are those four components, please rise your hand. Those opposed? Troxclair voting no. The others voting aye. This passes. Now you can go.
>> Kitchen: Item 31 is the other part of the employer-assisted pilot program. You've got the resolution in your backup. The amendment just clarifies and provides, you know, some more specificity around some open questions, makes it clear that it authorizes the city manager to provide funding, but only if necessary and that funding would just be for is some administrative costs associated with the pilot and it makes it clear that the funding would not exceed 75,000. So I move passage of 31.
>> Mayor Adler: Ms. Kitchen moves passage of the pilot program, seconded by Ms. Gallo. Any other discussion? Ms. Houston?
>> Houston: Thank you. Councilmember kitchen, I think this is a very innovative idea. Where is the city manager going to find the \$75,000 if --
>> Kitchen: Do you want me to speak?
>> Houston: I was trying to get through with my sentence, the question.
>> Kitchen: I'm sorry.
>> Houston: If you could tell us where she's going to identify that if it comes to that.
>> Kitchen: I think we can speak to -- Ms. Truelove can speak to that.
>> We would look to fund that through the housing trust fund.
>> Mayor Adler: Okay. Any further discussion on the motion that's been seconded? Let's take a vote. Those in favor please raise your hand? Those opposed? Troxclair, Zimmerman voting no. The others voting aye. That item passes as well. I think those are all our grove-related items.

[8:26:14 PM]

Congratulations in moving these forward.
[Applause].
>> Kitchen: Mr. Mayor, I would like to suggest that we take item 80, which is Thornton road, up next. I expect that to be pretty quick.
>> Mayor Adler: Does that mean there are no speakers?
>> Kitchen: There are speakers, but they're all agreed to the action we're taking here, so I don't know if they'll feel like they need to speak or not.
>> Mayor Adler: If everybody is in agreement maybe we don't need speakers.
[Laughter].
>> Kitchen: Yes, we can ask that. We can certainly ask that.
>> Mayor Adler: Let's try number 80.

>> Item number 80 is case c-14-004902 for the property at 1314 Thornton road. The proposal is to change the zoning. And I do understand that there's an agreement possibly to postpone the item to February 16th. And that would be for second and third readings on February 16th.

>> Kitchen: Yes. So Mr. Mayor, I move postponement of this item. As you all may remember last week we postponed it to this week so we could have some time to talk with -- with the -- with psw and also with the neighbors about moving forward with a vision plan. So we have been able to flesh that out. We've talked to our staff, we've talked to everyone involved. The item I'm passing out is not to vote on, it's just background information for everyone. It's called the Thornton road vision plan. So basically we have the agreement of all parties to go through this process, which we expect to complete in time to postpone this to February 16th. So my motion is to postpone to February 16th of this item.

>> Mayor Adler: Motion to postpone number 80 to February 16th.

[8:28:17 PM]

Is there a second to that motion?

>> Casar: Mayor, I'll second it with just short comments.

>> Mayor Adler: Okay.

>> Casar: Which are that my understanding of this project, if it was up to me today, would be for us to move on the mf-4 zoning partly because of the community benefits that I believe that that mf-4 zoning would provide. But since this would have probably just gone on second reading today anyway, my hope is that we can get to that mf-4 zoning in mid February, but hopefully with more buy-in from neighbors so they would have a vision for how the street will work as it rapidly redevelops.

>> Kitchen: And mayor, I would add that the vision plan, the concept there is that it will allow us to have the conversation with the neighbors and landowners along Thornton road so we can look at issues along that entire road instead of one development at a time. And so that we can find a path forward to the infrastructure needs, both the roadway and water and flooding infrastructure needs that are necessary for that road to be able to handle the potential development along there.

>> Mayor Adler: Okay. It's been moved and seconded. We have some speakers signed up to speak on this item 80. Do any of those speakers still want to address the council? As concerns the postponement? I think everybody is giving me a thumb's up. I think they're okay. It's been moved and seconded to postpone this to February 16th. All those in favor please raise your hand? Those opposed? It's unanimous on the dais with Mr. Renteria and Ms. Pool off. The matter is postponed.

>> Mayor, I have three 4:00 postponements if you would like to run through those next.

>> Mayor Adler: Sounds good.

>> Item 95 which is to conduct a public hearing related to the transportation improvements required to development. Staff is requesting a postponement of that item to March 2nd.

[8:30:18 PM]

>> Mayor Adler: This is item number 95?

>> Yes.

>> Mayor Adler: Is there a motion to postpone this to March 2nd. Mr. Zimmerman moves. Mr. Casar seconds. All those in favor? Those opposed? It's unanimous on the dais. That is postponed.

>> And mayor, item number 96 is an appeal of a planning commission decision regarding a compatibility waiver. Is staff is requesting a postponement of this to January 26th.

>> Mayor Adler: Is there a motion to postpone item number 96? Councilmember troxclair makes that motion. Ms. Houston seconds that motion. Any discussion? Those in favor of this postponement please raise your hand? Those opposed? It's unanimous on the dais again with Renteria and pool pool off.

>> And mayor, 97 is a code amendment relating to homework landmark commission and civic uses. Staff is requesting a postponement to February 2nd.

>> Mayor Adler: Is there a motion for this postponement. Ms. Troxclair moves. Ms. Houston seconds. Discussion?

>> Tovo: Can I ask what the delay is?

>> The delay is it was postponed at the planning commission.

>> Tovo: For what reasons? I mean, if they commented on why they wanted to delay it.

>> Sure. Frankly, councilmember, it's because we've been very busy with the grove, the oaks, codenext.

>> Tovo: I didn't know if they had a discussion.

>> And remember your resolution on this said do it immediately and then it also said amend the code to do this, so we're following the first part of the resolution that said do this. So nothing is slipping through the cracks because we haven't formally amended the code yet.

>> Tovo: Which I appreciate.

>> Mayor Adler: It's been moved and seconded. All those in favor please raise your hand? Those opposed? It's unanimous on the dais with Mr. Renteria off.

[8:32:18 PM]

So 95, 96 and 97 are all postponed. We have item number 62, which is a traffic control plan for south by southwest. Is staff here for that? Is there a motion to adopt the traffic Colorado plan for south by southwest in Ms. Pool makes that motion? Is there a second? Ms. Kitchen seconds that. We have some speakers signed up on this item number 60. , The traffic control plan. Mr. King, do you want to speak on the traffic control plan? He's fine. Jeremiah duke, do you want to speak here? What about Chris Nielson? What about Chris Bailey? Daniel Campbell? Phillip Sadler? James sideow. Andre [indiscernible]. Matthew [indiscernible], Justin Huebner. I think these people were concerned because there was an issue that needed to be raised. I'm going to address it in an amendment here in a moment. Maya Phillip. Jose Espinoza. I don't know if I have the question -- Jim, do you have the motion sheet on this? There was an element of this, there was a provision of this that was not necessary to be in here, but raised some concern, so I would move to take out that provision that takes out the that takes out subsection 6 that amends the city code.

[8:34:34 PM]

So it's moving to strike section 6 of part 4 that would have authorized Austin transportation department to issue operating authority to a maximum of 20 electric low speed vehicles. The reason this is being taken out is it's not necessary. South by southwest can operate 20 vehicles under existing rules, but they're not commercial vehicles so they're not in competition with any of the folks that had signed up. They're all in seeing that this action is taken are now fine with the matter as drafted with this amendment. Does that make sense? You're giving me a confused look.

>> Yes.

>> Mayor Adler: Section 6 of part 4 said, this is what we're trying is the city code is modified to authorize the Austin transportation department to issue operating authority to a maximum of 20 electric low speed vehicle services for use during the spring festival season only. The reason that's not necessary is south by southwest under existing rules can operate electric vehicles on our streets associated with their running of the project. There was a company in town that was concerned that south by southwest was seeking to create an electric vehicle service that would compete with their business. That was not the intent and this isn't necessary for south-by to operate. So that's why we're taking it out. Is there any

objection to adding that amendment to the base motion? Hearing none, let's add it. We're now at the base motion on item number 62. It's been moved and seconded. Ms. Houston?

>> Houston: So mayor, you've talked with the owner-operator of those electric companies because the way they read it is we were going to be adding 20 companies rather than 20 cars. So that's-- I want to be clear that when we take this out, there's not going to be 20 electric car companies.

[8:36:35 PM]

>> Mayor Adler: Correct. That is not going to be the case and that is not the intent and by taking that out we have clarified that. With that discussion, those in favor of item 62 please raise your hand? Those opposed? That passes unanimously. I apologize for my convoluted defense of that amendment.

[Laughter] That takes care of item number 62 and 80 is also gone. I'm trying to think if there are things -- item number 91 is a pud briefing. Will that take long? That do you think?

>> Probably less than five minutes.

>> Mayor Adler: Let's go ahead and do that.

>> Mayor and council, Jerry rusthoven, director of planning and zoning. Item number 91 is CD 2016-0010. The pud ordinance requires an applicant before they submit a pud they have to submit a dry run. Staff has to provide suggestions, we then provide a report. That report is in your backup for this item. We take it to the council. We just have a briefing today. We do not have a vote. And after this briefing the applicant will be allowed to submit the pud. That being said, this is for the 425 west Riverside drive pud, which surprisingly is located at 425 west Riverside drive. Staff believes that there's not a lot of creativity in that name therefore we have named this pud the snoopy pud. The reason being that the property was purchased many years ago by Charles Schultz of peanuts fame. He has since passed away, but the property still remains in his family's trust.

[8:38:36 PM]

The proposed property which if it were laid out is located on 1.45 acres between south first street, Riverside drive and Barton springs road. The property is located within the Bouldin creek neighborhood planning area. The south shore subdistrict of the waterfront overlay and the south central waterfront plan district which the council just approved this past June. The current zoning on the property is cs 1-v-mp which stands for commercial liquor sales, variety use plan. It calls for the property to be mixed use. The applicant is proposing a single building which will be comprised of 270,525 square feet of office, retail, 10 residential units and would have a height of 195 feet. The south central waterfront plan, one of the purpose statements, states it strives to be a model for a district wide green infrastructure system paired with quality urban design and interconnected network of public spaces, streets, lake side trails and parks that can provide a framework for redevelopment. A district approach can allow public and private investments to provide maximum impact and provide for a district wide value capture for community how housing and benefits. Basically we have a single building pud. There are not too many opportunities within a single building to achieve community benefits. There are some, but not that many. The district approach in the south central plan calls for utilizing funds captured from that development through a pid, which has not yet been created, but staff is working on, and using them to fund improvements that were identified within the plan that may or may not be on this particular site. The applicant is proposing to make streetscape improvements. They're also working with cap metro to possibly provide for an expanded and improved auditorium shores rapid bus stop. The applicant is also providing some environmental improvements that include 100% on-site capture, no floodplain modifications, increased landscaping, integrated pest management, as well as arts in public places,

compliance with the complete streets plan, compliance with the subchapter E, the design standards, and provide affordable housing at a rate of 10%.

[8:40:56 PM]

There are however 10 units that are proposed. So that would be a total of one. Within the south central plan, however, if the pid goes through as initially proposed in the plan there would be a three-million-dollar capture of value to use within the south central plan. The applicant is proposing seven amendments, seven modifications to the code as part of the pud, and the however I would say that is what's called for in the south central plan. With that I'm available for any questions.

>> Mayor Adler: Thank you for that briefing. Ms. Houston?

>> Houston: Mayor, Mr. Rusthoven, could you put up what you -- the area? Because many of us don't know.

>> It's where the hooter's restaurant was formerly located. We thought it not to call it the hooter's pud. [Laughter].

>> Mayor Adler: Snoopy is much better. Any further questions on this item on this briefing? Yes, mayor pro tem?

>> Tovo: Thanks for this. As we talked about on Tuesday I understand in light of the timing and whatnot we're not going to spend a lot of time on this, but I just want to make it clear that it might be appropriate to come back and have further discussion and I would like to dig into some more of the details outside this venue, but if you could highlight for me what are the elements of superiority?

>> What they're proposing? They are proposing arts in public places, they're proposing affordable housing --

>> Tovo: So -- but as I think I heard, it's one unit?

>> Right now they're proposing to do 10% for the tier 2, which would be a single unit, but they would of course have to comply with tier 3 like we just discussed, the density bonus section, and the baseline would be 60 feet and two to one F.A.R.

[8:43:12 PM]

So the applicant is proposing 200 something square feet of development. That is just about double the allowable F.A.R. On this tract so they would have to provide either on-site units or the six dollars a foot. The six dollars a foot for the proposed F.A.R. Would come out to about a million dollars for the density bonus provision using the office space. And as I said the south central plan would call for about a three-million-dollar capture through the pud, which is yet to be formed, but we'll be working with them on that. We do anticipate more than a single unit of affordable housing out of the plan.

>> Tovo: That would be my goal too. What could the three million be used on?

>> The three million could be used to identify -- to pay for improvements identified in the south central plan.

>> Tovo: And those could include affordable housing on another tract?

>> Yes, it very specifically mentions affordable housing as a desire.

>> Tovo: Were there any other superiority elements? I heard you mention affordable housing, art in public places.

>> There are environmental benefits. I have a list here.

>> I went through the chart, but I wanted to hit --

>> I would say I would summarize that the superiority would be the compliance with the goals and the things that were contemplated in the south central plan. That plan has not been adopted as code yet. It is a part of plan, but not yet part of code. So there are a lot of design elements in that regarding the

street scapes and building design that we'll be asking them to do and they have agreed to do as a part of the pud. Some of those would require modifications to the current code.

>> Tovo: Mr. Rusthoven, once we adopt them into code they would be [indiscernible] For the general area.

>> They would.

>> Tovo: But the requirements for a planned unit development is that it would be superior to what the conventional code would allow. I'm not sure -- I guess we'll get more details as the pud is developed and we get more information about it, but just complying with -- complying what is eventually going to become code as part of the south central waterfront wouldn't necessarily hit superiority.

[8:45:17 PM]

>> But today's code does not allow you to what the south central code calls for.

>> Tovo: Right, but then hitting --

>> So if you were to build as the south central plan called for, there are current elements of our code today that would not allow you to do that. So the pud is --

>> Tovo: But I'm saying that is not a superiority -- I'm saying if we're looking at superiority, I'm not sure hitting the elements in the south central plan makes it superior if we're on the route to making those part of our code because then they're really just designing to what would eventually be required within conventional zoning, and that's not what a planned unit development should do. It should exceed the conventional.

>> True, but today the things that are in the plan we feel are superior.

>> Tovo: All right, thanks, I look forward to the conversation with the developer.

>> Mayor Adler: I look forward to the conversation as well. We have three items to be set for 4:00 P.M., no earlier than 4:00 P.M. Let's handle those. Number 94 is housing, multi-family affordable project at 1621 fish lane. Let's take up 94. Then we'll take up the two floodplain matters, 98 and 99. Since those were scheduled to come at four and then we'll take the item for 6:30, which at this point obviously not earlier than 6:30. Is staff here to talk to us about item number 94? I show no-- one person here for it, but not wishing to speak. Do you want to talk to us about this item?

>> Sure. Rebecca giello. This is an item to consider a resolution supporting an application to be submitted to the Texas kept of housing and community affairs by atlantic housing foundation.

[8:47:24 PM]

It is for the construction of an affordable multi-family development located at 1621 fish lane.

>> Mayor Adler: Okay. Is there a motion to approve this item northbound 94. Mr. Renteria makes that motion. Ms. Pool seconds. Is there any discussion? Mr. Zimmerman?

>> Zimmerman: Is that the competitive nine percent tax credit project or one of the four percent projects.

>> It was for a four percent housing tax credit, so it is for the non-competitive.

>> Zimmerman: And what's going to be the status of the property on the tax rolls? Is it going to be tax exempt or pay property taxes.

>> Typically at application that is not determined. It is up for tcad to determine upon application. So I don't have that information in front of me at this time.

>> Zimmerman: So we don't know if it's tax exempt or not.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: This is in district 7?

>> It is.

>> Troxclair: Councilmember pool. So you feel like this is a good location. I'm always hesitant with the four percent grants they're -- they're not grants, but four percent tax credits because they're non-competitive. So if we give the approval then it's going to get funding. So I want to make sure that you feel like this is a good location and there's adequate city services and public transit and all those things.
>> Pool: I have no objections. If I had any I would have voiced them.
>> Mayor Adler: Any further discussions? Mr. Zimmerman?
>> Zimmerman: I'm looking at the address here on fish lane. It's a very, very narrow looking road here.

[8:49:26 PM]

I wish I could put it up on the overhead. Has anybody done a feasibility of where -- if this actually works on this road and is the main entrance going to be on fish or is it going somewhere else or do we know?
>> I don't have that information. I am looking to see if the developer's representative is here.
>> [Inaudible].
>> Great. Why don't you come up and answer some questions.
>> The access we're planning is off Harris Glen, not fish lane. So the location of the exact tract is tbd. But it is the correct parcel.
>> Zimmerman: Terrific. If you will make an application to the tdhca, that's not a trivial thing to do. There's serious --
>> No. There's serious thought. We've engaged the architect and engineer and all --
>> Zimmerman: You have to spend some money to do that. I'm struggling to understand if no one knows if the project is going to be tax exempt if it's off the tax rolls.
>> It's not off the tax rolls. Atlantic housing is a community housing foundation, so we do pay property taxes, but if we are a 100% partner of the partnership, we would be eligible for an abatement.
>> And that is upon application to tcad?
>> Right. We would have to apply.
>> Okay, thanks.
>> Mayor Adler: Any further discussion? Let's go ahead and take a vote. Knows in favor of 94 please raise your hand? Those opposed? Mr. Zimmerman votes no, the others voting aye. Did you have something, Ms. Houston?
>> Houston: No.
>> Mayor Adler: And with councilmember Garza off the dais and troxclair abstaining. 8-1-1, one off the dais.

[8:51:28 PM]

>> Houston: Now I have a question. Mr. Sirello, did I say that correctly, the attorney? Is this your last council meeting?
>> Yes.
>> Houston: Well, you need to come on down so we can tell you how much -- you don't know how many people are watching from home, do you?
[Laughter].
>> Is this a legal question?
[Laughter]. Yes, it is.
>> Houston: Well, I want to tell you how much I appreciate working with you over these last couple of years on various issues. And thank you so much. And best of luck wherever you go.
>> Thank you all.

>> Mayor Adler: I want to reiterate that as well. I think your work was really solid and you're good and I appreciate your service to the city. Thank you.

>> I appreciate the compliments. Thank you.

[Applause].

>> Mayor Adler: All right. That gets us then to the last two items we have that were set at 4:00. These are items 98 and 99.

>> Thank you, Mr. Mayor. Kevin Shunk with the watershed protection department. Item number 98 is a floodplain variance request at 1,000 north Lamar. You heard this initial -- my initial presentation at a meeting in November and then the item was postponed. There's been some significant changes to the development since that time, so I feel it may be appropriate I can go through the presentation somewhat quickly and highlight some of the changes that have happened since that time. So the property is located on north Lamar boulevard at 10th street.

[8:53:29 PM]

You can see the floodplain here, the darker color being the 25 year floodplain. Hard to see the 100 year floodplain on the outside of that. This property before was used as a Travis county service center. It's no longer in operation and has been purchased by the applicants who are requesting the floodplain variance. The initial request for this proposal was to do essentially a four-story building. First level parking, second level parking and then two floors of office above that. They have since changed the application significantly and now their request is no parking on the first floor. They will have parking on the second floor and half the third floor. The other half of the third floor will be office space and the fourth floor will be office space. So even though the building, yes, still indeed does encroach into the floodplain, the second floor parking will actually be above the 100 year floodplain. The finished floor of the office space is 13 feet above the 100 year floodplain. The other very significant changes they made, if you recall from the previous presentation in November, the proposed building was causing an adverse impact to an increase in flood heights so the applicants -- doesn'ters, civil engineers and architects went back to the drawing table and tweaked the design just a little bit, submitted some new information to staff and we reviewed it and they are -- the building no longer causes a flooding impact on other properties. So with that said, with the entire property being encompassed by the floodplain, they still do not meet the safe access requirement. Nothing has changed with that request from the previous submittal to now.

[8:55:30 PM]

And that's really the main point of this floodplain variance request. We've talked about the safe access criteria before so I won't go into a lot of detail about that. There is a picture of the property last year, last memorial day in 2015. That's the service center there on the bottom right with some red hydraulic fluid that spilled out during the flood. So again, the summary of our findings is that the proposed project does not provide safe access out of the floodplain. The maximum depth that you would have to walk through to get up 10th street to Baylor street would be about nine feet of water during the 100 year flood, so it's a significant amount of water. They are -- we considered the fact that they're increasing the condition space in the floodplain to be increasing the nonconformity of the property so they're providing additional occupancy. Hardship condition, in our consideration of that we feel that it exists here because of the fact that the -- really there's essentially no use on the property that is happening at the current time. We do have a draft ordinance in our packet to bring up the conditions of that ordinance. The elevation certificate just certifying that the building was built at the height that it was designed. The drainage easement requirement does require -- it has a drainage easement on the

property, save and except the building itself. The structural certification is from the structural engineer certifying that it can withstand portions of the flood water. And -- forces of the flood water. And then another positive point of the application that we have talked to the applicants about somewhat extensively is the flood hazard mitigation they will provide to their own tenants or office workers so instruct them and educate them about the flood hazards that do exist on the property.

[8:57:33 PM]

I'm happy to answer any questions you may have and I think the applicant is here as well.

>> Mayor Adler: Thank you. Mayor pro tem?

>> Tovo: Mayor, can I ask Mr. Shrunck, can you give us those couple of pages again? Where you're outlining the bullet points of which components are not met.

>> Of the variance requests? There you go. Sorry.

>> Tovo: I just wanted to look at those again. And so I'm looking over the description from -- which you've touched on as well, but I'm looking over the description from the applicant of what the changes are. They are in essence filling in the lot to bring the finished floor elevation, the finished first floor elevation above the floodplain. And so have withdrawn one of their adverse impacts so you concur that there is now no longer an adverse impact on other properties?

>> That's correct.

>> Tovo: So the main issue at this point is safe access more occupancy on that tract because at the moment it's really just a parking lot. So they were bound to hit that one regardless of what they did on that. Are there options out there for them to get safe access that haven't been addressed?

>> Well, we do talk through extensively with applicants as we go through the review process on possible ways to gain safe access. And in a situation like this where they -- their property, where it touches the right-of-way is all in the floodplain. What you're essentially talking through with people is negotiating with their neighbors if they can get safe access through another property, through some sort of access easement to get to the right-of-way that's out of the floodplain. We did discuss it with them' a.

[8:59:35 PM]

We're not part of those negotiations or discussions, but it's a topic we do go through with applicants.

>> Tovo: But beyond their negotiations with their neighbor there are no opportunities for them to secure a safe access on their tract?

>> Not on their own, that's correct.

>> Tovo: All right, thank you.

>> Casar: Mayor, would it be possible if-- if this variance is granted for us to include a stipulation that only a certain square footage can be built if there is no safe access, but an extra story, extra square footage could be built if that safe access was indeed achieved from the neighbor so that if the variance is granted there is a continued incentive to try to purchase that safe access?

>> So some sort of requirement now that says like in the offend statement, if this happens --

>> Casar: Right, you get a story of office above your elevated parking. If you don't have safe access. But you can do both stories if you go ahead and get it.

>> I'll look at the law department maybe to help out with that.

>> Casar: You worked hard today.

>> Mitzi cotton, assistant city attorney. I don't know why we couldn't draft it. It's just the square footage, and additional square footage is allowed if they're able to document to the satisfaction of the staff that they gained safe access through some kind of agreement.

>> Casar: And my understanding, having discussed this option with the applicant, is that 18,000 square feet is one story less than what they wanted. 20,000 square feet is the whole thing.

>> I think those numbers sound about right.

[9:01:35 PM]

I don't know them off the top of my head, but it was in the ballpark. They were around, I believe, 26,000 total, and it's with the half of the third floor being reduced, and 18,000 is the proposal.

>> Casar: And I'm getting a nod from the applicant that that's right. So anyway, I just give that idea to the dais to see if that achieves both addressing the hardship they have with safe access and granting -- getting those cars off of the parking lot that could wind up in a lake in a flood, which is a benefit, but also incentivizes getting us safe access in the end.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks. And maybe Mr. Kanar can come up and talk about it, but I had asked Tim that question as well, and his answer to me was that the safe access, which would be like a sky walk to a building across the way, was not possible. And so rather than -- and so I'd like him to address that because I would rather not have our staff work on drafting an amendment or an option that be may not be possible. Would you like to offer --

>> Honorable mayor, mayor pro tem and councilmembers, thank you for your time today. Hats off to all of you. All the various things that y'all talk about, all the different topics, I'm just a businessman that builds buildings, so a lot of what you all talked about today went over my head, but hats off to y'all. [Laughter] We have been fortunate to have come before this council in November. We had the fortune to meet with all of the council members and the staff, and staff from watershed development to see what we can do to make our building a safer building. So with everything that y'all have commented and Kevin had already addressed most of the changes, removing the parking from the floodplain, removing the adverse impact on this building, we did approach our neighbor, just for the record, and we said is there any way we could build a safe access through their swimming pool/deck area that will take our office mates out to higher grounds to Baylor street.

[9:04:04 PM]

And the answer was, no, it's impossible. We cannot give it to y'all. We also, as a novel idea, we also asked staff if we could build a helicopter pad above the roof. Because, you know, there was a statement that was made that, are you going to have a helicopter pad? And we thought it was a good idea. Why not build a helicopter pad above the roof, and we were told that code does not permit that as safe access. So we tried in every possible manner, actual, in the last -- the mayor really opened my eyes when the mayor asked me, what do we approve, .1 inch diverse impact, .5-inch adverse impact, that's when we went to the drawing board and said, engineers, you've got to filling out a solution, and we came up with 0.0. We've been very fortunate, as far as councilmember Casar's request, we are willing to state that we will stick with 18,000 square feet, which is one and a half stories of office space, until we get safe access. If we get safe access, we can maybe go to the 25,000 cosecants,000 square feet, subject to the parking codes being met and everything else. So we are willing to continue working, and there's also a chance, councilmember Casar, if the ownership structure with our neighbors change, and we have incentivized the owners association, we will go to them and say, hey, we'll take care of some of those expenses; can we have safe access? If we get it, that's fantastic. We'll need to do that.

>> Mayor Adler: Okay. Thank you.

>> Yes.

>> Mayor Adler: While you're up, I'm going to let you speak, you're signed-up speaker. As we listen to the testimony, Mr. Casar, my inclination at this point is probably something I'm going to support because I think it's safer.

[9:06:08 PM]

It removes some of the impediments, I think, and the potential when we have someone that moves up higher, out, the decrease in square footage has already occurred, I'm probably okay with this, you know, pending conversation we're about to hear. It's already been pulled back a lot from where it was before and met a lot of the questions. I'm concerned about creating a situation with the neighbor who went below the 18,000.

>> Casar: I'm sorry, help me understand. I understand you would support the floodplain variance. Would you support an amendment to that continuous having an significance even after the floodplain variance is granted, for -- for the applicant to work with the neighbor to get safe access anyways?

>> Mayor Adler: I would support limiting it to 18,000 but allowing for the 25,000 if there was safe access, that incentive asked thank you.

>> Mayor Adler: Do that. Access --

>> Casar: Thank you.

>> Mayor Adler: Let's go to the speakers we have identified.

>> In light of the time that we have, the speakers can waive if we wanted to move forward. I think Kevin has done a great job, and the speaker will be me. They've donated nine minutes. I would rather not say any more.

>> Mayor Adler: Okay. Those are all the speakers, then, speaking and wishing to speak. Mr. Zimmerman?

>> Zimmerman: Well, I wanted to move approval. It's 9 o'clock.

>> Mayor Adler: Okay.

>> Zimmerman: If we get out of here by 10:00, I wanted to move approval of this variance.

>> Mayor Adler: Let's get the motion. Mr. Zimmerman moves approval. Is there a second to that motion? Ms. Gallo seconds that.

>> I've just got a quick question of staff. I'm sorry. Why is a helipad not safe access? I'm used to people on rooftops getting evacuated all the time. Not all the time, but on the news you had them getting evacuated.

>> It's possible, right. The safe access rule in the development code states it has to be by direct connection to an area that's outside the floodplain.

[9:08:10 PM]

So we interpret direct connection to mean a walkway, a sidewalk, a street, so it's a direct connection from the building to land that's outside of the floodplain.

>> Gallo: But this would be a direct connection but through the air. I'm just curious, it just seems like that's an opportunity when no other opportunities are available for the city to be able to say let's -- let's let you do that, and at least it's better than not having any safe access. I'm just curious. It just seems strange that we would necessarily eliminate that as a possibility when there are no other possibilities.

>> It was -- it was the first time I had ever heard that, so it was an interesting request for us to consider.

>> Gallo: Okay. All right. So it would be land -- it's the land development code that would need to be changed, or is it your interpretation of the code?

>> Well, I mean, our interpretation of the words direct connection would mean that it has to be a physical connection to that -- to the land out of the floodplain.

>> Gallo: Okay. All right. Thank you.

>> Mayor Adler: Okay. There's been a motion and a second. Any further discussion? Then we'll take a vote. Those in favor of this, please raise your hand.

>> I'm sorry?

>> Tovo: I just want to clarify, are we voting on 18,000, or does the motion encompass the proposal that councilmember Casar --

>> Mayor Adler: We didn't discuss it but let's do that. Do I understand correctly that the motion --

>> Tovo: What is the motion? What's the motion on the table?

>> Mayor Adler: To grant the variance, but to also include in it the ability to go to higher than 18,000 square feet, should safe access be obtained. Is that correct? Do you want to give him that option to do that? Ms. Pool?

>> Pool: Mayor, the way you phrased it doesn't -- doesn't include a cap, so we would need to at least have a cap. Is there an option for just approving this variance and then having them return having them your honor if safe access becomes available and I guess I'm looking to our city attorney for guidance on how that works.

[9:10:20 PM]

Can you return on a floodplain variance if you have already received one in a year?

>> After a year.

>> Tovo: So the one-year provision still -- is still in place even if it was a positive vote? I thought -- I thought it was just if they got turned down, they can't return within a year.

>> The ordinance is here.

>> Gallo: You may be right in its denial. I have to go look at the code, so it's possible that he could come back. I hadn't thought about it in a while, but it may well be if it's denied, you can't come back. I guess the code probably doesn't anticipate that you would be approved, and yet come back. So the language is -- I'm guessing its denial, but I would really need to go look up the code provision, which I can do.

>> Tovo: Thanks.

>> Mayor Adler: Mr. Casar?

>> Casar: Can I get a sense of what the concern would be of saying 18,000 square feet is allowed under this proposal, but you can go up to 25,000 square feet if you obtain safe access? And my gut is that there is an opportunity for these folks to get safe access, but it might be hard to negotiate that safe access until there is some certainty in how this all would work. And my understanding is that Mr. Kamar is amenable to this.

>> Mr. Mayor, if I may add one thing, I'm thinking through how the process may work. Hypothetically, the floodplain variance is approved tonight, they build the 18,000. A day, a years, ten years later, if they come back in and do a revision to the site plan and that revision to the site plan has safe access, then that wouldn't require a floodplain variance because they would be meeting the code.

[9:12:26 PM]

So they're not increasing non-conformity so they have safe access. So I think they could do it. It's just an administrative process. It's a site plan approval.

>> Casar: I mean something different, which would not be for them to build 18,000 and then come to add. I think that there's a chance that they could, because they have this floodplain variance, negotiate safe access and be able to build their full 25,000 all at once, but I anticipate that they aren't -- does that make sense? I would not want to grant this and then create no incentive for them to go and get the safe

access. I would want to grant this, with the incentive that if they get safe access, they could do the full 25,000. So it's not about the second round, it's about getting it all done in the first round.

>> Pool: Mayor? I'm confused bought it sounds like the incentive is baked into the situation, just as Mr. Shunk just said, if gets a safe compass, which Mr. Kamar has told me, three, maybe not anybody else, but he did testify that he asked the neighboring building owner if he could put a sky ridge across to that building in order to provide the safe access, and he was told no. And I don't know where the idea is coming from, incentive or not, that that "No" will change. So I'm curious to know what you know that we don't know that will create this "No" into a "Yes."

>> Casar: I think that he -- there would be a floodplain variance, and that he would have the ability to build, and that that may -- that could change things, because right now he's negotiating with no ability to build anything. But that's why I'm -- okay, that's fine.

>> Mayor Adler: So I think the motion as it's made is just for the variance as requested, 18,000 square feet, unless someone wants to make a change.

>> Casar: I would like to create an incentive, if we give this variance, then there is no incentive for there to be continuing negotiations or attempts to get safe access, and I think that it is helpful to create that opportunity.

[9:14:38 PM]

Otherwise, we could grant the variance, and there is -- and there is no incentive; otherwise, this way, we would grant the variance, and that would push for there to be continued talks because that extra square footage would be on the table.

>> Mayor Adler: What I'm having trouble understanding is, if they were able to get safe access, then he could go up above 18,000 square feet so there's an incentive that's already built into the process. We give him the variance at 18,000, if he's able to get safe access, he can come back and ask for more than 18,000 because he'd be entitled to it at that point.

>> Casar: I understand that part now.

>> Mayor Adler: It's been moved and seconded to grant the variant request. Any discussion? It's unanimous on the dais with Ms. Garza gone.

>> Thank you, mayor, councilmembers, appreciate it.

>> Casar: Thank you for explaining that back to me a couple of times. It's late.

>> Mayor Adler: It is late. It is no earlier than 6:30. Let's now do the other -- the last item that was set to be called at 4 o'clock, which is item number 99.

>> Thank you, Mr. Mayor, item 99 is a variance request at 4515 avenue D. We did talk about this one last week, Mr. Mayor, if you'd like me, I could step through the presentation again to highlight some things. There hasn't been any significant changes as far as the development plan goes, so I'll look for some direction on the next steps. I'm happy to answer any questions.

>> Mayor Adler: Does anybody want the presentation again? I think we're okay with that? We have some questions, though. Mayor pro tem?

>> Tovo: Yeah. I think you and I had an opportunity to watch the whole -- I missed the hearing last week but I've watched the tape a few times and I've been out to the site a couple of times and I've talked to some others about it. I wanted to talk to you about a comment that I heard you make in the testimony last week, and that was that a tract several lots down had flooded, and I just want to make sure that I understood that properly.

[9:16:45 PM]

>> So let me get my notes to make sure I get the dates right. November 16th-23rd 2004 had two rain events that were significant and we had some flooding on Waller Creek and houses just a couple lots to the north of this did have some flood damage, and some of the pictures that we showed, showed a car that had floated a little bit downstream, down the street.

>> Tovo: So in talking with a neighbor who lives on that street, that neighbor mentioned that the street on rain events does flood with some regularity, talked about it displacing garbage cans and getting water; do you have any knowledge -- it was not 12 years ago, it was, you know, in the recent -- within the last year or so. Do you have any -- any information about that? There was also a suggestion that at one point there was a sign in the yard within the last year that they thought was a city sign, talking about whether it could be inhabited. Do you have any information about any of those?

>> The last piece I'm not sure about but the July 17th, 2014, there was some flooding in this neighborhood as well. We don't have any reports of structure floodgate then, but certainly Speedway and 45th certainly had some water in them as well.

>> Tovo: How about the Memorial Day floods of 2015? I was actually stuck for a little bit in Hyde Park because so many of the letter streets were flooded, some up to cars. Waller Creek, I believe, overflowed its banks based on water I saw running around there. Was this one of the streets that was impacted?

>> Not to my knowledge at the moment that we had flooding on Waller this far upstream for the Memorial Day flood, so I don't have any report of that.

[9:18:51 PM]

>> Tovo: Okay. Okay. Thank you.

>> Uh-huh.

>> Tovo: No, I do have more questions. So the other point I wanted to drill down in -- drill down on, whatever that phrase is -- it is really late. It's been a long day. So there are exclusions within the 50% of the value. You can spend 50% of the value and no more for improvements to the property if it's in the floodplain but as I understand it there are exclusions for health and safety remedies.

>> There are. And those exclusions come in the substantial improvement rule. It's -- FEMA provides us guidance on the types of improvements that could be excluded from those costs. I think the best way to explain it is through an example. If somebody was proposing an interior remodel and redoing the floor and subfloor, and in doing so, they pull up the -- all the floor and there is a relation that the piers that are supporting the floor and subfloor have significant termite damage, and upon inspection, the inspector sees that and says, well, those columns don't meet code to continue the work that you're doing, so the cost to change the columns themselves would not be included in the cost of the substantial improvement, but the other renovation costs are included. So it's a -- it's a cited code violation or safety violation, and those costs -- the minimum costs to complete, to fix those violations can be excluded.

>> Tovo: Are there any code violations on this property that you're aware of.

>> Not that I'm aware of.

>> Tovo: And so with regard to the idea that I think was discussed last week about just lifting the house up, lifting the existing house up, if this is an area that has documented flooding, could that expense of lifting the house up be considered as an exemption to the 50%?

[9:20:58 PM]

>> I don't believe so. Because just to -- if there are portions of a building that don't meet current code, and, say, windows is a great example, windows that don't meet current code, if someone wants to replace the windows because they want to get better energy efficiency, that, in and of itself, doesn't

moon that we exempt the improvement. So if something doesn't meet code, you don't exempt those costs, it's the cited safety violations, the minimum costs to improve those -- to perform those improvements is excluded.

>> Tovo: But if it's in an area -- so does it have to be a safety violation or can it just be a safety issue? I can't pull it up right now but I thought the language was a little more general than that. If it's a safety issue for that house to be where it is in relationship to the floodplain, and lifting it up would provide some relief and get it out of the potential for flooding, and you can document that there has been flooding, which there may be an ability to do, wouldn't that be -- wouldn't that be some rationale for being able to -- because I did follow the discussion last week about it would be safer if the house is lifted. On the other hand, I heard the owner say he can't -- he doesn't believe he can accomplish that within the 50% valuation of the house.

>> It has to be a cited safety violation.

>> Tovo: Okay.

>> Not necessarily a safety improvement.

>> Tovo: I see. Okay. Thank you.

>> Mayor Adler: We have speakers that are signed up. Any discussion on the dais before we go to the speakers?

>> Renteria: I have one question. Part of the agreement on the variance was that -- that they weren't going to come to us if they get flooded, that they're not going to ask us to bail them out.

>> There was some -- there was questions from the dais to staff, and I believe the law department provided a memorandum addressing some of those concerns.

[9:23:04 PM]

I'm sure the law department will be happy to respond to that. >>Zi cotton, assistant city attorney. A memo was provided. If you want me to walk you through it, we did talk about the idea of a -- some kind of restrictive covenant which would require the property owner to seek a floodplain -- I mean a floodplain buyout. Our summary was that while you can do that, it's a limited value to the city, as it's probably not enforceable since the owner doesn't have a right to a buyout, that decision is made by council. So by limiting that decision about a buyout, you're really limiting -- you would be, if it were enforceable, limiting yourself and your ability to buy them out. And so for that reason, if that were to come up, the city would likely not enforce the restrictive covenant that kept it, the city, from buying out an owner. The city could adopt a policy regarding how it -- how it considers properties with floodplain variances in a buyout situation, and we could -- there was a -- some concern about notice to the public, and of course we require a drainage easement as part of the floodplain variance requirement, and we did talk about in the memo that if you -- we could certainly take a look at the drainage easement terms itself, make sure that it's clear in the easement itself so that when someone does a title search and sees that they have drainage easement, they would also see that it had been granted a floodplain variance, and what the terms of that variance were, and in that easement or somewhere else, we could certainly reference a city policy, if there were one, about buyouts.

[9:25:10 PM]

>> Mayor Adler: And in that regard, I think in this conversation, that's what I would like to do if this passes because I recognize that a future city council could opt to pay that amount, or twice that amount, but I have now been on this dais long enough to know that's -- that conversation will probably be, a buyout -- a subsequent owner will say I didn't realize I would be eligible and I've invested money in the property. So recognizing that city council in the future can do whatever it wants to do, I would like to

make it as easy as we can for that city council to say that the subsequent -- that this owner and any subsequent owner was not only on notice that it was in a flood area, but that specifically permission had been given to invest in the property, and it was at the very least this council's advice to itself and to future councils that this property owner knows and subsequent owners would know that it was recommended that compensation not be paid in the event of a buyout. I say that recognizing that councils in the future can do whatever they want; I just want to make it as easy and direct as clear, not only that it's in a floodplain, but that they don't have to pay money for the improvements unless they want to. Ms. Kitchen.

>> Kitchen: So are you thinking in terms of the best way to do that is with the covenant or with the policy change, or with both?

>> Mayor Adler: Well, we could do both.

>> Kitchen: Uh-huh.

>> Mayor Adler: But in this instance, if we were adding a flood easement on it --

>> Kitchen: Easement, I mean, yeah.

>> Mayor Adler: The easement in capital letters that said, by the way, this easement was granted incident to an owner's desire to invest more money in this property, and the council that granted that not only insisted on this easement but also noticed to that owner and to subsequent purchasers that if there's any future time where there's a buyout program, the council was indicating it would not pay for those improvements.

[9:27:14 PM]

And the buyer builds those improvements recognizing that and subsequent owners buy this property recognizing that. And put that in capital letters or notice in capital letters to something like that. Ms. Kitchen.

>> Kitchen: I would agree with that approach. The other question I have is just for clarity, and we can't do this today, but if we were to change policy, which I think is what you were maybe mentioning --

>> Uh-huh.

>> Kitchen: -- Is that we would mean that we could potentially create a policy that says that -- that people that have received a floodplain variance are not eligible for buyout, or something to that effect. I mean, that requires more discussion and thinking, if that's what we wanted to do, but that's something I would be interested in exploring. So ...

>> Mayor Adler: I would, too. I think what she was telling us was you could do that, but even in that instance, that council -- and we want to do a different policy. I just want to make it as easy, as do you, for that council not to have to that.

>> Kitchen: Yeah. I'm just thinking both routes, so ...

>> Mayor Adler: Okay. We have some speakers to speak. Sir. Okay. Now, we have -- people look like they have donated time. Is Brad parson here? And is Mike Polston here? Have you donated your time to this speaker?

>> I'm sorry.

>> [Off mic]

>> Mayor Adler: I have you -- I have Brad parson, who's not here -- oh -- oh, there's Brad. I didn't see you. So I have Brad and Mike both donating their time to Jay amate. Is that right?

>> Right.

>> Mayor Adler: Okay. You have nine minutes.

>> I'm Rachel.

>> Mayor Adler: So Rachel is going to go first. We've changed the order. Got it. Rachel, you have three minutes.

>> All right.

[9:29:15 PM]

Mayor, mayor pro tem, and councilmembers, my name is Rachel Cummings and I'm here before you today to ask for flood variance on avenue G, our future home, as I was born and raised in Austin, I watched the city develop into the thriving and lively city it is today. While attending college at the university of Texas, I spent an ample amount of time in the Hyde park area. The problem is that many of these older homes and duplexes in Hyde park are falling apart along renters who aren't investing this irthis property's integrity. You have these cases, then you have new construction cases. Some that stay with the vibrancy and character of the area like our proposed home, but most of them are now multidevelopment homes, taking advantage of the desirability of the neighborhood and only adding to the possible flood hazards provided by the larger surface areas. We would like to build a home for ourselves in Hyde park, and the current house that we have bought is clap day. Our single-family house design will significantly decrease the flood water capacity of the lot by reducing the level of the flood water. Our engineer's hydraulic analysis shows no adverse impact to neighboring properties but actually improves flooding conditions. We would love the opportunity within Hyde park and ask that you please approve the flood variance. Thank you and I'll refer all questions to Jay amate.

>> Mayor Adler: Thank you. Mr. Amate, do you want to speak?

>> Yes.

>> Mayor Adler: And I have you with two donated times, so you have nine minutes.

>> Thank you. Mayor Adler, mayor pro tem tovo, members of the council, I'm here to speak to my proposed out on avenue D. My house will do three things, make my neighbors, family, and properties safer. The pier and beam foundation is specifically designed to reduce the overall flood water heights in the immediate area. Please imagine a large bolder in a flowing river, and a small rock in the same river.

[9:31:20 PM]

The water levels near around the large rock will be higher as the water hits it while the levels of the smaller rock's water will be lower. The fact that I had just piers in the flood way versus the existing home, which is about a thousand square feet, these piers displace less mass. Two, the flood water capacity will be increased on the lot. There will be less mass in the flood way itself and the houses only sitting on flood resistant piers, if you could please imagine a tub, a finite amount of water, and there currently is a basketball inside that water, it's raising the height of the water at a great amount, I'm replacing that basketball with a baseball sized object. In fact, it's nearly 75% less mass that will be in the flood way for the new construction piers versus the existing home. Please be aware that I'm only using approximately 35% of the gross floor area versus the 40% that's allowed for a lot this size. It's a 10,000-foot-square-foot lot. By code I could have condos, or duplex or a much larger house with many more bedrooms.

Three: If the house was habitable now, which it's not, there was a structural report provided to you last week that the house is not habitable, it's not salvageable, at really almost any cost, the occupants of the current house would be two feet into the flood way. I am elevating the house nearly four feet off the existing grade, putting the finished floor two feet above the current flood water level, authoring a great margin of safety as only one foot is required. Per two engineer reports, there will be no adverse impact to neighboring or downstream properties with this current -- with the new house. I've worked with no less than two engineers and consulted many others to ensure that we make this building as safe as possible. The foundation is designed to surpass building code for withstanding flood waters, as well as framing standards. It's finished floor is two feet out of the flood way when code only requires one.

[9:33:24 PM]

The framing will be all two-by-six and will have strong trusses for the floor and roof. The building will be fully sheathed. Regarding safety I have a letter from AFD that in 80-plus years that house has existed, we have never had a flood-related rescue come to that address. I've met with the Hyde park development review committee no less than four times. The Hyde park steering committee, which has several members that -- that -- what's the word? They basically -- I'm at a loss for words right now, but basically they run the Hyde park neighborhood association. The steering committee. My plans meet their approval for the character of the neighborhood as it is single-family, single-story home. I want to point out that not only both co-presidents of the Hyde park neighborhood construction have written a letter for support of my house, but the vote to approve it was unanimous amongst its members. The letter was sent to you in the time since I last presented last week. That letter should be in y'all's backup. I also want you guys to consider that neighbors on the very same street have been given variances in a 25-year floodplain recently. 4518, the neighbor directly across from me, was granted a variance for the -- in the 25-year floodplain. 4606 was built in the time that I purchased this lot till today, and it is also in the 25-year floodplain. One street away east of me, closer to waller creek itself, neighbors at 4515 speedway were granted a variance for a duplex, a two-story duplex. 4508 speedway, as well as 4406 avenue F, one block way, even closer to waller creek than I am, have been granted variances. I also want to point out to say that in 1930 a single-family house was about a thousand square feet. In 2016 many common single-family homes are about 3,000 square feet.

[9:35:27 PM]

I'm only adding one more bedroom to this house, compared to what's currently there. When I purchased this lot at 4515, I knew about the hundred-year floodplain, but I did not know about the 25-foot -- year floodplain, and I was expecting to be granted an administrative variance from watershed. But I came to learn that they cannot give approval as the roadway itself on avenue D is in the flood way. It isn't discretionary for them. They can't grant me a variance just because I meet some certain conditions. They simply cannot check off that box. I cannot get safe access from any neighbor as we are all in the flood away. There are hundreds and hundreds of homes that are in the same condition on the same streets. The expense to get to this point today before you has been great. The time, over two and a half years. I would not be able to sell that lot as it could not be developed or remodeled. The cost to make it habitable would be greater than allowed by city code as the house itself is -- the structure is valued at 53,000 and I only can do 50% of this improvement every ten years. 26,000 won't even get me central ac into the home, much less raise it above the floodplain. If you vote against this variance on avenue D, which would be a huge financial hardship on me, I would essentially have a worthless lot that could not be developed, could not -- could not do anything, just be a dilapidated home that if there was ever some flood, could potentially just collapse. I want my eventual children to be in the Lee school district. I've heard rumors that ridgetop is closing and I really enjoy the character of the Hyde park area. Thank you for your time.

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

>> Tovo: Thank you. As I mentioned before I had an opportunity to hear your testimony from last time, too. In doing a little research about the property, though, I noticed you're listed as a property owner on several properties, including one on avenue H at 5106 avenue H, just a few blocks away, and I wondered why -- is that property within the floodplain?

[9:37:28 PM]

>> It is not.

>> Tovo: So why not choose -- why not build on that or renovate that house and --

>> It's not in the school district --

>> Tovo: And that instruct?

>> It's not in the school district I want. The lot will not support a house that will fit my needs. It's currently a rental house that provides a very modest income. It was a long-term investment that was a gift to me, not something I purchased.

>> Tovo: I believe that it is still within the Lee elementary school district, which you just mentioned. It is within the same attendance zone, it's just a matter of several blocks away.

>> Yes, four -- I guess six blocks away, six or seven.

>> Tovo: Okay. And it looks like you purchased both around the same time?

>> I believe that one was --

>> Tovo: It wasn't clear to me whether it was 2013 or 2014. There were two transactions listed. Then this one looks like it was 2014. But I guess your point is that the avenue H structure is a smaller lot?

>> It's a smaller lot. It's in a less desirable area for me. I would not be able to build a house that I want to build on avenue H. And, again, it's a rental property. It's an investment for my future.

>> Tovo: Okay. All right. Thank you.

>> Mayor Adler: Any further discussion? Questions? Thank you, sir. Next witness, next person, Phil moncata. Sir?

>> Good evening. It's definitely late, mayor. I'm on the same page with you. I believe my client, Mr. Amaje, has pretty much covered everything that I was going to discuss, but I did want to emphasize to the city council and the mayor that I did make the open records request with AFD, and I'm just reiterating what he stated, that in the backup that I provided, with additional -- four additional signatures from the neighborhood and one amended comment from Mr. Connor, we had made requests, but I was unaware that we had to do it by physical address, and unfortunately under open records, I was unable to get any additional information other than speaking to Mr. Connor, who had had the opportunity to speak to some of the neighbors.

[9:39:48 PM]

And even with the photo that y'all saw in the previous floodplain variance that was approved, where you showed all that water at 10th and Lamar, there was no water on avenue D, according to someone that lives there. And I believe that my client has done his due diligence, and something -- something that was brought up at the last hearing, I just want to reiterate and classify it clarify it one more time. Somebody asked, didn't you know that house was in the floodplain? The mls listing only stated the house was in a hundred-year floodplain but did not identify it was also in the 25. And under current city code, you are allowed, if the lot was platted before 1983, you could get an administrative variance and not have to come to a city council hearing for a variance, if you were only in the hundred-year floodplain. That was an oversight on the -- on my client, I believe, buying the property, but at the same time, I don't know if that's something that should be amended with the real estate council, where they might consider including that information, because very critical. And he has been working on this project for two and a half years. I'm available to answer any questions.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Thank you very much, Mr. Moncata. I was having a little trouble pulling up the gis viewer the other day. Are you aware of whether the 25-year floodplain shows up on the city's gis viewer?

>> If it shows up on the gis viewer?

>> Tovo: You know how you can pull up any property in the city and see various things? You can see --

>> Not always.

>> Tovo: You can see the zoning, you can see conditional overlay, you can see the floodplain. Sounded like you were saying --

>> Even on the last map you just saw, councilmember, even Mr. Shunk stated it was very difficult to see where the hundred-year started because all of that property, I believe, was in the 25. But there is that opportunity if someone is familiar with the gis, to see what -- what a property is in terms of floodplain.

[9:41:58 PM]

That's correct. But we've been having trouble accessing -- I do this, besides just this, this is what I do for a living, development, permitting, and environmental consulting, and the city is upgrading their current system so we've been having some trouble getting to certain sections, including the floodplain maps.

>> Tovo: Yeah. To be clear, I think one of the reasons he were having some difficulty is that we were working on the phone, so I'll ask with Mr. -- I'll ask Mr. Shunk, would that be one of -- or Mr. Rusthoven, is that one of the items that would appear on -- or does appear on our city's gis source?

>> Yes. The floodplains would be on the city gis development viewer. In addition, they'd be on flood [inaudible], which is our floodplain information tool.

>> Tovo: Both the 25 and hundred-year floodplain.

>> Yes.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: Before you sit down, sir -- I'm sorry. There was some reference to how many variances had been given on the same street, on the street over, on two or three streets over. When were those variances given?

>> Well, I don't know exactly, but I brought them all to council, so it had to have been the last eight years. I would say probably within the last five years.

>> Houston: In the last five years. And can you remember the ones on the street, why the variance was given rather than denied? Was it a different house? Was it different circumstances?

>> Well, I mean, I say this a lot, but I do actually truly mean it. Every situation is unique. The one across the street from this house, 4518 avenue D was originally an expansion of a house that was there. The first variance was just an interior renovation, exact same footprint. And then they came back and got another variance to put a second floor on top of that, so it didn't become an expansion. One house on speedway was a single-family, went to duplex. One was -- one was an interior renovation, then that -- a slight expansion for a kitchen area, and another one was a demolished single-family, new two-story single-family.

[9:44:11 PM]

>> Houston: Thank you.

>> Uh-huh.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I went back and looked at a couple of those cases as well, and I can't remember some of the specific circumstances, but what I would say -- and I supported several of those in my first term. You know, one of the things, though, that has changed for me is that we've had some very significant flooding events and a lot more -- a lot more information about what the consequences are, you know, not just in terms of health and safety, but from the city, when we have to intervene on those circumstances. So for me, I've come to -- I certainly look at these differently now than I did when I voted on those first few.

>> Mayor Adler: Next speaker is David Connor.

>> Green, city council. So, again, I was here last week, and Jay -- within a week, Jay formally has received Hyde park steering committee support. And I think both co-presidents have sent you letters. I'm flat that some of y'all have gone down to the neighborhood, avenue D, and see -- and looked at the neighborhood and see how vibrant and how much a lot of construction is going on. Kevin just showed you a picture of Lamar, 1000 street Lamar flooding. We had the same rainstorm. That flooding did not occur in Hyde park. Yes, flooding did occur in Hyde park in the past couple of years, but it's along speedway and 45th street, along waller creek, the museum property. His area, and we've talked to neighbors, too, water may have reached above the creek, but there was no water in the houses. A lot of developers have built in this neighborhood, built cookie cutter houses. They did not come to drc nor did they come to the neighborhood association to get support. Jay has come to the neighborhood and drc for the past couple years. We support his project. So we understand the concern, but we live in the neighborhood.

[9:46:13 PM]

We know what's going on. So we hope you support the variance. Thank you.

>> Mayor Adler: Thank you. That's the last speaker. We're back up to the -- to the dais. Anyone want to say -- is there a motion to approve the variance requested here on item number 99? Mr. Zimmerman makes the motion. Is there a second to approve the variance? Ms. Troxclair. I'm going to support this motion. I'm going to support this motion because on balance, I think it makes things safer. If there was a way to elevate all those properties two feet, I would do that. Bargain for exchange is that in order to entice the property owner to do what I think is public good and raise the house out of the floodplain, he's asking for an additional bedroom, and I would -- I would make that bargain. Any further discussion? Mayor pro tem.

>> Tovo: Yeah, I'd like to make a motion to limit the square footage. I understand the points, and I think it's a useful one, that raising it out of the floodplain actually makes it safer for the eventual occupants, whether there the property owner or renters, or a future buyer, but what -- you know, to me as I wrestle with these, and they're all different, I think the specter of flooding and the really terrible flooding that occurred in councilmember Garza's district where there were deaths and just significant, significant property loss, as a councilmember who represents this district, I will say we've heard concerns from -- from Hyde park and from Hancock about flooding issues in there, so I know that this is a challenge, too. And every flood event is different. You know, there may be issues on south Lamar and not in other areas, or issues, you know, in the memorial day floods, I think there were several areas set up.

[9:48:21 PM]

We were most worried about onion creek, and there was an emergency operation set up in Hyde park because it was unanticipatedly -- the flood waters were higher there than had initially been -- well, I don't know if it was initially been anticipated, but the other we were worried about was Hyde park -- I mean onion creek, and lo and behold, they had to have an ambulance in Hyde park as well. So what I -- you know, while I can support -- while I can support a measure that would eliminate the risk of having the existing house in the floodplain, I can't support increasing the square footage and increasing the amount of in habitable space to this extent. I just don't -- I don't think that that's in line with -- with a safety measure. So I would suggest it's at 912 square footage -- square feet. They're requesting 3344. I would just throw out a number of, say, 1200. I'm open to discussing it, but something in the

neighborhood of around the existing square footage so that we're not substantially increasing the habitable space.

>> Casar: I'd second that.

>> Mayor Adler: Further discussion? Mr. -- Mr. Zimmerman and then -- and then Ms. Kitchen.

>> Kitchen: I was going to speak against that motion, but can we hear -- because I've already spoken to this, I think. Can we hear Ms. Kitchen first, councilmember kitchen?

>> Kitchen: I just had a question.

>> Mayor Adler: Go ahead.

>> Kitchen: Actually, my question is a little different. It might come later. We had had the discussion about the easement, and my question is whether that was part of the motion. To me it makes sense.

>> Mayor Adler: I think it feeds to -- if we're going to approve this, I think there needs to be that measure of notice for different council. So the next amendment?

>> Kitchen: Okay, I can support it with the next amendment with that measure on it.

>> Mayor Adler: Okay.

[9:50:22 PM]

Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. We might consult the property owner on it, but I can tell you it's going to be a very expensive project to go in and build a house on stilts effectively out of the floodplain. There's a point where you just make it economically not feasible to chair that structure down and rebuild. I mean, if you -- the larger you make the home, the more you can kind of amortize the high cost of destroying the existing house and putting up another house. It's going to be more expensive to build it than it would be if you didn't have to lift it out of the floodplain. So I think that may be partly why they're building a larger property, just to make the economics work.

>> Kitchen: I have a question for mayor pro tem. I've been trying to understand the relationship between the -- help me understand how limiting the square footage -- how that relates to -- to the concern. I would understand it better if you were saying -- if it was something like a limited number of bedrooms or something like that, because I don't think we're limiting the number of people -- is the idea to limit the number of people that can live there? Is that what the thinking is? Or what is the -- what's the concern?

>> Tovo: As I understand our ordinance, and I would look to our staff for the actual language, but one of the -- you know, one of the triggers is that we not increase the habitable space and put more people, I assume, the next part of that -- I'm extrapolating here, is that we're not putting more people in danger than would currently be in danger under the existing structure.

>> Kitchen: Okay.

>> Tovo: So for me almost tripling -- no, more than tripling the size of the structure actually will put more people in danger, potentially. And of course, you know, I see 4,000-square-foot houses that are occupied by one person. So there's not always an actual relationship. But I'm trying to stick as close to our standards and our code as possible, and for me, not increasing the habitable space on that tract is a significant measure.

>> Kitchen: I appreciate that, but I don't think it's directly correlated.

[9:52:25 PM]

I don't see a direct correlation between square footage and the number of people that are going to live there. I mean, it would be closer correlation in my mind if you limited the number of bedrooms or something like that, so -- I mean a 1200-square-foot house or 2,000-square-foot house or whatever, you

could still have two people living there, so I'm just not -- I'm not certain that we're getting there, you know. I'm not certain we're accomplishing what you're trying to accomplish, and so that's why I was --

>> Mayor Adler: Mr. Casar?

>> Casar: My other reason for supporting this is also to not -- we want to promote safety and get pier and beam where there is a large mass. It's good for the floodplain overall. But I also am wary, as councilmember Zimmerman spoke about the economic aspects of this, I'm worried because it's in the floodplain, speculatively all of a sudden becoming more valuable and more attractive to put large homes on, and because I do think that it is appropriate that land in a floodplain is going to be less valuable because of our rules, and I just don't want to start sending the message that that's where we want big houses to go. I think we could be creating a market for that and I'd like to avoid that.

>> Mayor Adler: Ms. Pool?

>> Pool: I have a question. The applicant says that if he raises it up, that the water will go under the structure. How do we know that -- that will look kind of funny, four feet or more up above all the other houses.

>> There are homes on that street already -- there are homes on that street already that have done that, and it's -- you know, it looks -- it looks --

>> Pool: Thank you for that. So my question is, how do we know that you won't come around later and that bottom part --

>> That's part of the restrictions, you can't have any skirting or break away skirting, that needs to be open to allow flood waters through.

[9:54:27 PM]

If I might add, they're going to fix the problems on Waller Creek eventually. This city's watershed department is already working on that, as well as the state. Eventually all of these areas in Waller Creek will no longer be in the floodplain. Unfortunately, I don't have the money or the time to wait to do that.

>> Pool: I had another question for you.

>> Yes.

>> Pool: So the skirting is not going to happen, but what about --

>> No, nothing.

>> Pool: Anytime anybody drives by there, it'll be completely open.

>> Right. I'll probably paint the piers to be a color that disappears with the lot so you don't see some concrete colored, colored pier. I'm more than happy to say that I'll never be bought out in the future and that can be a restrictive covenant for myself and future -- it doesn't matter to me, but I can't live in a 1200-square-foot home, I can't raise a family in a 1200-square-foot home. If I need to go from three bedrooms to two bedroom, I'll knock a bedroom out. I don't mind doing that, but this amount of space is kind of the amount of space I need to raise a family, and it would be remarkably expensive for me to go and redesign --

>> Pool: Thank you so much.

>> Thank you.

>> Mayor Adler: This is -- what came up before, was postponed. We have the opportunity to approve this on first reading, so that it can be moved forward, which would give this applicant an opportunity to talk to council offices. I'm uncomfortable, as we sit here, picking a size of the building because I don't know the economic impact of that, and I would like him to be able to make that case. So I would support the motion to go to 1250, I think that's what you said? Is that what you said? Or did you --

>> Tovo: I think I said 1200. 1250 is fine. It's in the ballpark.

>> Mayor Adler: On first reading only, so that that conversation can continue and the applicant can decide whether he wants to roll the dice at 3500 or 1200 or what he wants to do or if there's a compromise he would offer so as to keep the conversation going.

[9:56:39 PM]

Ms. Kitchen?

>> Kitchen: I will support on first reading also, but I want -- I'm interested in the -- the concern that councilmember Casar is raising, but I don't want to pick a number out of the hat. So I think there needs to be -- if that's an analysis that is worth consideration, I think it needs to be -- it needs to be thought through. But for purposes of first reading, I'm okay bringing it forward. I also do want to make sure that we put the easement on it, so ...

>> Mayor Adler: There's been a motion to limit the building size to -- to 1200 square feet. Is there a second to that? Mr. Casar seconds that. Further discussion on that. The amendment is on first reading only, mayor pro tem?

>> Tovo: Yes.

>> Mayor Adler: Ms. Troxclair.

>> Tovo: Actually, it was someone else who made the base motion.

>> Mayor Adler: Okay. Who made the base motion? Mr. Zimmerman. Are you okay with it being first reading? Because you didn't specify.

>> Zimmerman: I didn't specify first reading was okay but I'd like a chance to vote against the arbitrary limitation of the size.

>> Mayor Adler: You'll get that chance in just a moment.

>> Zimmerman: Okay.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So if our goal is to -- I mean, there's a number of people that live there, by limiting the space or the number of bedrooms, I thought I just heard the homeowner say that he would be okay with never selling the property.

>> Mayor Adler: He said he was okay with limiting it to two bedrooms, as opposed to limiting --

>> Troxclair: I thought you said something else.

>> I said I would be happy never being bailed out, never being asked to be bailed out. If I need to limit from three bedrooms to two, I'd be happy to do that. No one builds 1200-square-foot houses anywhere in Austin, much less in Hyde park.

[9:58:39 PM]

It's economically not feasible. If you want to say, you know, I'll give you a footprint of 1200 square feet, let me do two stories, maybe that would be amenable, but I could afford to build a 1200-square-foot house.

>> Troxclair: I understand. I'm sorry, I misunderstood you. I thought you said you weren't ever planning to sell the property, and I thought if it was just your family living there, then it doesn't --

>> I could keel over tomorrow and that property would have to be sold. I could lose my job and I may have to sell that property. I don't know what the future holds.

>> Troxclair: Okay.

>> Mayor Adler: Further discussion? Ms. Houston -- you can sit down. Thank you.

>> Houston:thank you, mayor. This to me is one of those circumstances where buyer beware. This was something not entered in without knowing, did know it, perhaps not the extent of the 25 and the 100 year floodplain and, you know, I -- I'm gonna be consistent. I'm not gonna vote for it because I have -- I

think that we are taking people's lives in our hand when we say yes, we're gonna give you a variance and something might or may not happen. But as we continue to build more and more dense developments, the floodplain might change and shift and they may be in the first -- so I'm not gonna have that on my conscious, haven't, and I intend to not vote for a variance in a floodplain. So that's where I am, just so everyone knows.

>> Mayor Adler: Thank you. Further discussion? Yes, Ms. Gallo.

>> Gallo: I have a question of the applicant, please. Sorry. So when you purchased this property, did you do it with financing?

>> No.

>> Gallo: Thank you. So you didn't get a survey that showed it was in the floodplain.

>> I was only aware of the hundred-year floodplain, not 25. I was not aware of the gis maps.

[10:00:40 PM]

When I looked into it it only showed me the hundred year. The 25 and 100 feet, there's literally within a few inches of each other it.

>> Gallo: I was curious. I have a couple comments. I'm not gonna support this either and I'm really, really sorry because I know you guys are trying to do the right thing. The parts of this is that are concerning to me, so you understand where I'm coming from, number 1 we're talking about the 25-year floodplain so your risk is substantially greater. Two, you're talking about not just taking the existing house and I understand it's in a condition that needs to be improved, but you're not talking about just taking the existing house and elevating it so you're family is safe. But you're talking about increasing the size four times the amount. And I have a problem with us as a council establishing policy that encourages people do not only buy in floodplain areas but increase dramatically, have the ability to increase the size of homes in those. As mayor pro tem tovo mentioned earlier, you know, I think one of the things that this council over the last two years has been very aware of and involved in is the substantial issues and damage and loss of life that we've had with major floods. You know, it just seems to me that we're having more and more of those episodes more frequently, and this city spends a lot of money in flood buyouts. A lot of the taxpayer money goes to flood buyouts, and it just seems like we're saying two different things when we're trying to remove and use taxpayer money to get people out of the flood Zones and floodplains to make them safer but at the same time we're sitting up here and making decisions that we're encouraging people not only to build but build more in flood Zones. It seems like what we're doing is producing a policy that for people is gonna be very hard to predict what the council is gonna do as they come forward and look at flood waivers. I just -- it's hard.

[10:02:40 PM]

This is a difficult decision, but I think the circumstances are such that I just can't support it.

>> Mayor Adler: Ms. Tovo has moved to amend this to put a size limitation of 1200. Any further discussion on that amendment? Those in favor of that amendment please raise your hand. Those opposed? Zimmerman, troxclair, Houston, Renteria voting no. Garza off the dais. That amendment passes. 6-4-1. Yes?

>> Kitchen: I would like to put -- make an amendment that we -- it's an easement you're talking about, that we collide an easement that states the appropriate language that -- I forget how you worded it but something to the effect that it's not eligible for a buyout.

>> Mayor Adler: I think, council, you understand the gist of what we want. You okay with the discussion we had earlier, giving you direction?

>> I do. And while I'm here, I just wanted to clarify that you were right about the coming back after a year. It's only on a denial. So I know that was the previous case. I wanted to set that straight.

>> Mayor Adler: Thank you. That amendment is made. Is there a second to that amendment, including that notice for future? Yes, Ms. Pool makes the second. Is there any discussion on this amendment? Those in favor of this amendment please raise your hand. Those opposed? Unanimous on the dais, Ms. Garza off. We now have the motion as amended in front of us. Any further discussion? Mr. Zimmerman.

>> Zimmerman: I'm gonna go ahead and vote for this of course because I wanted to support the variance but the difference here is we have an informed property owner who is making a decision to take the risk and spend their own money, not taxpayer's money but to spend their own money building on a property that they know has a flood risk, willing to never be bought out, that can be enforced by future councils, but I don't know if this is gonna help him, I'm gonna vote for it but limiting the size arbitrarily to 1200 could have an unintended consequence of basically destroying millions of dollars of property along this area.

[10:05:07 PM]

There are other properties in a similar situation. And we could have families that have lived there for decades, the floodplain has kind of grown up around them and now they find themselves with effectively worthless properties because they can't economically renovate them because if you don't get increased size with the renovation you can't justify economically renovating the home. We could be creating slums along these areas because there's no financial incentive for people to improve the properties. So I wish we would get rid of that 1200-foot limitation, but I guess if we get it passed maybe that moves the ball forward and it can be discussed again.

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

>> Kitchen: I'm not sure I'm completely following your logic about how limiting the size of a new structure on this lot would impact the property values up and down the street, but I just encourage peopling to look at it. I had some photos I could show you. There's beautiful houses along that street. I don't think it's in danger of becoming a slum any time soon even if we limit the size.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I said this before I'll say it again, I'm gonna vote for this moving forward but I am concerned about putting a square footage limit. I'm open to that but I want it to be tied to some kind of data and analysis. So I'll be looking for that as we move forward.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: And I was convinced by councilmember Gallo's last pitch here so I'll just be voting no on the whole thing.

>> Mayor Adler: Okay.

>> Tovo: I'm gonna support this on first reading but I'm gonna continue to struggle with this one, I believe, and certainly I doubt I could see my way to supporting it with a big increase, but at this point with the size limited I'm comfortable supporting it on first reading only.

>> Mayor Adler: Okay.

[10:07:10 PM]

Those in favor of this motion as amended on first reading only please raise your hand. One, two, three, four people. That would be kitchen, troxclair, Zimmerman, the mayor pro tem, and me. That's five. Those opposed please raise your hand. It's the five others on the dais, Ms. Garza gone. This item does not pass. Only has five votes. That gets us to the last item on our agenda, which is item number 89. Staff, do you want lay this out?

>> Thank you, mayor, council, Greg Guernsey, planning and zoning department, your last item is case c14-2014-0120, item 89 on your agenda, zoning change request for the southwest corner of mopac, spicewood springs road, roughly go from mopac going west to hart lane and taking properties on either side of executive center drive. Size of the tract is approximately -- the applicant plans to go forward with a planned unit development that would construct approximately 865,900 square feet of office on -- through the planning and development process the modifications are -- total 24 in nature. They affect anywhere from parking, irrigation requirements, standards for street yard trees, general trees, tree removal, also requirements regarding improvements within the erosion hazard zone, setbacks, heights -- on setbacks, heights, design standards.

[10:09:41 PM]

There are two that aren't specifically in your backup that consider V come to our attention. One is the P.U.D. Would comply with side development regulations over the overall contiguous properties rather than tract by tract, although the land plan does call out certain height restrictions and square footage restrictions on these parcels, also that it is considered a contiguous for the purposes of processing the zoning application. The benefits that the P.U.D. Would propose generally would be those of the creek restoration that goes through the property, there's greater dedication, affordable housing at 5% mfi and 5% at 60% mfi for rental. There's additional flood mitigation, for on-site, 75% of the total caliper of heritage and protected trees would be preserved. The area itself is bordered by single-family homes, office, and quick lube to the north. The residential in the area is predominantly sf-3, offices being lo and the retail being lr. To the south is apartments, some that are zoned office and most that are zoned multi-family-2. Further to the east is more single family-3, to the west, I mean, and further to the east is mopac itself. Staff did recommend the planned unit development with the affordability that I spoke to earlier that -- also that 50% of the affordable units may be available for households, one or more employed by the Austin independent school district at 120% mfi, either at rental or ownership, that they are subject to the recommendations contained in the traffic impact analysis that's found in your exhibit I, if there's

[10:11:57 PM]

[indiscernible] Use that it's limited to 5,000 square feet. The environmental board did not come back with a recommendation on this property. They tried three times unsuccessfully. However, the zoning and planning commission did vote 8-3 to recommend the case with a staff recommendation with some additional conditions. Those conditions being that the building height will be measured at using the mean sea level, that there's a mixed development as required for [indiscernible] With commercial ground floor use and multi-family above, multi-family residential is required by completion of 500,000 square feet of office -- survey that is valid until the year 2030, which is approximately 20 years, what it says on my notes here, that the applicant is willing to pay 420,000 within one year for mission for the traffic -- mitigation for the traffic impact analyses and fully fund phase one items, three, four, seven, nine and ten as listed in the ti memo. That liquor sales is prohibited in all districts, cocktail lounges only permitted in association with a hotel use, that recommended requiring park phasing plan as proposed by the applicant and 250 apartments or 500,000 square feet is reached on the property. At this time I'll pause, given the late hour. I know the applicant's agent, Mr. Whalen, will be coming forward probably with a lengthy presentation he's shaking his head no.

[10:14:00 PM]

Staff is here if you have any questions. I'll turn it over to the applicant.

>> Thank you, Mr. Guernsey. We have professionals related to land planning, related to the -- related to traffic, and we are here to speak. So first location, mopac and spicewood lane, hart lane, wood hollow and executive crisscross it, bisect it. This is a 1970s and '80s office park with surface parking. It's also from the '70s and '80s with 66% impervious cover. There is trees throughout that are encased in asphalt or in this case the parking area. This tree happens to be a tree you can see filled with concrete. We've actually done a sonogram on this tree. It's not -- this was something that the neighborhood asked the Charette team do, and we'll talk about the Charette in a moment. I think it's good to cause and see what can be done. There are 13 individual lots. There would nobody tia. You would not have any detention or flood mitigation because you would not need to remove any impervious cover -- well, you might remove a little but you wouldn't be adding any impervious cover so there would be no flood mitigation, you would not be required to remove any impervious cover, the current zoning height would be maintained so that would be slightly lower than the current zoning or the zoning that's being sought through this rezoning.

[10:16:08 PM]

There would be no parkland dedication requirement. It would be strictly an office park. There would be no creek restoration and you basically double the size to about 900, 950,000 square feet. This is really your benchmark. And it's not just the owner's benchmark, it's the neighborhood's benchmark. This was really the best alternative to a negotiated agreement or what folks in mediation call your bata, best alternative to a negotiated agreement. So in July 2013, there was a 17 story proposal in April of 2015 that was reduced to ten stories with stakeholder input. Mr. Ruf, who you'll hear from in a moment had no idea what a design Charette was and that it was an incredibly [indiscernible] About it and it would be basically giving up the design control to a community exercise, which is representatives that organized the Charette selected dug Farr, a nationally recognized facilitator, he does this all the time. He's incredible. He has written a book about the Charette process. Again, doing it as an independent person, not on behalf of the owner or anybody else, but really on behalf of all stakeholders, including the community. Spire did pay for [indiscernible] Which included dug Farr, tbg, [indiscernible] As a traffic engineer.

[10:18:08 PM]

And there was also a grant from the national association of realtors. So one thing that was ground breaking about this instead of having Doug Farr come in even though does he this nationally and outline everything we would be doing, the neighborhood and owner collaborated, which was really unprecedented. The mission of the Charette team -- and this was one of our first meetings as I working group, to create a development plan for the Austin oaks site that satisfies the values of the neighborhood stakeholders and is economically feasible. Really, trying to balance all of the stakeholders interest and economic feasibility. So the Charette was organized in 2015. There were information sessions, and then value sessions and finally a one week Charette in January. Surprise, almost a year allege. This tells you a little of what happened. There was a precharette period where there were stakeholder meetings and then the facilitator came in and worked to develop ultimately a preferred plan, lots of participation, lots of different ideas that were proposed, and ultimately a preferred plan was proposed and distributed at the Charette by the designers. It had seven story buildings, those are the blue buildings along mopac and the rest were five story except on parcel six, which was a multi-family four story. The red was retail, purple is hotel, and two restaurants on parcel three along the creek. Mr. Farr had this idea of having parks within and connected, and this shows some of the

connectivity ideas he presented. This is one of his slides. This would be the proposed site of the neighborhood park as he had presented it. Right now it's this office. And this is what it would ultimately look like. He had this idea of heritage trail using the oak trees that exist throughout the area and ultimately you'd have a 10-foot wide multiuse path cutting through the property.

[10:20:15 PM]

For all to use. The creek here, the restaurants connected with a bridge and trails and the creek would get cleaned up. You'll see pictures of the creek in a moment. You can already get a sense here, it's 20 feet wide and has over 1.6 areas of impervious cover. This is what it will look like after. There will be a [indiscernible] The creek and two restaurants and a pedestrian connection. Refinements that occurred after January 25, the tbg team worked to make --

[no audio]

[10:23:23 PM]

>> Reddish color is some retail that would be facing the park. So the superior redevelopment for this is you'd be decreasing two and a half acres and there would be a limitation of 58% on impervious cover. It would be limited to 50% in an area that's close

[indiscernible]. We would be removing 1.6 acres of impervious cover in the floodplain, critical water quality zone and cef buffers, there would be 20,000 cubic feet of water detention and you can see here where we would lay it back, the reason it's configured this way there's heritage trees you can see at either end of that. Then the \$1.5 million to develop the heritage park and neighborhood park right along hart lane, we would

[indiscernible] There's 41% more open space than required under the P.U.D. Ordinance, and I think the trees, what you're gonna hear a lot about from folks, I'm sure, the commitment is that we would preserve 75 of the combined heritage and protected trees together and that all of the landscape trees that would be planted would be double the size, so going from 1.5 caliper inches -- there's lots of detail related to that. I know you'll have questions about the traffic improvement and the 20% overhead charge that txdot charges which we will be responsible for. Finally, you look at the environmental, and it is a package. The environmental, the detention, parkland, open space, affordable housing, Mr. Guernsey said 5%, it's 10% overall, there will be overall 10% of the housing will be at 60% mfi.

[10:25:33 PM]

That's what we have offered. I know there's a strong movement in the community for that -- for a portion of that to be made available to teachers from aisd at 80 to 120%. I'm here to tell you that our offer from the very beginning was 10% at 60% mfi. Then of course it's a mixed-use development at spicewood springs mopac expressway. It's at mopac expressway and spicewood springs road. It is a delicate balance. There's been a lot of negotiation, and when people talk about why can't you -- this building this way, why can't you scoot this building this way, the reasons become very apparent when you look at cef buffers and when you look at other restrictions on the site. So with that I'm gonna sit down. Thank you very much for the time and your patience.

>> Houston: Mayor?

>> Mayor Adler: We need eye motion to continue after ten -- we need a motion to continue after 10:00. Is there someone to make that motion.

>> Houston: I was gonna make that motion. I thought maybe y'all had done it while you were off the dais.

>> Mayor Adler: We were waiting for you. Ms. Houston makes the motion. Is there a second? Ms. Pool second that motion. Those in favor please raise your hand. Those opposed? It's -- yes vote everybody on the dais, which gives us our -- oh, and Ms. Troxclair as well. Okay. So we're fine with mayor pro tem here -- not here, Garza not here, Zimmerman not here. It passes. We'll continue on. We have some other speakers to speak to us on this. Let's go to Joyce stats.

[10:27:37 PM]

Is Joyce stats here? Is quatro [indiscernible] Here? Is Dana [indiscernible] Here? Is Jonathan Kaplan here? You're on.

>> Okay. Mayor, mayor pro tem, and councilmembers, thank you very much for taking on this case at this time of night. We really appreciate finally getting this in front of but I'm speaking as a member of [indiscernible] Board and as a member of the sun committee of our zoning committee that has been reviewing the various submissions throughout this year to ensure that the neighborhood's concerns are addressed. My material is in two parts. First a description of elements in the submission that need to be preserved in the city ordinance should this P.U.D. Be approved. And, second, an anticipatory rebuttal of things you may hear from the opposition. You've heard the Charette details described in some level of detail by Mr. Whellan. What I'm going to be talking about is what happened after the Charette. So after the Charette, the nwaca zoning subcommittee was created to verify that the Charette outcome was honored in the submission that's came about after the Charette week so we had an eight person subcommittee that with a very clear formal charter that focused on ensuring the Charette outcome was honored. We spent hundreds of hours doing that through the series of six submissions throughout 2016. A web page was maintained throughout with all of the official documents so that anyone in the neighborhood could quickly find them and follow what was happening. The elements you see in the final submission are the result of many hours of work and they do support the Charette outcome.

[10:29:38 PM]

The land use plan is one of the elements submitted that must become part of the P.U.D. Ordinance. It has the details of what was designed at the Charette specifying the layout of the buildings, details about how the parks will be created and maintained, how the creek will be restored, how drainage and critical environmental features will be handled, how streets will be addressed and a tree plan. A very critical element that's included in the notes on the land use plan is that the neighborhoods will be notified of any change to the P.U.D., whether it's administrative or substantial. We need this. The city code does not provide for notice of administrative changes. An important item that was on the land use plan but was removed by zap is the listing of mean sea level values for each of the buildings. This site has topography that varies a light so listing a height of building in feet or number of floors doesn't really tell you its altitude. We need the msl height to be able to visualize the profile of the height. We also need to avoid problematic changes. For example, while talking with councilmembers about this case it was clear that some want to see more residential housing on-site. A natural question might be couldn't we just raise that lowest building to five floors instead of four? But if you do that, and you look at its msl numbers, you'd find that doing something of that sort would raise it to be the tallest building on the site. So we need the msl values to avoid mailing mistakes like this and just to get us all to understand what that profile looks like. I'm grateful to Madeleine for pointing out that there were errors in the prior table. This slide gives you the updated numbers that have been triple checked with Mr. Whellan and with tbg so this is the set of numbers we would like to see in the land use plan. There are many other issues that were resolved during the review period of this year, which are recorded in a draft ordinance that Mr. Whellan wrote.

[10:31:44 PM]

These represent answers to requests from our subcommittee and also from city staff. While the law department may not use the ordinance wording we ask that certain exhibits from the draft be required. These each represent significant matters. I have them marked here as they were in some of the submissions to the city. The phasing plan is something we need to see. It points out when and how various amenities appear as the site is built out. The general provisions which had a permitted uses chart is the result of a lot of wrangling over details and we need to ensure all of that remains. The site development regulations cover agreements about building design, signage and impervious cover, among other things. We need the informative exhibit about the code modifications, the 22 code modifications being sought. Many of the city staff and many of us who are neighborhood leaders will be gone by the time this development is completed, and so we need the reminder for the people who are taking on the duties of watching over this P.U.D. We also need a clear statement about affordable housing which incorporates support for aid teachers. That language is still in work, but it needs to be there. So a second part of my testimony is about a procedural concern I have. The way public hearings are organized, they're slanted toward the opposition, which may or may not be intentional about I suggest they be operate wad more even-handed approach where each side gets to rebut the arguments of the other. As it stands, the opposition can rebut any argument of the pro-side but the pro-side doesn't have this opportunity. Items that consider come up in prior hearings are these and I'd like a chance to rebut them here. Build has been accused of not listening, being the only force behind the Charette and caving into the developer after the Charette. There's been a continuous involvement of the nwaca board and the neighborhoods from the start of the case.

[10:33:49 PM]

You've heard about the huge neighborhood meeting at the meeting. Nwaca set up that. Throughout 2014 and 2015 we along with other neighborhood leaders met with spire's team, we used the input from those polls to guide the objectives of the Charette. We kept the neighborhood informed through all of our media, monthly nuzzler, two Facebook groups, next door, or website, and as the Charette evolved through a dedicated Charette web page. Monday this week we held a town hall meeting about this case, which about 60 people attended. They had good questions and concerns, and we advised them to bring concerns to you tonight. We're currently running a neighborhood poll regarding this final P.U.D. Submission, which goes through January 9. Once it completes, we will bring the results to you. Despite the allegations that the Charette was an exclusively nwaca idea the fact show otherwise. At the first meeting it was north shoal creek -- community input could be brought to the design of this suit. The following month, after touring the site with the eight -- aid of a former councilmember, a group of leaders talked about a Charette as a possibility. The idea was discussed in various places after that, including a tension to the nwaca board and in the meeting of the associations at the four corners of this development. The Allen daily neighborhood housing, balcones, north shoal creek, and the nwaca. My notes, which I take at most every meeting I attend say that that meeting happened on may 30. When the nwaca board passed a resolution in June 2015 asking for a Charette I phoned the leader of the other associations and got a positive response from Allen daily and the then president of balcones civic association. I wasn't able to reach Kevin weir.

[10:35:53 PM]

Our resolution was presented to zap in September after which the applicant agreed put the P.U.D. Application on hold and proceed with the Charette. The Charette was organized by a group called by spire in October 2015. That group included represents from the four corner neighborhood associations plus those who call themselves northwest Austin neighbors. This group was composed of more non-nwaca than members who all participated. This slide shows the list of the organizers. It's from our vision and values sessions that we ran procure to the Charette week and you can see it's a multineighborhood team. It's not a nwaca team. There have been allegations of yawa -- that's far from the truth as I think Michael will also attest. Our initial review of the fusser update officially filed as update three found 74 issues to deal with. That number came down gradually as we proceeded through discussions, meetings with city staff, and subsequent updates. We can honestly say it's been a fair exchange and that nearly all of our requests have been accommodated. Housing for teachers is the one that's outstanding. [Buzzer sounding] The final submission supports what the community asked for in the Charette. We welcome any improvements you can make but we ask that the elements described earlier be preserved. Thank you very much.

>> Mayor Adler: Thank you. The next speaker, I'm gonna call William mange.

>> Good evening. Is this on?

[10:37:55 PM]

>> Mayor Adler: Yes.

>> Mayor Adler, mayor pro tem tovo, and councilmembers, thank you very much for allowing me to speak. My name is bill manning, I live dmange, live off of far west boulevard, I am a resident in district 10. I am a member of nwaca, the nwaca's support for this P.U.D. Does not reflect my desires. At one of the visions and values meetings as part of the Charette, the developer's representative was asked whether the developer could make money under the current ordinance. His answer was yes. Nine question here is not whether there will be a failing Austin oaks office park. That question has been answered. Austin oaks will continue to make money for its investors even if you disapprove of the P.U.D. The question before this council is this: Will this city council support this parole proposal for development -- this proposal for development which will help that developer make even bigger profits than it is already making and will you do that at the expense of the homeowners whose property is nearby Austin oaks? If you decide in favor of the developer, you will cause the homeowners' property values to fall. You will cause traffic to be even worse than it is now, you will cause traffic to be even worse than it would be under the code compliant plan.

[10:40:04 PM]

If the developer doesn't make as much profit as he wants to make, that isn't my problem. And I don't think that it is the problem of this city council. I would ask because of the late hour that y'all please permit public comment to continue on the second reading. Thank you very much for your time and attention.

>> Mayor Adler: Thank you.

>> Gallo: Excuse me.

>> Mayor Adler: One moment please.

>> Gallo: To address your question, your request about the public hearing staying open for the second hearing, I will make that part of the motion. So thank you for saying that.

>> Yes, ma'am. Thank you.

>> Gallo: You're welcome. Did you attend the Charette.

>> Yes, ma'am, did I.

>> Gallo: So did -- I remember it was almost a week worth. How much did you -- did you go to all of it or just part of it?

>> I went to two days. Now, are you talking about the design part or the vision and values part? Because I went to more than just two days. I went to two days of the design part and other days of the vision and values part.

>> Gallo: All right. Thank you.

>> Thank you, ma'am.

>> Mayor Adler: David king.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king and I'm here on behalf of the Austin neighborhoods council to talk about trees. And thank goodness we have lots of trees in our city, and this particular site you probably know it's called Austin oaks because of the oak trees, many heritage and protected and other oak trees on the property here.

[10:42:05 PM]

And I just want to remind that you the Austin neighborhoods council executive committee already sent you a letter earlier in September about these concerns so you should have that information and I'd be happy to resend it to you. What am I doing? Okay. Wait, what am I doing? Okay. All right. The next slide here is as I said it's aptly named Austin oaks because of all the oak trees. This is a map of the trees. The red circled trees are 13 heritage trees that the applicant wants to cut down, and the applicant also proposes to cut down 31 trees. Protected trees. What am I not doing here? Something is going on here. What's going on with my -- all right. Something is going on with my slide here. Sorry about that. Sorry for that confusion. There's something wrong with the slide there. Okay. So the -- you know, this is not -- the plan I just showed you is not a site plan and so it's kind of, you know, too early to start circling trees you're gonna cut down without a site plan. It's unusual to be doing that. So in the site plan should be developed with the goal of designing around and preserving heritage and protected trees. You know, that would be a real indicator of superiority. You know, and already the code requires you to preserve all heritage trees. So definitely trying to come back and show you to prove that they've done everything they can to design around these trees should be an element of superiority that you request. All right. So the property owner, the developer, wants to be like -- wants to be the next tram he will crow and as you may know the trammel crow -- what's going on here?

[10:44:18 PM]

Okay.

>> I'm sorry.

>> As I mentioned, they want to be like trammel ceu crow and this project here was a project that trammel crow did on the water treatment plan, Tom green water treatment plan at Cesar Chavez in San Antonio and they were able to save five heritage trees there. They spent the time to design around. First they insisted they couldn't do it, and folks said you need to try harder and they came back and tried harder and they preserved those trees and it's a beautiful site because of those trees that they preserved. I'm gonna show you some trees, examples, and the following nine slides are protected that of trees the applicant wants to cut down. This is a tree you saw earlier. This tree is approximately 220 years old and it survived, healthy and thriving despite fact it's covered with asphalt and that asphalt can be removed safely to preserve that tree and continue allowing that tree to live. And, you know, the next tree, this one is about 170 years old and it's another tree that they want to cut down to make room for a

parking garage, how sad to cut down a beautiful heritage tree for a parking garage. This is one in which we should ask that they -- am I -- this is the --

[buzzer sounding]

>> Mayor Adler: I'm sorry.

>> This is so frustrating.

>> Mayor Adler: What's your name?

>> Stephanie [indiscernible] I'd like to donate my name to David, please.

>> Mayor Adler: Stephanie, what's your name? David we have been pausing your time ever time this happened.

>> [Off mic]

>> Mayor Adler: Bradwell as well. You have those two. David, I want you to know we were pausing.

[10:46:20 PM]

>> Thank you very much. It's a little frustrating to not keep my momentum going here.

>> Mayor Adler: I know.

>> Okay. So all right. So this tree is about 170 years old and, again, to be cut down to make room for a parking garage. And this tree is approximately 200 years old and it would be cut down to make room for a building and, again, the point here is superiority, they should be -- prove up to you that they cannot design around these trees to preserve them. This is 180 year old heritage tree, again, to be cut down for a parking garage. This tree is about 150 years old, and, you know, it could be designed around or it could be transplanted. The next few trees are candidates to be transplanted to the park across the street. This tree is about 140 years old. Again, it could be transplanted to the park across the street. This tree is about 130 years old and should be evaluated for transplant. And this tree -- next two slides show that these two trees used to be protected trees and now they've grown to become heritage trees since 2013. And this is a beautiful tree here. We call in the yoga tree and maybe we should all do a little yoga right now after today. This is another tree right here, could be -- should be evaluated to be atransplanted a few years away to remove it from being -- hang on -- this tree right here should be evaluated to be removed to remove a conflict with current plans. You know, in terms of superiority, if you read the bottom bullet there, the superiority is to preserve all heritage trees. And it's to preserve 75 caliper inches of native protected trees and 75 caliper inches of all native trees. They don't even meet superiority because they want to cut down 13 heritage trees. That's inferior. That is not superior. Again, they want to cut down the 13 heritage trees and remove 31 protected trees versus preserving 75% caliper inches of the protected trees.

[10:48:29 PM]

And, you know, they want a 20 year tree survey. They basically want to work -- they want to lock the trees in right now for 20 years. Which would set a precedent right now under code it's five years, a tree survey has to be done every five years. They want this to go on for 20 years. And as I mentioned earlier, you saw some slides here where they want to -- that they -- the earlier slide, where the trees in just three years had grown to become heritage trees. So, again, locking these trees in that long, you know, they're gonna be able to cut down what would be heritage trees within those next 20 years. And that would set a precedent. Everybody else coming in for a P.U.D. Would want to have the same thing. Again, that's not superior, going from five years to 20 years? That's inferior. The environmental commission did not sign off on environmental superiority for this P.U.D. And as I mentioned the Austin neighborhoods council has concerns about it. So I hope the council will not sign off on cutting down the heritage trees and protected trees and will require that the tree survey be updated every five years as currently

required under code. And that the heritage trees should have to go through the same review process as currently required by code, and they should be -- you should ask them to show how they can design around the four specific 30 plus inch heritage trees I showed you on the slide earlier today and they should be required to transplant the other five trees to knee by parks or elsewhere on the site. Thank you very much.

>> Mayor Adler: Thank you

>> Mayor Adler: Next speaker is bruise Mccracken and Ford Mccracken.

>> Thank you, mayor, council.

[10:50:31 PM]

My 12-year-old son is gonna speak briefly after I do. I've been a northwest hills resident 17 years. 16 of those years I've been in the house but one of those years was in one of the eight apartment complexes surrounding the Austin oaks site. What this P.U.D. Proposal will do is actually provide a very significant public benefit for our community, particularly for these eight affordable housing apartment complexes that are clustered where our first public park will go in our neighborhood. These apartment complexes used to be overall mainly UT students but the west campus redevelopment they're now very heavily apartments that families and children, as I experienced when Ford lived with me one year and we lived there when he was three years old it was terrible because there was no before to go, no place for your kids to play. Any 5-year-old daughter's elementary school class there are a lot of kids that live in those apartments now, including keritos runs one of the complexes for immigrant families. When you live in apartments or if you live anywhere in the neighborhood and you don't have a park to go to there's no place for the kids to play, no place for families to have barbecues, no public outlet for many families who live in these eight apartment complexes around where these parks would go in. This is a very significant introduction parkland to our neighborhood. We'll get five downtown blocks worth of public parks in our neighborhood and we have none. Northwest hills is the city's most densely populated neighborhood without any public parks. So this is really a big problem in our neighborhood, and so it's something that we're unlikely ever to be able to get through a bond election because all of the available property is now held privately. This is pretty much the only chance we'll have in generation to actually get parks in our neighborhood for the many families that live there. Last thing I'll say, we went through a week long Charette.

[10:52:33 PM]

I was there for three of the four days and my kids came with me to the fourth day to see it because they were that excited about the parks, and it ended up being supported by 64% of the neighborhood. Yes -- see -- hopefully we can all speak respectfully listening to others, but we had a very open public inclusive process and we had overwhelming neighborhood support from the folks who attended, and so I hope the council will not take away our best chance we'll probably ever get to have parks finally in our neighborhood of northwest hills. Now I'll let my son speak briefly. I know he wants to speak to the parks. His first time to have appear before city council.

>> Hi, I'm Ford. I really want this park in our neighborhood. We do not have a great park to go on the weekends and hang out. We drive our parents crazy because we're so energetic on the weekends, you know. We have nothing to do in our houses. It's just not enough. We don't really have a park. There's an elementary school park but it's really not the same. That's generally for little kids. And me and my sisters I know and as they grow up, they will want to have a place to play, and I know that I want a place to just go to together as a family on the weekends and get our energy out if we need to because our parents get mad at us if we take it out in the house and go crazy. We need a park that could let us come as, like -

- and have family gathers and -- gatherings and have fun and enjoy ourselves on the weekends or on week nights. It's -- it would be great. It's a great location because northwest hills really does not have a park which is amazing to me because it's just a neighborhood that you would think would at least have one park, but we don't and we need one. Thank you.

[10:54:34 PM]

>> He has three finals tomorrow.

>> Four.

>> Four.

>> Mayor Adler: Hold on, you don't get off that easy.

[Laughter]

>> Gallo: Ford, thank you. I know you've been waiting a long time tonight. This is what your dad used to do when he was here. So thank you for being here, and I hope your teachers give you extra credit. Tell them to call the mayor if they're not going to. But thank you for your comments, and we really appreciate that. But as the mayor and council knows, every time we have someone that is here that is in elementary school or middle school or high school, I always ask them if they will promise when they turn 18 to do something. Do you have any idea what that might other than get a car hopefully?

[Laughter]

>> Um, no.

>> Gallo: I'm gonna help you. So you want to register to vote.

>> Yes.

>> Gallo: When you turn 18. Your dad is standing here and he will promise to make sure you do that. And I see public service and political office for your future.

>> Do not repeat my mistakes.

>> Gallo: Thank you for being here this evening.

>> Thank you very much.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Also, Ford, I want you to look at your dad as a role model and example. I think what he did before he got up here on the dais is he got an education and he learned how to do something useful, then he ran for office. He came into my canyon creek neighborhood, gosh, 2003, was it.

>> Yeah.

>> Zimmerman: Probably so. He had already established himself. He had some competence and credibility and had some accomplishments, and then he jumped into politics. I want to encourage you to do the same thing. Thanks for being here.

>> Thank you, councilmember. We did a lot of good work together in canyon creek M.U.D. And really love to get a chance to work with you and it's good to --

>> Zimmerman: Thanks for being here.

>> Mayor Adler: Thank you. The next speaker we're gonna call is Christopher fisian.

[10:56:48 PM]

>> Good evening. I think I have some time from Melissa Shaw. Is that correct?

>> Mayor Adler: Yes, that's correct. Is Ms. Shaw here?

>> Yes.

>> Mayor Adler: Okay. Yes, you have six minutes.

>> Great. Thank you very much. And good evening -- I think it's still evening. Yes, my name is Chris, I live in northwest Austin. I'm a member of nwaca and northwest Austin neighbors. I have been on the Austin

oaks Charette group since it was formed back in October 2015. I took part, yes, in every aspect of the Charette organization and weekly process as well, including the vision and values workshops and events. I'm here today to take issue with the claim that the proposed P.U.D. Reflects the will of the people that, it's what the neighborhood wants. Or that it represents a compromised solution. The specific proposals before you -- is before you only because of a vote taken during the Charette, a vote that has no standing. It was not scheduled in advance. It was not announced. We were unaware of the options. There was of course no campaign. I and many others on the working group, right, did not know that there would be such a vote, though some did appear to know in advance. Some people who did not attend on previous nights did show that night. And many who attended on previous nights did not. Not thinking there would be a vote. It was not a general election. Now, that's the basic problem with the vote. There's also a problem with the proposal itself. The Charette process actually worked really, really well. From the beginning on Monday morning through Wednesday night. As the first steps reflected the input from the vision and values workshops that we had in advance and the plans on Tuesday and Wednesday night to reflect the press conferences of Charette participants on previous days. We were building a consensus between neighbors and developers. It was really quite special. On Wednesday night, as planned by the Charette organizers, we considered two options.

[10:58:50 PM]

And then took various votes that were supposed to guide the final plan to be presented Thursday night just as our deliberations had guided the plans the previous nights. That's when things changed when they went off the rails. On Thursday we were presented with a plan that ignored folks from the night before. The most important of which was our support for increasing from three to four stories along spicewood springs and from five to six along mopac. This was a really difficult decision for the neighborhood. As we were exceeding current zoning and so, yes, we were supporting a P.U.D. But those were upper bounds and we made that clear. We arrived on Thursday to see that that was not the case. And we're facing instead of three stories, four stories, five stories on spicewood and seven along mopac. That's a substantial increase over current zoning, and would further impact traffic and schools in the neighborhood and set a powerful precedent for more development in the surrounding area, havesome very close by, some down the road at far west, some at 2222 but also up and down mopac and potentially all throughout Austin. Then we voted between the code compliant plan and the proposed P.U.D. The problems with the the problems with the vote were raised before we voted. The issue was raised at the unveiling for the public. It was raised again for the full working group via e-mail. All attempts were ignored by the Charette organizers, the developers, the Austin representatives, and they proceeded to implement their plan as has been discussed. The problem that was there at the beginning thus still remains. It's not all irrelevant, ancient history as some have claimed. Now, we have done all that we can do and it is now up to all of you. I am asking you to ignore the vote taken during the Charette on that final night just as they ignored votes from the night before. A good alternative starting place might be what we voted for on that Wednesday night. Not more than four stories on spicewood, not more than six stories on mopac, and square footage of 1.1 million instead of 1.2 currently in the proposal.

[11:00:59 PM]

To do otherwise would send the signal the process really doesn't matter and that the public really doesn't matter, either. This would be distressing to me and members of the neighborhood and many other audience voters, I think. Thankfully, it is something that you can fix. Now, there are numerous specific issues with the proposal, some of which you're going to hear about tonight from other people.

There are others still that you won't get a chance to hear about because the process is really complex and a lot of the people who wanted to talk tonight weren't able to attend or had to leave early because of the lateness of the hour. Because of that, I am seriously hoping that you will leave open the public hearing for the next council meeting on the proposal. For now, I want to thank you for your attention and consideration at this very late hour.

>> Mayor Adler: Thank you.

[Applause]

>> Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I have a question, and I apologize if you addressed it already, but in thinking of the hearing and leaving it open, as wanting -- as someone just suggested, if we're thinking of leaving it open at the next -- at the next, you know, level, perhaps we should give people the option to talk tonight or to talk the next time. We've done that before in the past, so just a thought.

>> Mayor Adler: Council? We've done that before, so the question is, if we keep the hearing open, do people want to -- if we're going to commit to keeping the hearing open, do people want to reserve their comments until this comes back and there's probably more movement and more to discuss?

>> Yes.

>> Are we taking a vote tonight?

>> Mayor Adler: We would probably take a vote, or it would be presented to take a vote to pass on first reading only. And then it would come back, but we would keep the hearing open so that people would have a chance to speak then.

[11:03:06 PM]

It would be just first reading, then at the next reading, it would be second reading.

>> But it won't be a continuation.

[Off mic]

>> I'm sorry, can we ask you to come forward so you're on the recording?

>> Mayor Adler: But I think the question -- that's okay, I think the question we have from council is, on action tonight, we can either postpone or we could pass on first reading, as one decision. A second -- a second issue would be to keep the hearing open to the next one. So those are the two things that --

>> So I guess my question is --

>> Mayor Adler: Shhh. Shhh. Hang on a second, please. Come on.

>> I guess the question is, can you extend this hearing and postpone the vote on the first reading until the next meeting, and that will give you an opportunity to hear what everyone has to say, you know, on this very important topic. So I apologize if I don't understand the procedures.

>> Mayor Adler: No, no, no. We can postpone the matter or we can pass it on first reading. I think those are the two options. We can keep the hearing open or not keep the hearing open. Those are also options we have on the dais, and those things are decided by -- by votes on the -- so let's -- do you want to put a motion into play so that we have something to deal with?

>> Gallo: I already mentioned when we had the speaker up my motion was going to leave the speaker up for the second reading.

>> Mayor Adler: Why don't you make a motion so we have something in front of us.

[11:05:07 PM]

>> Gallo: I'm just going to read it, motion to approve the zoning and platting recommendation which includes staff recommendations on the first reading with keeping the public hearing open for the second reading, with the following additional conditions.

Number one: Conditions in the revised land use plan dated December 1st, 2016, with an additional column added to the building height table to include the associated mean sea level msl, as outlined in column E of the table in attachment E building heights. We had a speaker before us, Joyce, that referenced that, that's something that is important to the board to include, so that is included.

Number two: Conditions in the revised ao park plan and park space dated December 6th, 2016. And I'm sorry, councilmembers, this was passed out to you. It's on the yellow sheets of paper.

Number 3: Conditions in the revised ao creek plan dated December 15th, 2016. Four, conditions in the streetscape plan, August 30th, 2016. Number 5, conditions in the tree plan dated August 30th, 2016. Six, conditions in the revised topography and land use plan dated December 1st, 2016, with an additional column added to the building height table to include the associated mean sea level, msl, as outlined in column E of the table in attachment E, building heights. Seven, conditions in the open space plan dated August 30th, 2016. Eight, conditions outlined in attachment a, general site development regulations. Nine, conditions outlined in attachment B, phasing plan. 10, conditions outlined in attachment C, general provisions. 11, conditions outlined in attachment D, code modification background for information purposes only. And, councilmembers, you have the associated drawings that are attached to this, and then the information that I mentioned towards tend, attachments all at the back.

[11:07:12 PM]

The code modification background is some information that really is just defining more specifically so this there's less confusion, a lot of the information that's already included.

>> Mayor Adler: Okay. We have a motion -- shhh. Shhh. Shhh. Shhh. Please. We have a motion to pass this on first reading and keep the first hearing open. Is there a second to that motion? Mr. Renteria seconds that motion.

>> Mayor? A number of our speakers don't find this acceptable. They want to go ahead and speak tonight.

>> Mayor Adler: We haven't decided anything tonight.

>> They're signed up to speak.

>> Mayor Adler: But we haven't decided anything.

>> Okay. Thank you.

>> Mayor Adler: That issue hasn't come forward yet. We just have a motion on the table. We have a motion understand a we have a second. The question was raised with respect to whether or not we want to postpone this matter at this point or keep it -- keep the hearing open. We were in the middle of hearing from the speakers. Ms. Pool.

>> Pool: Mayor, thanks. I'd like to offer a substitute motion. And a substitute motion would be to postpone, continue the first reading at the next time that this is scheduled, and that would, of course, keep the public hearing open.

[Applause] And the reason why I say that is, aside the late hour, the preferences of the people here to speak tonight, I think possibly they might really rather prefer to come back at a later date with the rest of their cohorts so that tech all they can all speak with one voice. Also, having gotten the motion sheet with all the items with the conditions outlined and everything, I think it would be helpful if the community had an opportunity to see this, and that we also had some time --

[applause]

-- Some time -- thank you.

[11:09:12 PM]

>> Mayor Adler: So the only concern with postponing is now is that people who are here tonight and wanted to speak might want to speak tonight because they might not be able to come back. So the question was, that I think Ms. Kitchen raised, was, did we want to give people here, who are here, the opportunity to be able to speak if they wanted to, instead of being able to speak later, so that people would have a choice, since they're here being able to speak, or they can speak later. Ms. Pool?

>> Pool: Mayor, does that include continuing it as the first reading with no vote so that they would speak tonight, and then we would come back with the continuation of this hearing?

>> Mayor Adler: Well, I think that --

>> Pool: The reason why I ask that --

>> Mayor Adler: The council could do that either way. That option is available. Ms. Kitchen.

>> Kitchen: When I raised that, I wasn't thinking of how we were going to vote tonight, I was just thinking -- I was -- it's a separate issue about how people choose when they want to speak. And it's a separate issue of whether we're going -- postponing or going on first reading, so I was simply raising it because I knew we had done it before and sometimes people appreciate that because it gives them some options if they can't stay late.

>> Mayor Adler: Right. And we have done that before. Any further discussion?

>> Pool: If I could just expand, really quick.

>> Mayor Adler: Okay.

>> Pool: The distinction is that -- and councilmember kitchen can correct me if I misunderstood, but I thought she was intending for the continuation to be at a second -- second reading.

>> Kitchen: I have -- I have -- I'm not expressing an opinion on whether this is first reading or postponing. I was simply talking about options for people when they wanted to speak. I was simply -- I was noticing the hour, and knowing that some people may have had to leave already, and I was simply offering what we've done before in the past, which is, you know, let people speak when they're here or choose to speak later, so -- and again, it was just a suggestion for the mayor to consider as he decides how to handle the meeting.

[11:11:30 PM]

>> Pool: Well, then I would clarify and say I'm fine with people continuing to speak tonight or at a later date, but -- and I want to keep the public hearing open, and I want to continue it to be first -- first reading.

>> Mayor Adler: We've gotten all those things.

[Applause]

>> Mayor Adler: Any other conversation? Any other sentiment to be expressed on the dais? So I think -- my sense is, is that the threshold issue we need to decide is whether this item is going to be postponed, because I think whether the item gets postponed or not will -- may very well dictate whether people want to talk now or want to talk later or how we treat that. So it would seem to me that it would be appropriate at this point to consider a motion to postpone, and then we could find out whether or not it was going to be postponed. Does anybody else have any other thoughts on the dais? Mayor pro tem.

>> Tovo: So I would -- I guess I would suggest that if we -- if there is a vote -- a successful vote to postpone, that we might, though, extend the -- I would be comfortable extending the courtesy to people who have been here and want to speak tonight to speak to us before they leave.

>> Mayor Adler: Great. And I would, too. And whether or not they choose to speak seems to depend, in part, on whether the thing is being postponed or not being postponed. So it seems to me we can decide that question. But it's the will of the dais. Any other issues? Ms. Houston.

>> Houston: Mayor, usually when we do this, if you speak tonight, you don't speak the next time, so people need to understand, you don't get to speak twice. You get to speak tonight or you come back and speak when we continue the public hearing.

>> Mayor Adler: And we could certainly adopt that, and we have done that in the past as well. Mayor pro tem.

>> Tovo: I want to understand whether that proposal -- as I think I understand it, it would be all within first reading.

[11:13:35 PM]

>> Pool: That's my motion.

>> Tovo: What I want to be careful about doing, we proceeded oddly with the grove public hearings and I want to not proceed oddly this time. I think there are really good reasons and a pud is often one of them where we need to keep the public hearing open after first reading because there are so many things influx. I would support what councilmember Houston has described of giving people the option of speaking today or next time, if we're continuing first reading, but I'm not -- I'm not going to support a motion that we allow them to speak tonight and then not again at any other point in the process. Does that make sense?

>> Mayor Adler: I think it does. I think we have two questions that we want to both decide and we're not going to be able to decide them both at the same time, so we're going to have to pick one and decide one first, and then we can come back and decide the next one. All right. So I think the first question for us to decide is whether or not to postpone this matter. Ms. Gallo.

>> Gallo: I think if we're talking about the possibility of postponing for the first reading, that it would be appropriate to ask someone from the neighborhood association what they feel about that. I think that's appropriate. They've worked hard on this, and I think that --

>> [Off mic]

>> Gallo: Mayor, can we get a little bit of respectful behavior here instead of --

>> Mayor Adler: Yes. We're talking on the dais. Okay.

>> Gallo: But I would like to ask the neighborhood association what they feel about postponing it so at least the council understands.

>> Mayor Adler: And it's your right as a councilmember to call someone up to speak.

>> [Off mic]

>> Mayor Adler: Hey, hey, hey, please. Yes, mayor pro tem.

>> Tovo: I think that's a good suggestion, councilmember Gallo. We can handle it like we usually do a postponement request where we hear from the applicant, their opinion, we hear from nuanka, maybe we hear from three parties about the postponement, if that covers the bases.

[11:15:38 PM]

>> Mayor Adler: Is there a motion to postpone the hearing? Does anybody want --

>> Tovo: Councilmember pool made one but didn't get a second.

>> Mayor Adler: So councilmember moves to postpone this matter to the next meeting. Is there a second to that motion? Ms. Houston seconds that. Okay. So now we're going to discuss whether or not to postpone this matter, which is independent of the question of whether or not we are can you get off debate. And then I think it's appropriate to have the applicant, the neighborhood, and then someone else respond to that issue. The question before us now is whether to consider this on first reading. The neighborhood want to go first on that? Is there someone here from the neighborhood that wants to speak to that question? You're with the neighborhood. ?>> Not nowaca.

>> Mayor Adler: We're going to hear from nowaca first. You can sit down, please.

>> I would ask that you not postpone it. I won't be able to be here at the next meeting because I'll be teaching, unless you carry it on after about 9:30 in the evening. And I -- we've put an awful lot of effort into this, over two and a half years. I would like to see this get on move on, move forward. I think you heard an awful lot of the arguments in private meetings with you, in meetings that we've had before other commissions. It's not a -- it's not a difficult thing to move forward with, and if we can have additional public hearings with a second reading, I think you've accomplished the goal of giving us an opportunity to bring all of the arguments to the case.

>> Mayor Adler: Okay. Does the applicant want to address this?

>> Michael Whelan on behalf of aspire realty.

[11:17:40 PM]

July 14 was when this began. This has been slowly, slowly, making its way through here with delays at every opportunity. The neighborhood has asked for policies and procedures. They asked postponements several weeks ago here, which we hoped to for the hopes of getting first reading under our belt so we can dive into some policy discussions we know we're going to here as you've now done with the grove. I think it'll be much different. There isn't the same type of complexity, so I would encourage that -- let's get first reading under our belt so we know what grappling with, what with issues are, and get feedback from council. We've been waiting a long time for feedback. It's easy to kick the can down the road. That seems to be a pattern. I think we deserve -- and I think you're hearing -- you heard from Ms. Stotz, it's a good time to get some initial feedback before second reading. I think relieving it open, second reading, is a beautiful option, councilmember pool. That's a way to kind of bridge this. Let's get first reading under belt and leave it open for second appreciation as a compromise.

>> Mayor Adler: Is there someone from the other side of this issue who would like to address it? Yes, sir.

>> Mayor and councilmember, mayor pro tem, Dan germane. I'm a member of the working group that helped put on the Charette yesterday. On behalf of the rest of the members of the working group, other than nowaca, because we have a disagreement, I'll go to your office, as well as to Ms. Gallo's office asking for postponement. Tonight, we stand by that request. I understand Ms. Statz won't be able to speak next time but she's already testified. Others from nowaca won't be able to speak then. We have others who would like to speak, who were not able to come tonight. So I think a postponement allows a change in the council's structure to also come into play. We had significant events this week, and it's reasonable to have the council who will be voting on this to hear all of the testimony in January.

[11:19:49 PM]

Thank you.

>> Mayor Adler: My sense is there are two different questions here. The first question is with respect to people being able to testify. I would let everyone who is here have the ability to be able to testify tonight, then I would give people the opportunity to be able to testify the next time this comes up, and I would keep the hearing open so that people can have that testimony. And at this point, you know, in terms of where the people are, I would let people testify because I'm concerned that the facts may change on the ground and people have been waiting a long time to speak. The second question, independent of that, is whether we approve this on first reading at this point. It's been the practice of this council in these kind of situations to pass something on first reading because that doesn't indicate what the eventual outcome is. In fact, if you look at the grove case we just had, there was a vast difference in what got approved on first reading and what ultimately got approved because I enables the process to move forward. So I think that those are two completely different -- different questions. The

Normal procedure that we would follow, if we were following this the way that we have done these kinds of things in the past, to my eye, would be for us to vote on this on first reading, keep the hearing open so that people had the opportunity to speak. So those are two different questions. Okay? Thank you. So is there -- does anybody want to speak? We have a motion to postpone, which we can do and we then will have a vote on how we want to handle the testimony, but I would like us to vote and move forward because we're -- I would like to give people a chance to speak. Ms. Kitchen?

>> Kitchen: I -- I am going to support first reading and moving forward because that would allow me time to work on improvements to the conditions on the trees. I want to thank David King, I think, for the pretty clear list of concerns and solutions that he had with regard to the concerns about the trees, and so I hope to work with him as well as with Mr. Whelan to see what we can do with regard to the trees.

[11:22:05 PM]

I also continue to have some concerns about the traffic. I'm not as clear on what we can do about that, but I do plan to work on that also. Those are two items. There may be others. So -- but I do think it's important to our process to get started down the road on this process. It takes a while to work through these things, as we've seen with our other puds. So I'm going to favor moving forward on first reading.

>> Mayor Adler: And for keeping the hearing open for people to be able to testify.

>> Kitchen: Yes, and keeping the hearing open.

>> Mayor Adler: Any further discussion on this? It's been moved and seconded to postpone this item. Do we want to take a vote? Those in favor of postponing this item, please raise your hand. Pool, Mayor Pro Tem, and Ms. Houston. Those opposed? It's the balance of the dais, with Troxclair and Garza gone. So we're going to continue to first reading. I'm going to continue to ask the people here, who are here to speak and give them a chance to speak. They've been here for a long time. So I would give them a chance to speak without limiting people's ability to be able to testify in the future. So if I don't hear anything different, I'm going to continue on where we were. The next person to speak to us will be Cata Carbone. Is Cata Carbone here? Is Jet Hannah here? Jet Hannah? You have six minutes, Ms. Carbone.

>> Thank you. In June 2014, adjacent neighborhood associations and homeowner associations were notified about this case. As president of Allendale Neighborhood Association, I actually alerted the other neighborhoods that are adjacent because I saw that the building heights were out of this world. We were all unified in opposition to the proposed scale at that time. After months of discussion, neighborhood reps agreed to participate in public design Charette in good faith.

[11:24:08 PM]

You've heard testimony that the Charette was a really great thing. We should have read Nimbe Wars first, the politics of land use. The author said there that Charettes are of dubious value, often MC'd by developer friendly planner, and indeed, the comparison between a plan utilizing current zoning and a plan requiring PUD rezoning was heavily pitched by the facilitator as a de facto decision in favor of a PUD. At the conclusion of the Charette, neighborhood reps from all four corners agreed that the final design still failed, our three most important areas of concern identified at the onset and reinforced throughout, to meet the objectives developed publicly as a group. And these were minimized traffic impacts by reducing commercial square footage, preserve more trees by reorienting buildings, and to maintain maximum building heights at five stories. The goal of our post Charette working group was to bring the plan closer in line with those objectives, and we forwarded specific requests to the property owner. However, after two meetings, we failed to resolve our main concerns. While Nowaca board members did choose to support the Charette outcome, the rest of us continue to represent our neighborhoods' directives. There's a catch-22 of growth. The better you make your community, the more people will

want to live there until it's no better than any other community. You'll know -- you know that Dan parolik is the lead consultant on codenext. He's described puds as needlessly cumbersome and impossible to enforce. Austin needs more housing. This is pretty much an office park. We're asking to reduce the pud densities and intensities of use, to ensure compatibility with established neighborhoods.

[11:26:10 PM]

Thank you.

>> Mayor Adler: Thank you. Next speaker is going to be Laura toops. Margie is on deck.

>> Good evening, mayor, mayor pro tem, and city council. I'm Laura toops, vice president of urban design group, and I'm the civil engineer that was selected to be a part of the design team for the Charette, which was led by Doug Pharr. After the design Charette, in order to maintain continuity, aspire realty engaged urban design group to continue to refine that final preferred plan. Our role included working with the watershed staff to find ways to address additional detention, water quality, and environmental enhancements. The Austin oaks plan, as proposed, will reduce impervious cover as exists today, and under current code, that would typically not require a project to do detention. But taking the priorities that we got from the Charette process and that of the city staff, we developed a solution that removes the existing untreated impervious cover that is within the critical water quality Zones very close to the creek edge, and it lays back the creek bank and restores the creek edge in a natural and habitat enhancing way. This approach improves water quality while reducing the effects of erosion, which occurs during the two-year storm. It also provides an additional ten -- excuse me -- 20,000 cubic feet of stormwater detention, and additionally, all the projects, all the lots that will develop under pud will have full water quality under today's standards. I was proud to participate in this Charette, and as one of the professionals there, to be a resource to the neighbors as well as to the design team.

[11:28:18 PM]

In my many years of experience in Austin, I saw what was truly a unique zoning process that the views and values of the stakeholders were identified and incorporated into a process that resulted in that final plan. No single stakeholders' viewpoint was a hundred percent achieved, including the landowner. Working on pud land plans is always challenging, and I don't need to tell you that. Whether it's a green field project like the colony park master plan and pud that was fortunate to be involved in, or something like this which is a redevelopment project, trying to balance stakeholders' interests with financial and economic feasibility is always challenge, but in this case, when you have an existing site that has no water quality treatment, has impervious cover, surface parking lots next to a creek, no -- no parkland, then I think you have to take all those things into the balance. So it's the stakeholders --
[buzzer sounding]

-- It's the developer, but it's also the environment that wins in this particular proposal.

>> Mayor Adler: Thank you. Margie coughing. Kathie is on deck.

>> Good evening. My name is Margie coughing. I'm a homeowner, a short distance from the Austin oaks property. My property is on hart lane. That's the western boundary of the Austin oaks property. I've heard a lot of concerns and discussion, and you'll certainly hear more concerns and discussion tonight and in the future about the impact on traffic at major intersections and the flow of traffic along hart lane. You'll also hear about some of the suggested traffic solutions and mitigation spire is suggestion. But I want you to consider the impact on those of us who actually live our lives on or around hart lane.

[11:30:24 PM]

Because the majority of hart lane is residential, many of us don't just use hart lane to get north to south or south to north, but we walk on hart lane or we cross hart lane on foot regularly. On a map, you'll see that lane is mostly -- is a straight street, running north-south, but what you won't see on the map is a big hill going down to the creek and then back up. This creek creates a blind spot. In fact, one of the side roads right there is called hidden hollow. And it's called hidden hollow for a reason. So this is going to -- this already complicates traffic issues and creates safety concerns. My neighbors and I already have to be very cautious backing out onto hart lane, making sure that we don't miss seeing a car that's hidden in that planed spot. When my father visits, he asks me to stand in lane to help him back out of my driveway because he has a healthy fear of unseen coming cars. I have neighbors who walk their dogs and jog on hart lane and neighbors who walk hart lane to synagogue and to school. I have neighbors on hart lane whose children play in their front yard and neighbors who ride their bikes several days a week. My hart lane neighbors have dinner guests and out of town visitors who need to park on the street in front of the house, and if there's not room right there, they park on a side street and cross hart lane on foot, sometimes at night after dark. I'm not against any and all development. In fact, some features of the proposed development are attractive. However, no matter what is done to help traffic flow, more traffic on hart lane will make living on hart lane not just inconvenient, but likely more dangerous. Please do not accept any pud that will bring more traffic than what it is currently. Thank you for your time and your consideration of my concerns.

[11:32:27 PM]

>> Mayor Adler: Thank you. Kathie vermillion.

>> I donated my time.

>> Mayor Adler: Thank you, ma'am. Valerie Sinclair. Is Cecilia Burke here? No? Is Karen saroney here? Is maddid I Highsmith here? Is Chris Edwards here? You have nine minutes.

>> Well, I had Karen, Tammy Greenberg, Kathie sermillion and wade Shaw --

>> Mayor Adler: What I have is have Cecilia Burke, Karen, Maddie and Chris Edwards.

>> Chris wasn't able to come so I had wade --

>> Mayor Adler: At once donating their time, come down and just let the clerk know. Two more. So now you're up to 15 minutes. So, again so I know, see seeing yeah Burke was not here. Karen seroney was here, Maddie height is here. Chris Edwards is not here. With these two and you, that gives you 15 minutes.

>> Yes.

>> Wade Shaw --

>> Mayor Adler: Give your name to the clerk.

>> [Off mic]

>> Mayor Adler: Are you offering her your time?

>> Wade, Kathie, Karen, and Maddie.

>> Mayor Adler: All right. So that's four people, plus you, is five --

>> People had to leave.

>> Mayor Adler: 15 minutes. I know. You have 15 minutes.

>> All right. Thank you. All right. Thank you, councilmembers, for your time this evening. I know it's very late. My name is Valerie Sinclair. I live in the subdivision of northwest hills, I'm a member of the civic association, northwest Austin neighbors and the working group.

[11:34:33 PM]

The working group is the coalition of neighbors and neighborhood associations formed to ensure the voice of the community was being heard during the Charette process and beyond. This map shows you all four of the primary neighborhood associations. We also had northwest Austin neighborhood association -- sorry -- northwest Austin neighbors, Williamsburg, Charleston Roa and another HOA involved. The red circle indicates the location of the Austin Oaks development in question. You can see it sits at the intersection of all of these various associations. This evening I'm speaking to you as a property owner and an affected party. This is a picture from my front porch. The Austin Oaks office park looms over our balcones west homes. Every single day I walk out my front door and look directly at the top two floors of the Colorado and Proctor buildings currently perched over Spicewood Springs Road. You can see my neighbor's house across the street. The top of their roof actually sits lower than the parking lot for those buildings. And that is just a three-story building at this time. Here's another view from my neighbor's house. That is a two-story building with a Proctor building still looming over the top. This is still an unusual picture because the trees are full of leaves. When those leaves are gone, we can see the entire building. And this is a view, in the evening, you can see how the lights already are shining in through the trees and toward our neighborhood, and again these are only three-story buildings at this time. From day one, the neighbors of Northwest Hills have never wavered in their vision. Priorities and concern for this development, 250 unique attendees provided feedback during the four pre-charette community meetings and five weekly meetings. It was during the meetings the core values and visions of the neighborhood became immediately apparent and the remaining members of the working group continue to work to ensure these rights are heard and honored.

[11:36:41 PM]

We refer to the neighborhood priorities as four T's, traffic, minimize and mitigate trees, full compliance with heritage ordinance, tallness, no buildings over 60 feet, and to schools. Minimize impact to our overcapacity schools. The developer's current plan fails all of these and more. Here you can see where we are now, the far left column with 4,000 plus trips per day absent journey we have been on throughout this development. You can see the second and fourth columns are virtually identical. We are right back where we started. The developer has repeatedly told the neighborhood that without PUD zoning, they are not required to do a TIA or provide traffic mitigation. City staff confirmed at the November 1st staff meeting, this is false. All the intersections around the development are currently failing, increasingly dangerous and will only get worse as the city continues to grow. This development will increase traffic by over 380%, and the extent of the developer's mitigation is some lane restriping and one traffic light? In fact, city staff's TIA memo of October 6th states that the proposed mitigation is inadequate, particularly at Spicewood Mopac and Gray Stone Mopac intersections. The city asked the developer for \$1.4 million to help pay for traffic mitigation. The developer has offered less than half that amount. So, just to keep everybody on the same page here, the developer will not pay \$1.4 million as requested in order to mitigate the massive growth in traffic brought on by their development that will adversely impact all of Northwest Austin and beyond. Every single driver commuting through that 183 Mopac interchange in any direction is going to be impacted. But they will provide \$1.5 million to fund undetermined improvements for a corner of grass designated for a neighborhood park.

[11:38:41 PM]

15 times, I think he said, what is being asked for. This slide -- sorry, I'm moving on. This slide shows the ongoing issues with the development's handling of heritage and protected trees. You can see in the left column, only eight trees were being impacted and over time numbers have gone up. The heritage ordinance, developer may remove zero heritage trees, not more than 20% of the protected trees.

They're moving some and 31, respectively. This is a complete violation of the ordinance. All told, this developer plans to remove 283 trees from the property. In order to do this, they're asking the city to turn back time to the 2013 tree survey, and allow that survey to stand for an unprecedented 25 years. Five times what code allows. Because trees do not cease to grow just because a pud is granted, this means that over the next 20 years of phase development, far more than 44 heritage and protected trees will be lost. City staff has repeatedly confirmed that this development is not compliant with the required tree ordinances. The neighborhoods value and vision for this site has never wavered for limiting height across the property for a maximum of 60 feet. That's five stories. Under both current zoning and the pud request, they're getting at least a million square feet of leasable space and at least 12 buildings. Under current zoning they are entitled to four plats which allow five-story buildings zoned for office and mixed use, eight plats allowing three-story buildings allowing for office, mixed use and residential, and one plat -- and one story building currently zoned for restaurant. What they say they are asking for is two seven story buildings, two six story buildings, three five story buildings, one four story building and four one story building. This chart shows the proposed building plan in height and stories with a column, showing the parking decks in heights and stories. This is straight from their land use plan.

[11:40:42 PM]

But because I like things to be accurate and correct, I've corrected these stories for you. So whoo they're really getting is two seven, two eight, five three-story buildings -- story, three-story buildings, three, six, and five. So you can see that in addition to the seven and eight-story buildings, our neighbors and residents of juniper springs and the apartments will enjoy views of five and six and a half story parking garages. For those of us in balcones west, instead of our current view of the three-story proctor and Colorado buildings, we'll have six and six and a half story parking garages looming over our homes and spicewood springs road. I would like to point out the parking are taller than the buildings they service and that seems awfully fishy. It should be noted that the nearly 1.2 million square feet of lease leasable space in the current plan does not include the garages. If this plan is approved the developer has the ability to say, hey, that spot where the six story garage is approved, let's make that a six story office building and 35-foot, not actual a one-story building, is going to be the parking deck instead. These plans can be modified over the course of the phase 20-year development to build out to the proposed garage footprints and heights as office buildings and leasable square footage to the tune of two million square feet, which effectively double the scope and scale of this development to the same levels as the first plan originally submitted by this developer in 2014. So let's go back to my pretty, colorful slide here. Of course I'm going to fix that up for you to show you what they're really looking at there. So both of these are zoned for office, mixed use, and residential. So what is the real difference here? The hotel? Nobody wanted the hotel. The neighborhood voted against it repeatedly. Throughout the Charette process, and the developer simply said he would make it into an office.

[11:42:44 PM]

The residential? The developer will argue that under current zoning, that little bit of land currently zoned for residential is so small that not a single unit can be built on it. That's why they need this pud, they say, so they can build much needed residential. But as confirmed by Jerry rusthoven at the November 1st meeting, the parcel 9 is listed as mixed use and residential, and that means even though a residential component is required for a pud, because they are -- once they secure that zoning, the developer would be able to build out the entire 31-acre site without a single residential unit. The developer says they're building no more than 250 units across the development. City code mandates 10% of these units be offered as affordable housing. This developer is offering 12. Maybe that's new

math, but when I went to school, 10% of 250 was 25. Again, this proposed development does not meet the minimum requirements. Why under every iteration of the plan, is the developer tying the self-imposed limit to parcel 6? If the hotel wants to have a penthouse apartment or long-stay hotel with rooms and suites that have kitchen facilities, that should have zero impact on the developer's requirement to provide adequate and affordable housing. The developer has declared parcel 9 as the residential parcel. The developer has declared that they will build at least 250 residential units. If city council were to ever move to grant this developer a pud designation, the neighbors request council also mandate a minimum of 250 residential units be built on parcel 9. No less than 10% of which must meet affordable housing requirements. So in reality, these two zoning schemes are nearly identical. The only difference is the height of the buildings. At council -- councilwoman Gallo's request a member of the working group surveyed the buildings between mopac and 183 to the north and mopac and 360 at the south.

[11:44:46 PM]

No building along that corridor is over 60 feet. The only buildings over 60 feet in height sit at the northwest corner of the highway interchange of 183 and mopac. That is identified as a regional center by imagine Austin. Allowing building height over 60 feet along mopac sets a disastrous precedence, to the detriment of every tax paying homeowner living in a mopac adjacent neighborhood. All five of our elementary schools and the sole M middle school be within the Anderson high school vertical are within 100% vertical capacity. Dais was the at 162% of capacity. Anderson high school will be exceeding 100% capacity by next year. Throughout the Charette process the neighborhood discussion around the required residential component centered around a development specifically for occupancy by persons 55 years of age or older, in accordance with the housing for older persons exemption of the federal fair housing act. Affordable housing for this age group is in short supply and would enable hundreds of elderly residents to scale down and still remain in the neighborhood, near family, churches, synagogues, and their established social networks. This would both fill a growing need in our district and possibly help minimize impact on our already over capacity schools. Despite overwhelming community support, not a single iteration of the developer's land use plan has ever reflected this neighborhood vision for senior housing. Not one single neighborhood priority was honored during the Charette process. This plan is not a shining example of cooperation and compromise. The Charette was nothing but a long -- the neighborhood went in with four T's and came out with one P, a flat plot of black grass they call a park that's on the corner of a busy neighborhood road that will soon be 380% busier, and a terrible proposed plan that is nearly identical to the same terrible plan that was on the table before the Charette.

[11:46:54 PM]

Where exactly is the superiority in this proposed pud? Not only is the developer using the redevelopment exception, they're requesting exceptions to that exception. This plan fails on water quality, off street parking, signage restrictions, and 20 or so other areas for which they're requesting code modifications. We don't know exactly how many variances they are requesting because neither city staff nor the developer have provided a complete and comprehensive list of all modifications to code in their plan. If a development that is supposed to be superior must rely on dozens of exceptions and exemptions because they cannot meet the minimum requirements of conventional zoning, then it certainly is not a superior development. So I must ask, how did this development that doesn't meet a single neighborhood priority and seemingly fails to meet nearly every minimum zoning requirement, conventional or otherwise, make its way through the system and here to city council for improvement

as a superior pud, even if it met minimum zoning requirements, adequate is still not superior. The developer and his attorney have repeatedly confirmed that pud zoning is not necessary in order to build a financially viable development on this site. This development does not rise to the level necessary to earn pud zoning. It is not in line with neighborhood values and visions. This proposed development is not a compromise between the developer and the neighborhood. It is not compliant with the pud's tier 1 requirements that it be consistent and compatible with the surrounding neighborhood. The scope and scale of this development is in violation of imagine Austin and northwest hills designation as a neighborhood center. This man is riddled with loopholes that benefit the developer to the detriment of the northwest hills neighborhood. The development simply is not superior. We aren't against redevelopment of this site, but we do expect and demand that the city ensure that development is contextually appropriate, compatible with the surrounding area, and legally compliant.

[11:48:54 PM]

That makes us good citizens. The kinds who love Austin and want to ensure that this city moves forward to its best possible future. And that is why I am here today. That is why we're all here today, to ask that you keep the public hearing open, that you respect the neighborhoods, that your -- sorry -- that you respect the neighborhoods, your constituents, the laws, regulations, and ordinances that you were elected to uphold and vote --

[buzzer sounding]

-- Vote against pud zoning for this case. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor?

>> Mayor Adler: Mayor pro tem.

>> Tovo: I wanted to ask the speaker, would you -- if you haven't already, I don't believe -- would you send the presentation?

>> Yes.

>> Tovo: Either to all of us or to my office?

>> [Off mic].

>> Tovo: We can probably sort that out. Thank you. I'll grab it from him later. Thank you.

>> Mayor Adler: If you'd send that to each of us, I think that would be helpful. Okay. Next speaker is Ben Lukens. Is Ben Lukens here?

>> Yes, I am, actually.

>> Mayor Adler: Okay.

>> Mayor and councilmembers, my name is Ben Lukens. And I used to work here. I had the first hearing in the space and last hearing in the building that used to occupy this space. So I want to point out that I don't work for spire or any of the consultants, although I got to hire some of the consultants. So I served as the volunteer project manager for the Austin oaks Charette, conducted in January of 2016, so I ought to state that I take exception to the disdisengenuous.

[11:51:02 PM]

I've been on the neighborhood committee, working to ensure the vision of the Charette preferred plan makes its way through the zoning process, that current pud plan is a refinement of the Charette preferred plan, and I ask you to approve it. At this point, I think it's a discussion of what happened to the Charette or what didn't happen to the Charette has become fairly irrelevant. The plan stands on its own merits. I should also note that the land plan locks in the building footprints, the heights, the square

footage, and the uses, and I think that's what was in the -- Ms. Statz pointed out and brought up. So at its core, the Austin oaks pud proposal is about the redevelopment of a low density, single use office park, set in a sea of asphalt. The Austin oaks planned unit development replaces that office park with a mixed use project of moderate density that supports a variety of transportation options. I'd like to speak to some of the design related features of the proposal. The first, of course, is superior urban design. Urban design being the mix of uses and the relationship of the buildings to each other, to their environmental context, and to the public's sphere, urban design. Other features include creation of streets -- of streetscapes to encourage walking and biking to and within the development. The citing of taller buildings long mopac, provision of cover transit stops, provision of parkland trails and park improvements and the provision of housing adjacent to the proposed park and proposed transit, and I cannot overestimate the importance of the creek restoration. I really can't think of any time anyone has ever gone ahead and done a project and restored a creek.

[11:53:04 PM]

In this case, this creek, as you know, is a choked drainage ditch. And it gets converted back to a -- to a park with native plantings. As Austin grows, continues to grow and becomes more dense in response the demographic changes, market forces, and --

[buzzer sounding]

>> I think someone gave me time.

>> Mayor Adler: Is Charlie Galvan here? He's not here?

>> No.

>> Does anybody want to hear the rest of this?

>> Mayor Adler: Does someone else want to donate his time? Would you come down and tell the clerk, please? You have another three minutes.

>> So as the city continues to grow and become more dense and respond to demographic changes, market forces, and public policy, face two major challenges, where to best locate increased density and how to mitigate that density. In the case of imagine Austin, the first challenge, locating density is addressed by geography. Austin oaks is a proposed infill project on an existing office park site, located on an urban freeway. Its location as a density node is reflected by its existing entitlements. Those entitlements granted before mopac was finished, supported doubling of what currently exists on the site. We're really talking about 00 square feet, by the way, between the entitlements and what's in the proposal. The second challenge is mitigating density. I believe we mitigate density through urban design, by including open space, and with transit Austin oaks is a transit ready project that supports bus transit, adjacent to a rail line that hopefully some day we're going to utilize, and it includes natural and improved open space. And it's mixed use design reflects the work of nationally respected urban design professionals. Now, a lot has been said thus far about traffic congestion.

[11:55:07 PM]

But the simple fact is that the way to reduce traffic congestion is getting the heck out of our cars. And by shortening the length of the trips that we take by car. As a transit-ready mixed use development, Austin oaks isn't the problem, it's part of the solution. So thank you very much for the opportunity to speak. I'll be glad to answer any questions you might have.

>> Mayor Adler: Thank you for your time.

>> Sure.

>> Mayor Adler: Is Dan -- is Dan germane here?

>> I am.

>> Mayor Adler: Okay. Is Tammy Greenberg here? Is lasio Herzog here? You have nine minutes, Mr. Germane.

>> Would you put my presentation up, please? Thank you. Thank you very much. Dan Germane, again, member of the working group, former member of nowaca. Also, signatory to the group that signed the no confidence letter coming out of the shatter exercise because, as you've heard, the Charette design does not reflect what was intended. Would you go to the next slide, please? Oh, thank you. Fantastic. Excellent. Thank you. So here we are today. Car trips, about 4,000. You've already heard a little bit of this from -- from Valerie. The pud design, before the Charette, was generating 19,819 trips a day. One of the big concerns of the Charette was traffic. The output of the Charette was approximately 17,000 trips. Today we're back up to 19,000. What's the difference? We're right back to where we started.

[11:57:10 PM]

Right? The staff memo specifies a number of impacted intersections fail the at a much greater rate, even after their \$628,000 worth of mitigation. I ask you to reject this plan. This plan is not compatible in scale, in scope, with the rest of the neighborhood. You just heard, this is a transit-ready plan and a rail station. Campo killed that rail station. There will not be rail along mopac for a long, long, long time, if ever. We all know that. Today, there is only one bus line that services that particular lot, bus 19, and that is being phased out. Capmetro is talking about extending 803, which comes across Anderson lane, but that's not true yet. And how long will that be? And when will that happen? We don't know. So the fact is, this is not a transit-ready plan. This is an automobile centric development. You've heard Bruce talk about how 64% of the neighborhood were in favor. I think he has a little trouble with facts. 55 people voted that one night. That represented 64% of the attendance that night. And those attendees had been invited surreptitiously because the others of us didn't know there was going to be a vote. However, others knew there was going to be a vote and privately invited groups to come vote. And I've got e-mails to send you and show you, and I will do that after this meeting. Tonight I want this meeting. Now I want to talk to you about planned versus unplanned traffic impact because tia has talked to you about the known traffic impact.

[11:59:16 PM]

I want to talk about the known impact, not just the intersections that will continue to fail. Here is inbound traffic on a Monday morning. Traffic coming into the Austin oaks area, what you see as 3636 there, let's say this is traffic coming from the western side of Austin, from lakeway, four points, that whole area, most people these days use waze or Google maps, some of those applications. At 8:00 or 7:30 in the morning I think is when I set this one up, going from western Austin areas to the site, looking at the suggested routes. Right through the neighborhood, right back central, right back all the way to the bottom of far west and dumping people on to far west. Guess what? Right in the middle of a school zone. Where we had recently a child get hit by a car because of the 4-way intersection at Mesa and far west. That's what happens today. Before we have an additional 15 or 16,000 cars drop into the mix. And westbound in the evening is exactly the same thing. And guess what? When those intersections at far west and Mesa and gray stone and Mesa, so on, become crowded, drivers will go through further smaller residential streets to avoid the stop signs and put all of our neighbors in danger. By the way, this is not restricted to western traffic. This is from any area, if you're -- you live in the downtown area or south, you're not put on to mopac. You're sent onto Rio grande and other streets, avoiding the major arteries. If you're coming from east Austin, same kind of thing. Right? So what about the worst intersections? I'm not gonna make you read this eye chart but I will talk about some of the intersections coming up.

[12:01:20 AM]

Let's focus on traffic coming south or from 183 trying to access this site the exit for spicewood springs road is actually north of Steck, drops people on to the access north north of and he they have to go through that intersection at Steck avenue and the mopac intersection. There is zero mission plan for that intersection. Traffic wait times will be very long. So what will drivers do? Well, they'll likely go further south and take the far west exit, which dumps them just beyond Anderson lane spicewood springs, right about where the development is. Now, there is some mitigation planned for the southbound access road at Anderson lane. There's a dedicated right-turn lane, expecting that then people will turn right and left into the complex. You know what left turns are. They're very dangerous and they're slow. And that traffic will back up all the way down Anderson lane. So how about gray stone? You all go to chinatown or the old [indiscernible] Location, know exactly where that is? Greystone is a intersection frequently traveled 60, 65 miles an hour. Today the wait time is I believe right in the middle of that, can't really read it, but about 56 seconds I think, just about a minute for traffic. That will grow to four and a half minutes. Four and a half minutes. This is what that intersection looks like. You see the three lanes of traffic. You see the limited visibility. And this is where people will be accessibility, desettling trying to get across the entrance on mopac. By the way the entrance on mopac here is the southern most entrance on mopac that allows you to get on the new toll lanes southbound.

[12:03:26 AM]

So we actually expect more traffic from the neighborhood who normally gets on mopac at 2222 to make their way up north to greystone so they can actually take the toll road. This is not a good thing. Let me give you kind of a quick visualization of what that might look like. The first two lanes that's traffic headed out of the neighborhood. The top lines that come in is traffic trying to make its way into the Austin oaks P.U.D. Via the preferred route, taking the supposed to exit. People are not gonna do that. They're gonna take the far west exit and turn across three lanes of traffic and those who can't make that stop work will go down do greystone and those who can't do that will go down to far west and make their way back through the neighborhood. Guess what. You may as well station an ambulance there you're gonna have a killing field. That is a dangerous road today and it will be infinite more dangerous when you add the amount of traffic coming through that. What about the rest of the side streets? That's just one intersection. Where are the kids gonna ride their bikes? The kids that ride their bikes to school today throughout the neighborhood? This is not the right development for the spot, this is not a transit-are the development. This is an automotive centric development and we don't need it. We don't want it. So I encourage you to reject it. By the way, to the claim that the majority of the neighborhood approved this, we conducted a survey and releases the results today.

[Buzzer sounding] 86% of respondents of the survey oppose this project, 14% approve.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Mayor pro tem.

[Applause]

>> Tovo: Would you tell us how many people participated in this survey, please?

>> I believe the final number was somewhere north of 500, 550, something like that.

[12:05:32 AM]

510. Thank you.

>> Tovo: So the statistics, again, were 510 people participated --

>> Participated in the survey.

>> Tovo: 86% --

>> The exact number I believe is 85.6.

>> Tovo: Were opposed.

>> Opposed to the P.U.D.

>> Tovo: That is currently --

>> That's correct.

>> Tovo: Incarnation? What was the 14%.

>> The other side, right, exactly. We have a breakdown by the way of which one of those self-identified as nwaca versus non-nwaca.

>> Tovo: Thank you. Is that as that what I --

>> That's great. That's a press release great.

>> Tovo: Does this press release also talk about who participated in it?

>> Yes.

>> Tovo: Super. Thank you.

>> It was a broad survey of neighbors in the area, not just nwaca members.

>> Tovo: To follow up we did get the powerpoint presentation.

>> It's here, happy to send it to you.

>> Tovo: The earlier one.

>> Terrific. Any other questions?

>> Mayor Adler: I think we're set. Thank you, sir.

>> Thank you very much.

>> Mayor Adler: Kim kook.

>> Mayor Adler: Kim Cooke.

>> Mayor, members of the city council, my name is Kim Cooke. I've lived on greystone drive for 24 years, here in Austin 35. This is the first time I've ever spoken to the city council but I felt compelled down here and stay here all night. The reason I'm here is basically what Andrew engineer -- Dan germane just said. I have watched this you area the whole time I've lived on greystone and I couldn't understand how you could possibly approve the P.U.D. Insofar location. In part because I live going down that street, I've had my daughter's car sideswiped me corner of greystone and mopac and I know what it's like today without the extra traffic. I know what it's like how the traffic exits mopac right at that location comes up a hill and generally is going a very fast rate of speed, kind of go down to far west.

[12:07:40 AM]

I also know how it is when you go from greystone onto mopac and how people will probably go -- want to go across lanes to get on that new tollway access and I think how is this ever gonna happen? How is this ever gonna work? I sat there and studied the topography and thought this is on a hill. What kind of changes can this developer possibly make to make this safe? And I can't imagine them. And so I see wonderful plans for this property. But I really think about the neighborhood and what's gonna happen on those streets nearby. And I really ask you to spend some time looking at the traffic patterns, look at what Dan germane has said with his study. I had never seen that. I thought that was very interesting to see what's really happening when people are using waze to go through the neighborhood, and I really encourage Ann kitchen who said she wanted to understand the traffic to spend realtime looking at it. You know, a P.U.D. Is supposed to give extra benefit above existing zoning. That is the bottom line of a P.U.D. It should give benefit to the neighborhood to the community, and I can't see how this does either

one. It doesn't -- it really does not help the surrounding neighborhood, and it definitely does not help what's gonna happen on mopac. And when you talk about floodplains and you're worried about what's happening on building in floodplains, I think about mopac being a floodplain. And you're approving a P.U.D. That's gonna put even more traffic at that location. And I find that irresponsible. So that's why I'm down here.

[Applause]

>> Thank you.

>> Mayor Adler: Thank you. Next speaker is John ruff.

>> Good morning, mayor, mayor pro tem, councilmembers, I'm John ruff, president of the spire realty group, Austin oaks. I'm pleased ton here. It's been a long journey to get here so I'm quite excited, as I know others are and perhaps some of you that maybe we're getting close to a point of closure.

[12:09:46 AM]

As many of you know, we've been actively and intimately engaged in this rezoning process for over three and a half years. I will be the first to admit as I've done publicly at this podium we didn't get off to a good start and that responsibility rests exclusively with me. I allowed this to take a path I create, we created a lot of animosity and frustration, neither of which I intended or desired but we learned from that and we made a very concerted effort to change course and to try to develop mutual trust. The new approach manifested itself in a design Charette at the request of the neighborhood representatives. This specific Charette process we undertook was essentially unprecedented. I will readily admit it was with great concern we abdicated responsibility for designing the redevelopment plan for a 32-acre parcel of planned to a neighborhood committee complete with folks I hardly knew. And to trust a process that was completely unfamiliar. It was clear, however, at the time that that's what was required and that's what was appropriate. The neighborhood led the process, as you've heard, they created a core group of individuals that selected the facilitator, as well as the design firm and related consultants. The process took about two and a half months culminating with the intense long Charette. Dug Farr, nationally recognized architect and Charette facilitator led the collaborative process and is the person responsible for mediating the various and often competing viewpoints of the many stakeholders and for facilitating a successful compromise of ideas while respecting sound design and the multitude of site impediments. Mr. Farr ultimately presented a preferred plan that was based on the feedback received from the participants and synthesized by the design team. Since that time for the last ten months or so we've continued to work in concert with the neighborhood, the staff, and the city boards and commissions to refine and cement the preferred plan, the result of which is what's in front of you today.

[12:11:57 AM]

To be very clear, I stand here as a representative of the process. The preferred plan that's in front of you today is not a plan that I would have arrived at or promoted absent the Charette. Nonetheless I've committed to honor the process, the many hours of involvement by so many, and the results. And I'm extremely proud of what we've accomplished in that regard. I'm not 100% pleased with the final plan and nor are others but we accept and respect it as it represents the voice of many. There are of course those that are not pleased with compromise and not accepting of expert conclusions.

[Buzzer sounding]

-- Or of the result of the Charette process. However, it is most important that we not lose sight of the fact that what you have in front of you in fact represents the voices of many interested people, many more people than are here tonight in this room.

>> Mayor Adler: Thank you.

>> Thousands of hours of work.

>> Mayor Adler: You can finish your thought.

>> And it's a compromised solution. Thank you very much for your time and I'd be happy to answer any questions anyone may have of me.

>> Mayor Adler: Thank you. Pam snell. Julie Chen is on deck.

>> My name is Pam snell. I'm a resident of northwest hills, I was on the working group and I used to be a nwaca member and nwaca may not speak for me. Thank you for allowing me to speak tonight, this morning. Austin is growing faster than a speeding bullet and developers trying to maximize their investments are putting our neighborhoods in the crosshairs. The character of Austin's communities are being ruined, one project at a time. Individually, the projects can seem benign, but when you stack them together, the results are overbuilding without infrastructure to support and debilitating traffic. I do not support the current version of Austin oaks P.U.D. Due to the scale of the proposal. I've heard previous talk by some of it not being dense enough or of it being a missed opportunity. The truth of the matter is the project would not blend into the neighborhood at its current size of nearly 1.2 million square feet, and an estimated 20,000 daily car trips.

[12:14:07 AM]

Austin is going and we know there will be development but it needs to be sensible and right-sized for the area. Far Wes boulevard and Anderson lane have already zoned to be our mixed use areas with midrises, and will office. It's a matter of time before these properties get developed and there will be no ability to minimize car trips or require money from the developer for traffic mitigation or have any say into what happens, the very same threats that been made to us about building this -- going with the P.U.D. Or not P.U.D. We cannot look at Austin oaks as a stand alone project. We must look at what existing entitlements are in place for the 3,000 apartment units between spicewood springs, far west, mopac and hart lane. What about all the apartment complexes across far west? What about the frost bank snort what about all of the retail on far west? How will the traffic from other developments like the grove impact us? We have no clue what traffic we'll see from the spicewood springs road when the mopac express lane opens. Traffic is already an issue in northwest hills. Most of our children take their bike or walk at great risk to and from school, and with the traffic the proposed P.U.D. Will bring this would be unimaginable. Every morning will be like a rain day for drop off or pick up which anyone who has ever been through is a complete traffic nightmare. Last week we had one of our wonderful school crossing guards nearly hit by a car. Traffic is not nearly a issue of suggestion, it's an issue of safety for our children inspect closing I ask why city council would consider additional entitlements to an area of town whole a holistic look -- thank you for your time.

>> Mayor Adler: Thank you. Julie Chen.

[12:16:09 AM]

>> Good morning, mayor, mayor pro tem, and members of the council. I'm really excited to participate in this democratic process. This is the first time I am also addressing the city council. I have lived in Austin since '97 and a homeowner in -- I live on hart lane and stone cliff and we've been there since 2011. And I do have a prepared speech tonight that I've -- in which the finlaw family and Edwards family on hidden hollow, as well as the hart family has given me approval to read but first I wanted to personally address a couple things. I know Mr. Luken talked about turning asphalt into parks. I like to say that we are chopping down trees to put asphalt in there. Both sides have accredited the Charette process, discredited it. Mr. Logan spoke about walkability and I'd like to ask you put weight on the testimony of the neighbors within a 1 mile walking distance, which includes my family, children who

currently ride their bikes and walk through the neighborhood. I also, you know -- all I can offer is my heartfelt sentiments. I know everybody has done were I don't want to reiterate some of the details and the data. I do consider that part of my sentiments, and due to -- consider not trading public safety in exchange for the parkland that's being presented. I think that's great, but, you know, do not trade that, and if you could just really ask for more, there's been no traffic studies that take into consideration the current developments at the grove, champion tracks, spicewood springs hotel, none of that -- has not taken into consideration and I hope that you take your vote and your representation of everyone in this community with dutifully and not be negligent or irresponsible by voting without even hearing us and don't go through a process just to go through the process. I come from generations of family that worked really hard so I could live in this neighborhood and my kids go to these schools.

[12:18:14 AM]

So at this time I'd like to read a short speech that represent the sentiments of finla family, hart family, Edwards family, they can't be here tonight. I hope I'll hear the voice and heart of your community rather than a sales pitch of so you had developers. There's a long way to go before we reach superiority. I hope you'll reject the proposed current zoning and demand more be done. The numbers I've spoken to have never changed their request on the fundamental issues and contention before you. You have to save all the heritage trees and not make exceptions. These are existing ordinances that your predecessors have worked really hard to represent voices, generations, council after council after council, putting in that labor to pass. The existing traffic -- oh, reduce building heights. Existing traffic trips of 5,000 per day is already increasing traffic jams, car accidents and children on bikes being hit. The development will add four to five times this amount and this is not superior. In addition to the 240 non-protected trees they want to cut down they want to cut down all the heritage trees. One last -- two more -- three more sentences.

>> Mayor Adler: Finish your thought.

>> -- The general public does not have to stay at the hotel, shop at the stores, pay to enjoy these giant trees and folks from all over the city come here to exercise instead of driving, getting in their cars and going to downtown lake.

>> Mayor Adler: Thank you.

>> The public value is immeasurable and I ask you not to, you know --

>> Mayor Adler: Thank you.

>> Not to ignore that and consider the public good. There's no price you can put on it.

>> Mayor Adler: The next speaker is Mike toll Stockton.

>> Tovo: Mayor, while our next speaker is coming up I wanted to thank the previous speaker. At 12:15 it's really just so nice to have somebody stand up and say how excited you were to be here to participate in the democratic process. I know you've been here for hours and you're tired and we're tired so thank you for that little burst of reminder of what we're all engaged in here.

>> [Off mic]

>> Hello. Can you hear me.

>> Mayor Adler: We can.

>> I need some coffee.

[12:20:16 AM]

Okay. I've got two charts here. Could you show the first one? I live at cap mountain drive in northwest hills, lived there since 1977. I had some time recently to try to frankly understand the P.U.D. Thing that's going on in our neighborhood here, and the realization I came to is, like, here's the first part right here,

is that if you look at -- and this was a good measure from txdot and there's an organization at Texas A&M that does a lot of good work here, but what I see in this data is that Austin is struggling. I think we all know that Austin has been struggling and will continue to struggle when it comes to traffic. I'm just talking about traffic. I'm not talking about apartments or affordable housing, but just cars on the street. And if you look at what's going around Texas, my wife and I have been to San Antonio a couple times this year, Houston, Dallas, but, you know, San Antonio and Dallas are getting after it. They're investing significant money into new toll roads, freeways, and you can see the ratio here. Because our problem here in Austin, we have everybody and his brother going down any possible way just as you saw earlier to get to work or get back to home. Next chart, please. So the best example of this, this is txdot data 2016, August. And I think everybody is aware of the fact that I-35 is basically full all the time, as you can see there on the right-hand side. These are measures of the worst 100 roads in the state of Texas. So Austin has got about eight or nine of these. I-35 is the number two in the state. I point out that number 1950 the little black 24 up there in the middle, that's mopac and measured in August this year. And most studies indicate that once we complete mopac, more people from Georgetown at Round Rock will be on mopac and I think we see that going on right now, and I don't think that's gonna go away.

[12:22:23 AM]

And so the pressure on the neighborhood, the pressure on my neighborhood, has been going on for at least three years now because I see it everyday, and that's the -- taking the shortcuts. I mean, every direction 360, mopac, 18 three, 2222, between 4:00 and 6:00 at night, I have counted 65 cars lined up in a four-way stop next to our schools, okay? So my view of this is that the current system is broke. It doesn't work. And the problem is -- and I'm not mad at anybody here. I'm actually good friends with [indiscernible], but what we need to understand with the developers is, you know, is this gonna work for everybody down the road for the next ten years? Because I would vote that in many cases it's not gonna work. You can build it and they may come or you can build it and they won't come because they can't get there. And I point that out because I don't know if you see this, but I know the people in this district see it every day. So thanks.

>> Mayor Adler: Thank you.

[Applause] Is Betsy Greenberg here? Okay. Is mark duchen here? I'm getting the speakers that have also signed up and donated time. Is mark here, D uchen? Is raily Hirsch here? Raley Hirsch? No. You have six minutes.

>> I don't think I need that. My name is Betsy Greenberg. I live at 3009 Washington square, member of the zoning and planning commission but I'm here speaking on my own and not on behalf of the zoning and planning commission. First of all, I don't think you should vote on this case today. The neighbors surrounding the development made clear Tuesday they don't support the P.U.D.

[12:24:24 AM]

In its current form. I'm sure you have heard from others about improvements they'd like to see and I'd be happy to make suggestions as well, but my main reason today to talk to you is to speak about what the zoning and planning commission did on this case that is not reflected in your backup. We were concerned that the Austin oaks would just be an office park replacing an office park. Although housing is allowed on parcel nine, the staff recommendation does not actually require any housing. Since Austin has a housing shortage and does not have an office shortage, we made additional amendments to the staff recommendation. Unfortunately, our minutes have not yet been posted. We past passed separate amendments to address this issue. The first one said once 270,000 square feet of commercial space has been constructed and that 270,000 came from the applicant's phasing plan, it said at least 250

residential units should be required to be constructed before any additional commercial development can occur on the property. In trying to reach a consensus we passed an identical amendment with the same language, except the number was changed to 500,000 square feet. If I had known that this language requiring that the housing needed to be completed before additional commercial would be allowed, I would never have voted for the compromise that was approved by zap. So I'm asking you to please make sure that the final ordinance or even what you vote on today, if you do decide to vote, ensures that housing is required and not just permitted.

[Applause] Thank you. I'm happy to answer any questions if there are any.

>> Mayor Adler: Mr. Casar.

>> Casar: Hi.

>> Hi.

>> Casar: Can you -- that last piece, can you help me?

[12:26:27 AM]

Can you restate that one time for me? I'm sure you were clear but it's late so help me understand what you were requesting and then what zap actually did.

>> Well, we were -- and we passed twice amendments that said after this amount of commercial is completed, the housing has to be built and until that housing is built no more commercial should be approved. And that way the housing would have ton built. Otherwise, although parcel nine is set aside for housing, you could just build the whole rest of the P.U.D. And leave the office building that's on parcel nine as-is. There's no requirement in the staff recommendation to build any housing.

>> Casar: Thank you.

>> And if you don't get housing, you don't get affordable housing.

>> Casar: Understood. And I would -- once councilmember Gallo is back I'll just clarify to see what's in her motion, but thank you for clarifying that.

>> You're welcome.

>> Mayor Adler: Thank you. Nancy Tomlin.

[12:33:02 AM]

>> He cut through my driveway and he nearly killed my son who is now 11. It was incredibly scary experience. I experience people running that stop sign every day, from motorists to cyclists, it is very dangerous as it is already. For these neighbors who live along far west, greystone, hart lane and northwest hills, we already have problems pulling out of our driveway due to nonstop traffic during the three busiest times of day for a total of four hours of daytime. Greystone and mopac access road is already operating at capacity. And its traffic will not be limited to the far west, Mesa, spicewood springs area. With apps like waze this traffic is guaranteed to move throughout the neighborhood as cut-through traffic as we have seen from examples from some people who spoke before me. So streets that seem safe are no longer going to be safe. And this will affect whether or not parents will let their kids walk, ride to school, or even play in their front yards. I am one of them. The current high traffic is hindering parents from taking children to therapy or lessons and other close by areas of town already. My neighbor, Janet slack, gov me permission to permission to speak on her behalf. She said I take my son to violin lessons at 5:30 on Anderson lane.

>> Mayor Adler: You can finish your thought.

>> Okay. So what I really want to say is that I don't want to live on the next 40-foot street. I'm begging you to speak to all the neighbors speaking that they do not want this P.U.D. To pass because I don't

want my -- I don't want my greystone drive to turn into the next busiest lane where I can't let my kids outside and I can't drive out of my driveway.

[12:35:03 AM]

>> Mayor Adler: Okay. Thank you.

>> I'm asking you to please don't 45 my greystone drive. Thank you.

[Applause]

>> Mayor Adler: The next speaker is David fox. Is David fox here? Phil rothbloom is on deck.

>> Mr. Mayor, mayor pro tem, council, good morning. I've been awake 20 hours so I hope this makes sense. Thank you for hearing my comments. I had a nice prepared statement but the previous vote negated it because I was going to ask for postponement on this issue so instead of reading this I'll make this very quick and hope it makes sense. I've heard a lot of discussion on both sides about how many members of the community support either side, percentages have been thrown out on both sides, saying that their side has been supported in the majority by the community. I would like to maintain that the most important survey that was taken was taken on Tuesday and with all due respect to councilmember Gallo, the major issue in this campaign was support for the P.U.D. Councilmember Gallo declared had she first ran for this office she was opposed to the P.U.D. And subsequently has supported it in its current form. Will incoming councilmember alter has stated she will oppose the P.U.D. In its current form and a majority of the members of district 10 supported her in this, so I would like to clear up any misrepresentation of who supports what. I'm just saying I would like to see a postponement at least a reconsideration during the second reading when the new council convenes in January.

[12:37:05 AM]

Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Phil Rothman? Is fill here? No? Chris hedgedu is not here? Celia mange. Not here. Roy Whaley. Is he here? He left. And what about Carol line Caroline Alexander. She left. Anyone else here signed up to speak I have not called? Why don't you come on down, give me you your name.

>> My name is mark duchen. You actually called me or mentioned me earlier. I think we missed over.

>> You donated time.

>> To who? I don't believe I donated time to anybody. Unless that was a mistake. Either way I can speak next time it's fine if I donated time.

>> Mayor Adler: What's your name? Mark duchen.

>> Mayor Adler: I think you had time credited to Betsy Greenberg.

>> I don't think she used it.

>> Mayor Adler: The time was donated so you get to speak next time.

>> Okay.

>> Mayor Adler: Yes, sir. That gets us -- those are all the speakers. That gets us back up to the dais. We have a motion pending to approve this on first reading to keep the public hearing open. Further discussion, any discussion on the dais? Ms. Pool.

>> Pool: I'd like to go back to looking at the motion sheet and offer a substitute amendment to approve the zoning and planning commission recommendation which includes staff recommendations on first reading and then cutting from the with the following additional conditions so we simply approve the staff recommendations and the zap commission -- the zap commission recommendations.

[12:39:27 AM]

This will give our staff time to spend with the written documents before -- to make sure that they fit and that they don't promise things that maybe the city -- I mean, I don't know what may be in here, which is what I'm a little bit concerned about. So that does move the P.U.D. On first reading. My staff did talk with Mr. Whellan if he would be amenable to this truncated first -- to this truncated motion, and he indicated that he was, but he may wish to speak to that.

>> Mayor Adler: Is that okay with the applicant?

>> We're amenable to truncating any sort of council meeting so the answer would be yes.

>> Mayor Adler: Okay.

>> You didn't give me a rebuttal chance, which is fine. I just --

>> Mayor Adler: But you're entitled to that so I'll give that to you.

>> I would just encourage looking at the facts. Mayor pro tem, you asked for the survey, which I think was great. It was five simple questions. I have no idea what the background was provided, and the piece here we don't talk about or hear is the fact that the current zoning does allow about 900,000 to 950,000 square feet of commercial. It would not have any residential component at all or affordable housing component at all or parkland at all or detention at all or any traffic improvements. I think we know that. Also legally it could generate up to 30,000 trips per day, not practically. I think practically it would probably generate under current zoning, under current zoning, anywhere from 17 to 19,000 trips. And the current zoning does have it at a little over 19,648 trips, I believe. Also, I think when we talk about the design and the Charette and all the wrangling about that, I go back to focusing on the national expert was selected to absorb ideas from the stakeholders and like you would do with an architect designing your house, the planner and the architect, nationally recognized, absorbed it and come up with a design that they thought incorporated different components.

[12:41:52 AM]

I'll give you one example. Somebody said the hotel wasn't great. They suggested a hotel because of traffic. It has different times of day and lower A.M. and P.M. Peak hours than office and multi-family did. I didn't know that. John Ruff didn't know that. Folks didn't know it. The people that knew it were Jeff Whitaker, the traffic engineer, who happened to be there and the architect and planners, not people using Waze but the experts. So I would encourage you to pass this on first reading and in a truncated way if necessary so we can -- we're not just kicking the can down the road, we're starting to form documents and piece something together. Thank you very much.

>> Mayor Adler: Okay. Councilmember Pool moves to amend this item by striking the language after motion to approve the zap recommendation which includes staff recommendations on first reading. Is there a second to that management? To that amendment? Okay. I don't have a second to that amendment. We're continuing discussion.

>> Kitchen: I'm sorry.

>> Mayor Adler: That's okay. No, no automatic you're looking for a second to the amendment that councilmember brought forward.

>> Mayor Adler: Ms. Pool moved to amend this motion sheet.

>> Kitchen: Okay.

>> Mayor Adler: So as to strike all of the things after -- moves to amend this motion sheet so that it only reads motion to approve the zap recommendations which includes the staff recommendations on first reading and to keep the public hearing open.

>> Kitchen: I have a question.

>> Mayor Adler: Yes.

>> Kitchen: So we heard from Mr. What you Willen that that's fine -- Mr. Whellan that that's fine, that will give us time to look into these. I did have a question about the source of these, if I could ask that.

[12:43:53 AM]

>> Mayor Adler: Yes.

>> Kitchen: The question I had in mind was when we heard from -- from nwaca, they had mentioned a number of items that needed to be Clyde included, and so I'm wondering where 1-11 came from? Are these the developer's changes? Nwaca's changes? Are they a combination?

>> On December last week on December 7 I circulated to everybody on the council and to everybody that's against it and for it, everybody here, it was posted as well, a draft ordinance with exhibits that reflected the zoning and planning commission decision, staff recommendation, with two exceptions. And I outlined that in my email. One, it said teachers instead of employees of aid. And second it had return to allowing at least 5,000 square feet of cocktail lounges anywhere other than just restricting cocktail lounges, which are an accessory use to a hotel. I'm assuming because these are the exhibits from that, and I noticed on attachment B, for example, it -- if you look at attachment B, the very last item D, it accurately reflects what Ms. Greenberg was stating, which was that point about when you hit 500,000 leasable square feet anywhere in the P.U.D. You have to do the multi-family, which is -- which ensures that you have the multi-family with affordable housing done. So that was the source of the documentation. It looks like that's what it was being used as, a source document.

>> Mayor Adler: Ms. Gallo.

>> Gallo: It maybe -- I don't know if Joyce or someone from nwaca wants to come up. It's my understanding that this was the result of the conversations between nwaca and you, and the property owner.

[12:46:00 AM]

But I think Joyce would -- could better address that.

>> It's true. What I was asking for in my testimony was exactly the thing that is here. And the bulk of this has been in every submissions that been made throughout the year. The land use plan has been there the whole time. Those dozen sheets are what is referred to in the first set of elements in the motion. The appendixes to what is called the draft ordinance have been provided, several of them at different commissions and to the submissions that you've had. So none of these things are brewed out of thin air. The table that is at the very end is one that I provided because I want to see the figures back in the documentation, and it used to be there, some of the numbers were wrong, and Ms. Highsmith pointed that out at the zap meeting. Those numbers have been corrected. So this is not generating new and novel information. It's information that's been there before.

>> Mayor Adler: Ms. Pool.

>> Pool: I'd like to just check with our law department to see if they had had the document and were able to respond if they know what's in here and if they can use the assessment of the elements.

>> Alicia, assistant city attorney. We received this, I believe, it was a couple days ago. It was whenever it was emailed to the council, and as you may be aware, we've been immersed in the grove and we have not had the opportunity to adequately review this and to really even give an opinion on where we think any of this stands.

>> Pool: And that's completely understandable.

[12:48:00 AM]

And we knew last week when we were putting the grove on this agenda that that was -- and when we urged staff to have all of their documentation Y for thirdeading today here, that that was a possibility, that that was a possible outcome. So you can't be faulted for not having had the opportunity to review this. And that's why I am asking that we back away from all of these specifics. That's why my motion is to allow this to be approved on first reading, give our staff, our legal staff, on whom we depend for their professional input and expertise and reading of this to make sure that the elements are proper, as far as what the city can promise or not promise. And then when we come back in 2017, then we will have had the opportunity to have that review done. It will satisfy the neighbors' lack of trust with the document. And I think that's really important to do as well. So I just humbly request that we move this without the following additional conditions. Thank you.

>> Mayor Adler: Okay. There was an amendment offered. There was no second to that people.

-- second to that amendment. So we are on the -- you look confused now, Ms. Houston.

>> Houston: I am confused because it's way past my bedtime.

[Laughter] I thought we voted to postpone. We didn't do that?

>> Mayor Adler: No. We're going to take a vote on first reading.

>> Houston: We didn't, okay.

>> Mayor Adler: But understand that what -- it's our practice -- by voting on something on first reading it's not an indication of what it will ultimately be, the first reading on the grove is vastly different from where it ended up, allows the process to move forward and put the documents where everybody can see them.

[12:50:16 AM]

But we'll come back for public hearing when this gets reconsidered, whatever gets passed here on first reading. The discussion will be the same. So that gets us back to the motion sheet. It's been moved and seconded. Is there any discussion on this at this point? Mayor pro tem.

>> Tovo: Yes. You know, I would have preferred to postpone but if we're gonna -- if we're going to vote on first reading then I have questions for the applicant and then I also have some amendments to propose. So I hate to do this at 1:00. I know we want to go home but if we're voting, I've got to get some questions in.

>> I am racing to the podium, excited to be here.

>> Tovo: Thank you, Mr. Whellan. Thank you for saying you're excited to be here.

>> I am. We're not talking about biosolids.

>> Tovo: Can you help me understand why the property owner is requesting to use a trustee survey for the next 20 years?

>> Yes. I might actually have John come up hire but the bottom line is this is gonna take 20 to 25 years to develop, a very long time to build. There's current leases right now at, like, 93% spoons it's occupancy. I don't want a gotcha if there's a building right now in a location and six, seven years from now somebody says you've got a tree that is now a heritage tree that you didn't show as being removed or now a protected tree, now you have a protected tree, then I lose or the owner loses 120,000 square feet of building possibly. So that's the reason. Otherwise -- the other thing is it would incent the wrong behavior is what I would be worried about. If it's only a five-year term you would end up having to manage quickly the heritage tree issue rather than allowing for the development to occur in an orderly way over a 20-year period.

[12:52:20 AM]

>> Tovo: I have another question for you but I guess I would like to hear from staff about whether that is with precedent to have a 20-year time frame on a -- on the tree survey.

>> We had originally asked for no time frame, and staff of course did not concur. They did ultimately concur with and approve 25 year and then it was the zoning and planning commission that peeled it back to 20 years.

>> Tovo: Okay.

>> Just in terms of the sequence of where staff was.

>> Tovo: Can you talk a little -- I'm not understanding the back and forth about the housing and at what point that happens, when it's triggered, when it isn't triggered, and are you can -- this is also a question I'd like staff to verify, is it accurate that the whole project as it's currently proposed could be built out without any housing?

>> No. That's not possible in the language that's in the phasing plan. What happens here is you would lock up value. You would be stuck, stop at 500,000 square feet, which is the zap motion, and you wouldn't be able to go any further unless you built the residential component. So the triggers in this phasing plan work to the city's advantage because value and developing gets locked up and you can't go any further unless you do certain things like the park and like the residential. So that was the purpose. I think the intent of zap and what's reflected in that item there.

>> Tovo: Can you talk a little bit about any amenities proposed as part of the residential housing component? In particular -- I understand there's gonna be parkland and whatnot, but we had some discussion earlier, I think it was with regard to this case about other amenities that are -- that might be within your apartment complex. Maybe it was inspired -- maybe I was inspired by our -- Mr. Mccracken who came and spoke. With regard to the multi-family housing, are there -- are there kind of first storage community things of that sort, bike storage, things that would make that multi-family housing more appealing to families with children?

[12:54:30 AM]

>> I'd probably let ruff speak directly to that. Reality is we're gonna have a park in which we're investing \$1.5 million less than 10 feet away from the door of that multi-family housing, which is huge. We haven't really talked about an amenity package, if you will. Given the land space, I don't even know that a pool, swimming pool in there, is gonna be possible. It's a pretty tight space. And if you want to have more affordable units, obviously, we're gonna -- we're trying to -- big balancing act with only four stories, and 250 units frankly.

>> Tovo: I wasn't -- and I acknowledged that I understand there's parkland. I'm trying to get a sense of what kind of amenities might be within the apartment complex itself.

>> We -- this is the first question anybody -- this is the first time anybody has mentioned it and I'm happy after first reading to brainstorm all sorts of amenities to take up the ground floor.

>> Tovo: Okay, good. There was an assertion made that the parking garages in certain areas are going to be higher than the buildings they service.

>> I would have to go back. I'd have to ask Hannah, I don't know if she's done an msl on the garages but we could certainly get that information.

>> Tovo: Okay.

>> On the garages as well. I don't know that that is the case.

>> Tovo: All right. We will -- I will flag that as a question that we'll get more information from our staff on as well as the applicant. And I have the presentation that talked about that. We don't need to resolve it now, but I'll make sure that I get it to you. Okay. I guess I do need to talk about some of the provisions that are currently in here. I am uncomfortable with two elements of this, and I'm going to propose to take them out for today. I understand some of these may have come as part of the Charette process,

but I am not comfortable with the planning -- with the current proposal that makes -- there's a 10% of the residential units should be available for household incomes at 60 or 80 and then there's an additional statement that says up to 50% of those units may be available to-month-old which one of the members is employed by aid at 120% mfi for rental or ownership.

[12:56:51 AM]

I am a strong advocate for partnering in all the ways we can with aid, and that includes looking to help partner on building housing for their staff, including teachers, but I'm not at all comfortable when we're talking about a planned unit development having half of our affordable units be at 120% mfi. And so I am -- I will make a formal motion here to take that second -- take that second piece out for now. I would love to see half of those units be made available for employees within someday aid but at lower levels of affordability, 60 to 80. Just by way of additional information, councilmember Houston and troclair and I serve on the joint subcommittee. We have numbers and figures that might be of use with regard to this subject looking at the salary rates for within aid, among their employees. Not teachers but at lower levels. And there are, you know, a lot of lower-wage workers within aid that could benefit from this housing if it were at lower levels. So that's my motion.

>> Mayor Adler: So the motion would be --

>> Tovo: My modification is to did -- my motion is to remove the statement that 50% of the units could be at as much as 120% mfi and just leave it with 10% will be available for incomes at 60% and 80%.

>> Mayor Adler: Is there a second.

>> Kitchen: Mr. Mayor.

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

>> Houston:.

>> Gallo: I was gonna say we have a large population in this neighborhood, and I think that there are a lot of seniors that would like to live in a more affordable housing. So I'm concerned that if we are limiting or restricting some of it to employed people we may be eliminating ability for seniors to use so I want us to be very careful. And I know trying to find sources of affordable housing for the seniors is certainly a priority -- or is important because a lot of times you have less traffic and car use with that population too.

[12:59:02 AM]

I know the neighborhood nwaca has been very involved in that conversation so it may be that if you're intending to do that we might want to let them speak to that.

>> Tovo: I'd be happy to hear from them. Just to be clear the sentence I'm taking out is the one that restricts it to employees of aid.

>> Gallo: I'm sorry.

>> Tovo: No. That's okay.

>> Gallo: I missed --

>> Tovo: I guess I need to be sure that this is actually -- because we don't have an ordinance before us, and I'm looking at the staff report, it might also be worth clarifying are that is a piece of the base motion. And I apologize. I think I confused the discussion by saying I would be open to having it, to mentioning aid, to keeping that portion of it, but just having it at lower levels.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: Okay. So I am not comfortable now that we're talking at this level of detail at 1 o'clock in the morning, so I'm going to make the motion that councilmember pool made a minute ago, and it's not

because I don't support these. I'm very -- I'm very -- it's very important to me to -- to address the concerns that I've heard, like I said, earlier, from the standpoint of trees and traffic and perhaps others, but it's also important for me to honor the work that nwaca has done. So with that said, but -- with that said, there's a lot of detail that I'm hearing that mayor pro tem is concerned about and perhaps others are, too, so perhaps we would do better at this time of night just to move forward with the zoning and planning commission recommendations, and then we can spend time going through all of these 1 through 11.

>> Mayor Adler: I would suggest at this point what you do is vote against the amendment, then there being be a motion to reconsider. Actually, there's no motion to reconsider, because there's no second to that, we'll move to see if we can get a second for it, about UT the mayor pro tem's amendment is what's sitting on the table right now.

[1:01:11 AM]

>> Tovo: And I think even if you revert back to what the zoning and planning -- it's a part of that piece as well.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: So while I was prepared to just vote in the basemotion, even though I shared some of the discomforts I'm hearing from mayor pro tem, I don't think councilmember pool's motion or councilmember gallos on motion is really different in the respect that it has these elements, so I will -- I was going to just voice those concerns, but since we have it before us now, I'd rather just be transparent with people that I don't feel comfortable having a 60% or a 120 requirement. If 60% is on the table, I'm just going to vote for the 60% requirement and support this motion.

>> Mayor Adler: Okay. The motion is to maintain affordable range between 60 and 80%, I guess it is, so it keeps to it that range. Ms. Pool.

>> Pool: And just to clarify, voting on this, should we happen to decide at our next motion to truncate the base motion, that would still include the piece that you are now talking about.

>> Mayor Adler: It would still include that piece, and again, this is our first reading. It's been moved by the mayor pro tem, it's been seconded by Mr. Casar. Any further discussion by Ms. Houston. Is there any further discussion on the limitation of affordability to 60 to 80%? Back up to the dais.

>> Gallo: I guess the concern with this is that nwaca and the property owner have really been working on all of this, and we might want to hear -- of course, this is kind of an overlay, but it's my understanding that the complete motion sheet is actually more restrictive than what came out of zoning and platting.

[1:03:18 AM]

But staff could just that. The purpose of the first reading is just to move it forward so that people have the ability to really start fine tuning the minutia like we did the grove. I mean, that was a perfect example of how that worked and changed from reading to reading, when everyone had a chance to really talk and the neighborhood association and the property owner had a chance to be in the conversation and anyone else who wanted to talk about it also. So you might address the restrictiveness. I do think that the full one actually seems like it's less restrictive, but actually I think it's more restrictive than the zoning and platting. And I just am a little concerned that this is going to be something that the council is going to take up over a month from now, which gives everyone a lot of time to really do the research and talk on the different pieces. But I think if you want to move that motion forward, that we ought to at least ask the applicant if that's something that's manageable under their plan.

>> Mayor Adler: Jerry?

>> Councilmember, I would say that generally speaking, yes, the motion sheet that you have in front of you is more restrictive than the zap recommendation because it's the zap recommendation, plus things outlined in here. Many of those things are repetitive such as copies of the land plan and stuff like that. Other things, I believe, are items that have been agreed to with nwaca, such as the phasing plan which goes into more phasing, the zap recommendation just has the single phasing that commissioner Greenberg referred to. This has much more phasing, much more than we have in the zap recommendation. The other things add additional conditions, such as the limitations on the type of units and things like that. And then there is a -- the final attachment brings back into levels, which I've been speaking to some of the people in opposition to the hud, they have concern about whether the numbers are accurate. We'll be double checking those as they were taken out, now they're proposed to go back in. The attachment D on here is just a list of the code modifications along with an explanation of why those modifications are done.

[1:05:20 AM]

Usually we want to include that that in an ordinance, something nwaca wanted. We'll be talking to the law department, maybe, may not, maybe just something to the record that doesn't doesn't end up in the ordinance. Generally speaking, because it's zap plus this stuff, it is more restrictive.

>> Mayor Adler: Okay. It's been moved and seconded by Mr. Casar on this item. I'm probably going to vote against this myself, but it's not because I think we should be subsidizing up to 120%. I have significant reservations about doing that for the same reason that we took it out of the grove plan earlier. I'm concerned about going through and making changes to this, giving a false sense that we're actually getting to that level of detail in -- in the analysis, and I don't think that would be accurate, and I don't want to create that opinion. And once we start down this path, I think we could be here -- I don't know how long. So I'm going to vote no, but it's not because I -- I think we should be subsidizing up to 120%. I have significant reservations about doing that. Further discussion?

>> Gallo: I would just -- I would say the same thing. As you've seen my support for affordability and the housing, I think it's really critical, but I think that becomes the conversation that can be talked about and discussed over the next month, and then -- then discuss -- I mean give everyone a chance to kind of be part of that.

>> Mayor Adler: Legal has -- I'm sorry. We'll come back to that in a second. There's been a motion and a second. We're continuing discussion. Any further debate on this amendment? Those in favor of this amendment, please raise your hand.

[1:07:24 AM]

Casar and mayor pro tem. Those opposed, please raise your hand. Does not pass at this point. Pool abstains, the others voting no. Garza and troxclair off the dais. There's something in this ordinance that targets it just to -- that says you have to target it to aid, and legal has suggested that there's potential fair housing issue with that. I think we discussed that earlier, and it's been suggested to us that we -- what language would we do if we were interested in -- can we offer it but not require it for aid? Ms. Kitchen?

>> Kitchen: I'd like to go back to my motion. I do not want to get into this level of detail right now.

>> Mayor Adler: Legal counsel has advised us we should deal with this one before they draft an ordinance from our vote, because they think it presents a fair housing question. So you want to explain to the dais why you think we should deal with this issue? Legal? Yes, mayor pro tem.

>> Tovo: I would just say, you know, I think we have different philosophies about how to handle these kinds of cases. You know, when we've had some discussion about let's pass it on first reading so we can

really look at some of these issues that are of concern, well, we can also have a public hearing and then postpone it and continue to look at the issues of concern. But we've set ourselves up now to actually cast a vote, and so, you know, if we're going to cast a vote and we are -- and we believe that we have, you know, certain things that need addressing, I guess if we've committed to doing the work and taking a vote, I'm not sure why we wouldn't actually make some progress on some of these issues. But I just want to remind everybody that as -- it appears to me that the piece -- the motion I just -- the amendment I just tried to make that would have stripped out that line included the one about aid.

[1:09:26 AM]

The aid piece is in the base motion. Even if we go back to councilmember pool's motion that that none of these additional things on Orange, that piece is in the very -- the very most truncated version. So we could have accomplished it with the last amendment, but --

>> Mayor Adler: I understand.

>> Tovo: -- We'll now have to strip out that piece. So what we'll be left with then is 120% not targeted to aid.

>> Mayor Adler: Okay. So my understanding is, your concern is that it would be in the ultimate ordinance that's passed. If it's not in the ultimate ordinance that's passed, if it's not passed on third reading, is there a risk for us?

>> If it's not passed on third reading, no, there is not a risk to us, but we will have to bring it back in the ordinance that we bring back on second reading.

>> Mayor Adler: I understand. And you can advise us to whatever you want to advise us at that time.

>> Yes, we could.

>> Mayor Adler: Okay. So I don't think we need to make that adjustment in the language at this point. We're now back onto the dais with the motion sheet as it exists. Are there any further amendments? Ms. Kitchen.

>> Kitchen: I'm going to bring forward the amendment that we just go forward with the motion to approve the zoning and planning commission recommendation, which includes the staff recommendations on first reading.

>> Mayor Adler: Keeping the public hearing open.

>> Kitchen: And giving us time to consider in detail the additional conditions and giving us time to have our legal staff look in detail at the additional conditions. That does not signal that I'm against the additional conditions.

>> Mayor Adler: Is there a second to that? Mr. Renteria seconds that. Now we have that amendment in front of us. Is there any further discussion of this? Yes, mayor pro tem.

>> Tovo: I'm phone with that approach, but since we have a lot of people here who may be very interested in the level of detail that is on this Orange sheet, I'll just signal that I have concerns about one of the provisions that came out of the Charette, and that was the limitation of apartments of two bedrooms or more, that I understand the situation with the schools in that area very well, I understand that they are overenrolled.

[1:11:29 AM]

It appears to me based on those numbers that there's going to have to be a pretty serious conversation about that issue, absent and apart from this project, and because the numbers are already at that point where they need to have that conversation with the school district. So I will not -- at this point I doubt I'll be able to support a measure that is limiting the number of two-bedroom apartments at a time where it is a city goal to increase the number of family-friendly units within our central city and to increase

opportunities for people with children to live in areas of the city that offer access to great schools. So that's a provision that I won't make tonight because we're -- we've sort of crossed that bridge. But that is an issue I'm going to want to address in the next meeting.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Just pint of inquiry to clear here. It's the motion sheet with items 1 through 11 omitted?

>> Mayor Adler: Yes. It would say motion to approve zoning and platting recommendation, which includes staff recommendations on first reading and keeping the public hearing open.

>> Zimmerman: Got it. Thanks.

>> Mayor Adler: It's been moved and seconded. Is there any further discussion? Ms. Houston?

>> Houston: And when do we think we're going to have this come back to us?

>> Mayor Adler: When would it come back?

>> Probably on January 26th. Can I ask a question real quick?

>> Mayor Adler: Yes.

>> If this motion passes, we'll prepare an ordinance, we're required to prepare an ordinance for second reading, based upon the zap recommendation. Would you also like us to prepare a motion sheet or list of possible amendments that would include the things in this motion that are not in the zap inception.

>> Mayor Adler: Yes.

>> Yes.

>> Mayor Adler: It would be helpful if you would prepare anything that you would anticipate that someone might need.

>> No problem there.

[Laughter]

>> Gallo: So much four Christmas vacation.

>> Pool: Mayor? I'd like to ask that rather than January 26, we at least give us, with the new council having been seated on that date, at least one meeting to kind of get themselves oriented and bring it back in February.

[1:13:37 AM]

I would highly recommend that we do that in February.

>> We can bring it back whenever we're directed to.

>> Pool: And we have changed our zoning meetings. We don't have one a month anymore. We have them whenever we need to bring a case, so this will be a good opportunity to really pick a date and not let the calendar --

>> And if I could add at 2:00 P.M., so that those -- people in the audience will know that it'll be -- whatever we come back at, whatever day y'all like me to come back, it'll be at 2:00 P.M. Because that will be the new time we're doing zoning.

>> Mayor Adler: The manager recommends we go to February 4th and not pull it back on the 26th. Mayor pro tem.

>> Tovo: I just need to clarify that the vote we're about to take is an amendment to strip out and revert back, or is it a substitute motion --

>> Mayor Adler: It's an amendment to strip out.

>> Tovo: Okay. Thank you.

>> Just to clarify, February 2nd I think is the council date.

>> Mayor Adler: February 2nd.

>> Yes.

>> Mayor Adler: Okay. Does the amendment strip out other than the language I just read, that's the amendment to this motion, it's been seconded, it would come back on February 2nd. In the Gallo.

>> Gallo: I'm going to vote against the amendment to strip it out. I think the neighborhood association, nwaca has worked very hard since this was held at the beginning of this year and worked with the property owners to come up with concerns and how to address those, and I think we just heard from staff that actually these 11 items make it more restrictive and more protection for the neighborhood and the city, and so I think at this point that that's -- I would support the work that's we know done so far in moving it forward, and ...

>> Mayor Adler: Further discussion? Those in favor of the amendment, please raise your hand. This is the amendment to strike out 1 through 11 and just move forward on the zap recommendation. It is Renteria, kitchen, pool, mayor pro tem, Houston, and me. That's six. Those opposed, raise your hand.

[1:15:39 AM]

That's Gallo, Casar, and Zimmerman, with troxclair and Garza off the dais. That amendment passes. We are now to the motion sheet as amended. Is there any further discussion? Those in favor of the motion sheet as amended, please raise your hand. Those opposed? Mayor pro tem votes no. Those abstaining, pool abstains, others voting yay, Garza and troxclair off the dais, with seven votes for, it passes. That was the last item that we have on the agenda. Have a happy holiday, everybody. Remember that a couple of us need to show up on December 22nd, I think, to canvass the results of the race. We'll be polling to see who's still going to be here. Good night, everyone.